



Cassia County Planning & Zoning Commission

EXHIBIT LIST

Application Number: 2025-09-CU

Applicant &

Property Owners: Tessengerlo Kerley, Inc.

Hearing: September 18, 2025

1. Conditional Use Permit Application
2. Site Plan
3. Legal Description
4. Narrative Statement / Generally Applicable Standards Narrative
5. Weed Plan
6. 1 Mile Property Owners
7. Burley Irrigation District Letter – Impact Water Statement
8. AFFIDAVITS: Notice of Hearing, Certificate of Mailing, Affidavit of Posting, Affidavit of Publication.
9. Aerial Maps, TOPO
10. Existing Resolutions: 95-11-4 and 2012-03
11. Cassia County Zoning & Building Department Staff Report
12. Comment Letters: if any
13. Power Point Presentation from Applicant



EXHIBIT 1

Conditional Use Permit Application

Applicant/Owner Information:

In the event there is more than one property owner for the subject property for which a conditional use permit is being sought, **all owners of the subject property shall sign as applicants**, for application to be complete.

If the applicant is a limited liability company, partnership, corporation, or other such entity, then the applicant shall file the appropriate paperwork from the entity-applicant, proving that the application signatory has authority to bind the entity to the terms of the application and any permit, arising therefrom. Any application that does not contain all appropriate signatures, shall be deemed incomplete and will not proceed to hearing before the Commission until appropriately signed and executed. **(Cassia County Code 9-13-2)**

Applicant/Authorized Agent (Attach additional pages if Necessary)

Name: Tessengerlo Kerley, Inc
 Address: 2910 N. 44th St.
 City: Phoenix
 State: Arizona Zip: 85018
 Contact Phone # 480-647-9982
 Email: Keya.Litt@tkinet.com

Property Owner of Record (Attach additional pages if Necessary)

Name: Tessengerlo Kerley, Inc
 Address: 2910 N. 44th St.
 City: Phoenix
 State: Arizona Zip: 85018
 Contact Phone # (208) 420-5284
 Email: Steve.Sailors@TKInet.com

Property Information:

Location of Property: 480 South 250 West, Burley, ID 83318

Parcel Number(s): RP11S22E145101

Legal Description of Property: (Attach if Necessary): _____

That portion of Parcel 4 in Section 14, Township 11 South, Range 22 that is West of the Eastern Idaho Railroad right-of-way, more particularly described as follows:

Parcel No. 4: Township 11, South, Range 22 East of the Boise Meridian, Cassia County, Idaho.

Section 14: W 1/2 SE 1/4 South of the Third Lift Canal, Except the Railroad right-of-way.

Also: Beginning at a point 75 feet North of the Southwest corner of the E 1/2 SE 1/4 of said Section 14; Thence East 651 feet. Thence North to the center of the Third Lift Canal of the Burley Irrigation District; Thence Northwesterly along said canal to the West boundary of the E 1/2 SE 1/4; Thence South to the Point of Beginning

Existing Use of Property: Agriculture_____

Current Zoning District of the premises: Industrial_____

Description of Proposed Conditional Use: The addition of a 1-million-gallon storage tank to store Metam 54 soil fumigate. The addition of a 90,000-gallon storage tank for potassium hydroxide for the use in product Metam 54. The site is also proposing adding in a rail spur to the site. More details are outline in the narrative statement and plot plant later in the application.

Required Submittals:

- ☐ 1. **Conditional Use Permit Application** and non-refundable application fee.

Will pay once the application is processed.

- ☐ 2. **Site Plan:** A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the commission may require to determine if the proposed special use meets the intent and requirements of this title;

- ☐ 8. **Certificate of Mailing, Notice of Hearing, Affidavit of Publication & Affidavit of Posting** (to be submitted after hearing date has been scheduled, and in accordance with 9-13-3 of County Code).

Upon departmental review for completeness of the application and accompanying documentation, the application will be scheduled for hearing and placed on the next available Planning and Zoning agenda. Applicant will be notified of the scheduled hearing information, or if additional information is needed to process the application. The County Code for the Conditional Use requirements and application is found in Cassia County Code 9-13. Please review and follow **all** code requirements when submitting applications. A sample notice of hearing protocol for the applicant's review and reference and is also viewable or downloadable online at: **Cassia County Code:** <https://www.cassia.gov/county-code>, **other forms** as well can be found at: <https://www.cassia.gov/county-forms-applications>. (*Most of the Applications are fillable*)

Until all items listed herein are submitted to the satisfaction of the zoning administrator, any application made with the zoning department is deemed only to be lodged, but not to be filed. Applications shall be considered and determined based upon the regulations existing as of the date of filing of the application, unless otherwise provided for by action of the Board of County Commissioners.

Applicant / Authorized Agent / Property Owner Certification:

I hereby certify that all information submitted for this application is true and accurate, is prepared to the best of my ability and knowledge, and request that this application be processed for consideration as a conditional use permit. Additionally, I hereby authorize agents of the county to enter upon this subject property for purposes of review concerning the pending application and for determining compliance with applicable county regulations.

Keya Litt
Signature of Applicant/Authorized Agent
(Attach additional signature pages if necessary)

6/23/2025
Date

Printed Name: Keya Litt

Steve Sailors
Signature of Property Owner

6/24/2025
Date

Printed Name: Steve Sailors

Signature of Property Owner
(Attach additional signature pages if necessary)

Date

Printed Name: _____

For Office Use Only:

Date Application Lodged: _____ By: _____
Fee **\$600.00** Paid: \$ _____ Check # _____ Credit Card: _____

Application # _____

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ORIGINAL

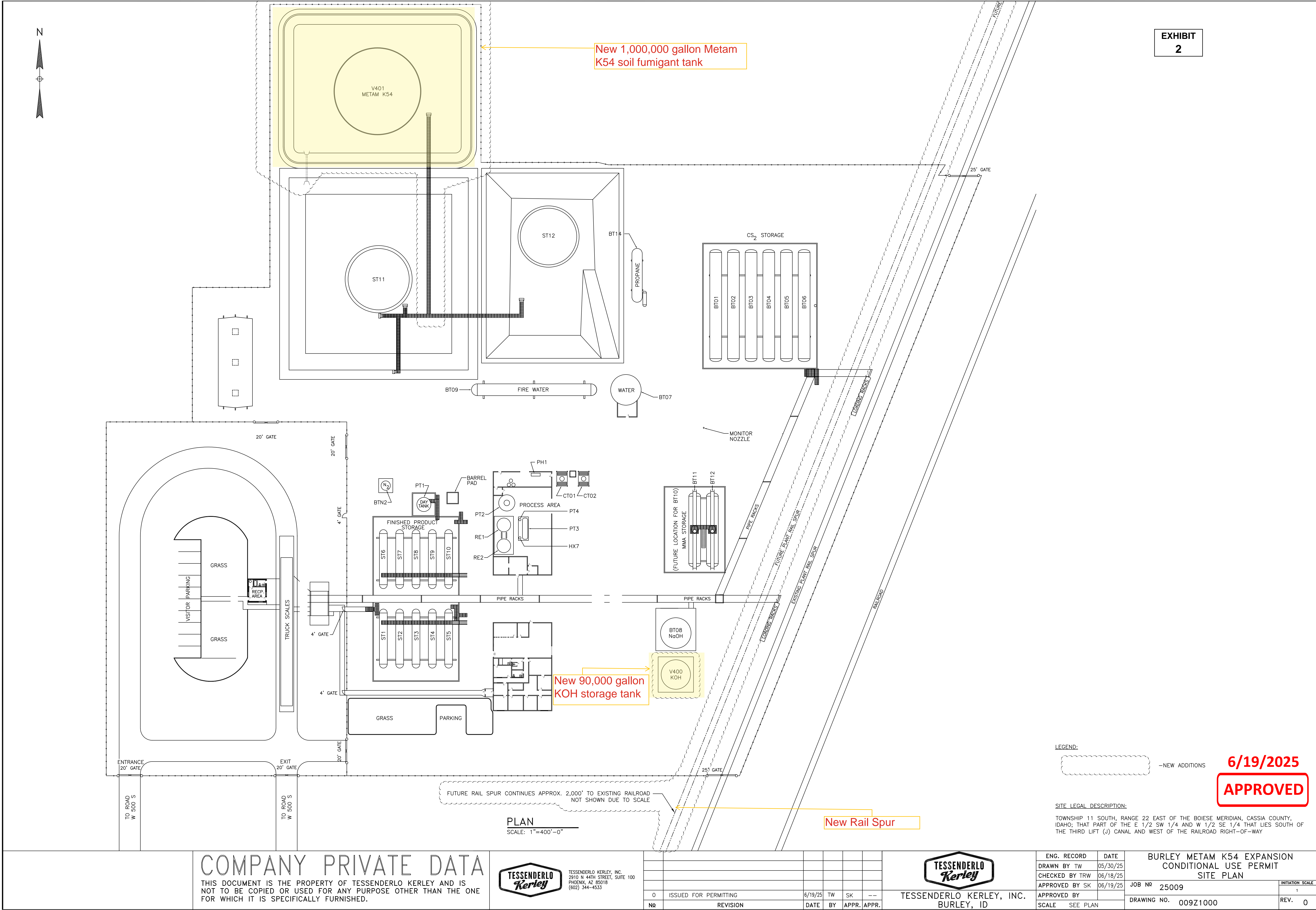


EXHIBIT
2

6/19/2025
APPROVED

COMPANY PRIVATE DATA
THIS DOCUMENT IS THE PROPERTY OF TESSENDERLO KERLEY AND IS NOT TO BE COPIED OR USED FOR ANY PURPOSE OTHER THAN THE ONE FOR WHICH IT IS SPECIFICALLY FURNISHED.



TESSENDERLO KERLEY, INC.
2910 N 44TH STREET, SUITE 100
PHOENIX, AZ 85018
(602) 344-4533

0	ISSUED FOR PERMITTING	6/19/25	TW	SK	--
№	REVISION	DATE	BY	APPR.	APPR.



TESSENDERLO KERLEY, INC.
BURLEY, ID

ENG. RECORD	DATE
DRAWN BY TW	05/30/25
CHECKED BY TRW	06/18/25
APPROVED BY SK	06/19/25
SCALE	SEE PLAN

BURLEY METAM K54 EXPANSION CONDITIONAL USE PERMIT SITE PLAN		JOB № 25009	INITIATION SCALE 1
DRAWING NO. 009Z1000		REV. 0	

265351

RECORDED AT THE REQUEST OF
LAND TITLE & ESCROW

EXHIBIT

3

31936

When recorded, return to:

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265351

FENNEMORE CRAIG3003 N. Central AVE Ste 2600PHOENIX AZ 85012Attn: Stephen A. GoodCASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDERFEE 9.00 DEPUTY LMSPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED ("Deed") is made as of the 4th day of October, 1999, by SUNDANCE AG, INC., an Idaho corporation ("Grantor"), for the benefit of TESSENDERLO KERLEY, INC., a Delaware corporation ("Grantee").

ADDRESS: 2255 North 44th St., Ste 300, Phoenix, AZ 85008

WITNESSETH

THAT Grantor, in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to it paid by Grantee, the receipt of which is hereby acknowledged, does by these presents, sell and convey unto Grantee, its successors and assigns, the real property located in Cassia County, Idaho and more particularly described on Exhibit "A" attached hereto and incorporated herein by reference, together with all improvements thereon and all rights, privileges, easements and appurtenances belonging or in any wise appertaining thereto (the "Property").

SUBJECT TO current real property taxes and assessments, restrictions, reservations, covenants, conditions, easements and declarations of record or to which reference is made in the public record, Grantor warrants the title as against all acts of Grantor and no other.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed as of the day and year first above written.

GRANTOR:

SUNDANCE AG, INC., an Idaho corporation

By:

Its:

R. V. KerleyPRES.

Witnessed by:

(sign)

(print)

John A. KuppeJohn A. Kuppe

(sign)

(print)

Stephen A. GoodSTEPHEN A. GOOD

STATE OF ARIZONA)
) ss
County of MARICOPA)

The foregoing instrument was acknowledged before me this 4th day of October, 1999, by R.V. Kerley, the President of SUNDANCE AG, INC., an Idaho corporation, on behalf of the corporation.

Mary J. Roswick
Notary Public

My Commission Expires:

Sept. 29, 2001

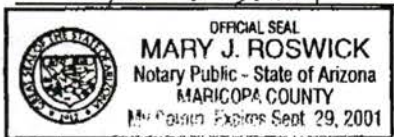


Exhibit A

Legal Description

PARCEL NO. 1:

TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE BOISE MERIDIAN,
CASSIA COUNTY, IDAHO

Section 14: That part of the E $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$ that lies South of the Third Lift (J)
Canal and West of the Railroad right-of-way.

PARCEL NO. 2:

Non-exclusive easement for the benefit of Parcel No. 1 as created by Easement between Hondo Farms, a partnership, and Gulf Industrial Products, Inc., dated December 29, 1995 and recorded December 29, 1995 as Instrument No. 240282 on Film No. 272, records of Cassia County, Idaho.

Valuation Summary Sheet

CASSIA County

6/24/2025 8:26:17 AM

Parcel Number: RP11S22E145101

Property Address: 480 S 260 W ,

Effective Date: 1/1/2020

Tax Code Area: 82-0000

Expiration Date:

Legal Description: E1/2SW & W1/2SE LYING S/CANAL & WEST OF RR S 14 T 11 R 22

Legal Party Name	Address	City St Zip	
TESSENDERLO KERLEY INC	2910 N 44TH ST, STE 100	PHOENIX, AZ 85018	Primary Owner

Cat ID	Ext	Rv Year	Unit	Quantity	Value	HO Mkt	HO Exemp	PTR	Other
13	L00	2020	AC	46.000	\$417,934	\$0	\$0	\$0	\$0
35	C01	2020		-	\$1,082,576	\$0	\$0	\$0	\$0
		Totals:		46.000	\$1,500,510	\$0	\$0	\$0	\$0

Deed Date	Deed Reference
10/4/1999	265351
10/4/1999	250724
10/4/1999	240280
10/4/1999	235577
10/4/1999	229397

Zone Code:

Parcel Type:

Location Code: 0

Comments:

AC PER USPS 6/21/22

S596

Email: pzoning@cassia.govwww.cassia.gov

- ☐ 3. **Narrative Statement:** Attach a narrative statement discussing the potential effects of the use on adjoining property; the potential for such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility of the proposal with adjacent and other properties in the district; the relationship of the proposed use to the comprehensive plan and a discussion that explains how this proposal will meet each of the following standards, as listed in 9-13-3 of County Code as follows:

Tessenderlo Kerley, Inc. (TKI) operates a soil fumigant production facility in Burley, ID (Burley Facility) and has done so for over 20 years while being an OSHA Voluntary Protection Program (VPP) site. The Burley Facility currently produces Metam Sodium by reacting monomethylamine (MMA), carbon disulfide (CS₂), and sodium hydroxide (NaOH) in an aqueous solution. The Burley site currently stores raw materials and finished products on site.

TKI is proposing a project to produce Metam Potassium at the facility by substituting the NaOH used in the Metam Sodium reaction with potassium hydroxide (KOH). The facility will continue to produce Metam Sodium using NaOH when Metam Potassium is not made. As a part of this project, TKI is proposing to install a 1-million-gallon tank to store the Metam Potassium product as well as a 90,000-gallon KOH tank for storing the raw material.

TKI is proposing the addition of rail switch to increase rail car storage to the site and enable easier railcar switching. This would lead to less rail car traffic on the line as well as lower truck traffic through the site.

- ___ A. **Qualify:** Will, in fact, constitute a conditional use as established by the official schedule of zoning regulations for the zone involved.

The current facility is in a prime agricultural zone and currently operates under a Special Use Permit.

- ___ B. **Meet General Obligations:** Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or the zoning ordinance.

The current facility has been issued a Special Use Permit in part because, although it is an industrial facility, the facility produces a product that is agricultural in nature and is beneficial to the surrounding agricultural areas. The additions to the facility will produce an agricultural fumigant which will also be beneficial to the surrounding agricultural areas.

- ___ C. **Maintain Character:** Will be designed, constructed, operated and maintained to be reasonably harmonious and appropriate in appearance with the existing or intended character of the general vicinity; and that such use will not change the essential character of the general vicinity.

The general area surrounding the facility is agricultural. There are several agricultural industries also located in the Burley area. Although there will be some noise generated during construction activities, there is unlikely to be excessive noise or light emitted from the facility from day-to-day activities that differs from the current state. Adequate landscaping has been installed to give the current facility and the proposed Metam Potassium expansion a pleasant appearance from the street.

- ___ **D. Hazards:** Will not be unreasonably hazardous or disturbing to the existing or future neighboring uses.

The existing facility currently handles hazardous materials and has been awarded VPP Star status with the federal Occupational Safety and Health Administration (OSHA). To attain and maintain VPP Star status, a facility must go through multiple inspections and have the highest level of safety training and procedures. The site currently stores, and offloads Metam Sodium, so they have experience with safely handling the material. The new expansion to the facility will require additional hazardous materials handling training pertaining to Potassium Hydroxide.

- ___ **E. Facilities:** Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for any such services.

The TKI facility does not have access to public facilities, such as water and sewer. Groundwater (via well) is utilized for all water needs. The new expansion to the facility will not require an increase to the permitted water rights. Leach fields are utilized for sanitary water disposal. Increased power requirements will be met through public utility. Tessenderlo Kerley, Inc. would like to install an additional rail spur to support increased manufacturing capacity due to the Metam K54 expansion project. As an added benefit the new rail spur would allow on site storage and security of all rail cars inside the plants fencing.

- ___ **F. Economic Welfare:** Will not create excessive additional requirements at public cost for public facilities and services and will not be unreasonably detrimental to the economic welfare of the community.

The facility does not utilize public facilities (water or sewer), there will not be an increased demand for those services. The amount of permanent jobs at the facility will remain the same, but the project will bring job opportunities during the construction phase of the project.

- ___ **G. Conditions of Operation:** Will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, pollution or odors.

The facility will not produce excessive traffic, noise, smoke, fumes, glare, pollution or odors. Although there will be increased truck traffic during busy spring growing season, most of the agricultural fumigant will be transported by rail which helps keep truck traffic to a minimum. The new rail spur will allow rail car consolidation and reduce congestion across Idaho rail storage locations. The facility will operate 24 hours/day for most of the year. Air permitting study was done with Trinity Consultants and confirmed that the change to the process is below permitting thresholds for air permitting. Tessenderlo Kerley submitted these findings and the annual Toxic Air Pollutant Report to Idaho Department of Environmental Quality.

- ___ **H. Harmful Conditions:** Will not be or create conditions that are unreasonably harmful or dangerous to the individual safety or welfare of persons on the premises of the use or living or working in the vicinity of the use; or will not be or create conditions that could be unreasonably harmful to the general safety, health or welfare of the community.

The new Metam K54 expansion will require handling of hazardous materials. Through training and adherence to written operating procedures, hazardous materials can be handled safely. The facility also has a rigorous mechanical integrity program to ensure all equipment that contains hazardous materials is subject to regular preventative maintenance, inspections and testing. Although the raw materials utilized in the Metam K54 expansion are new to the Burley facility, TKI has installed and operated safely 2 Metam facilities over the past 25 years as well as 4 other facilities that store and utilize KOH as a raw material.

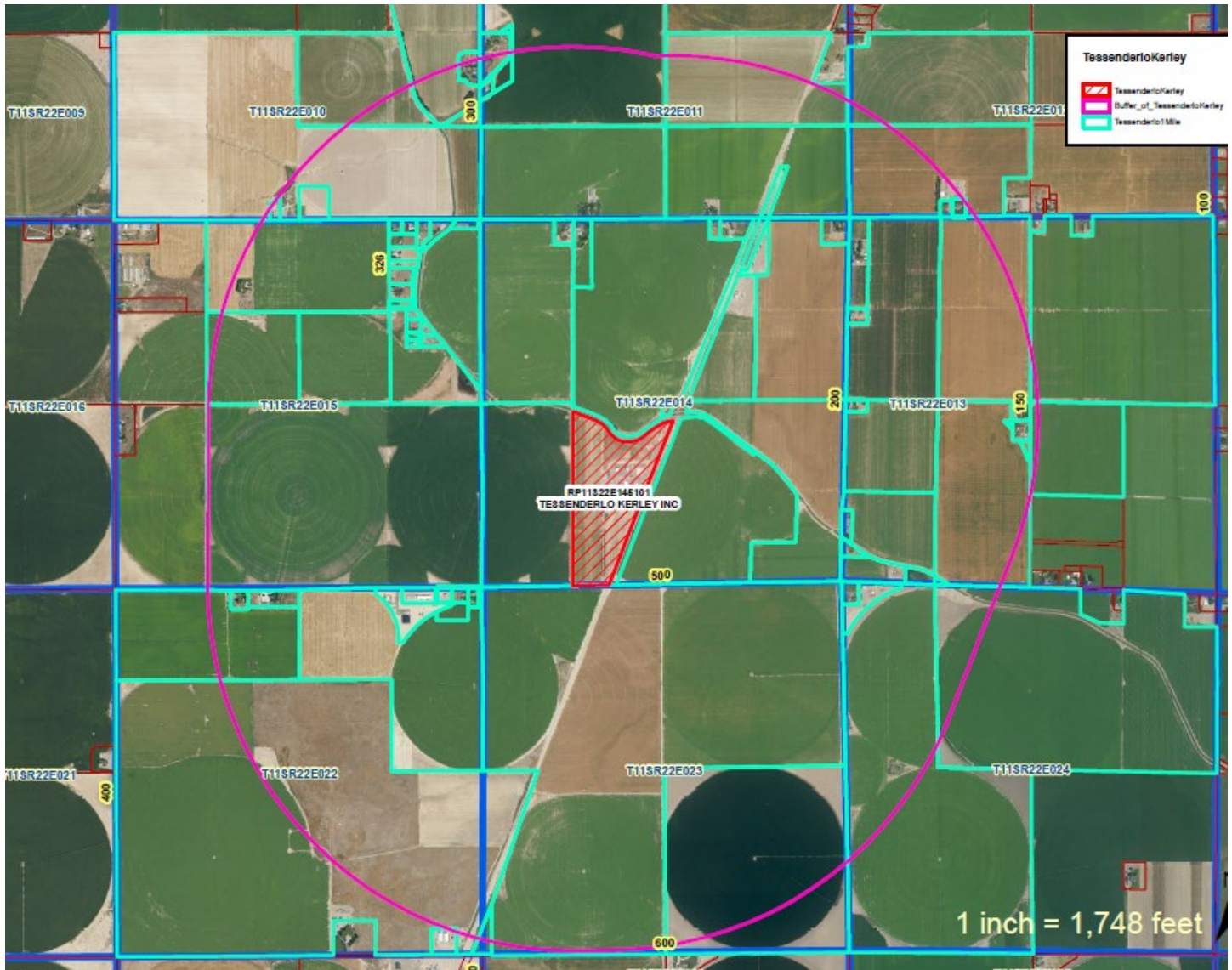
- ___ **I. Vehicular Approaches:** Will have vehicular approaches to the property which are so designed as not to create safety hazards or interference with traffic on surrounding public thoroughfares.

The truck routes listed in the current Special Use Permit will continue to be used. The routes are 500 South west to 400 West then North to Highway 30 or; 500 South east to Highway 27, then North or South on Highway 27

- ___ **J. Scenic And Historic Features:** Will not result in the destruction or loss or damage to any natural, scenic or historic feature of importance to the public.

There are no known scenic or historic features in the vicinity of the facility.

- ☐ 4. **List of Property Owners** within a one-mile radius of the exterior boundaries of the premises.



- ☐ 5. **County Weed Plan:** A plan developed in conjunction with the **Cassia County Weed Department** setting forth suitable methods, managements and practices for controlling weeds on and involved with the proposed development herein. Weeds shall be defined by state of Idaho noxious weed statutes, laws and regulations.

The 42 acres owned by TKI, 25 acres are farmed, 7 acres are used for manufacturing, and the remaining property consists of roadways and open ground planned for future expansion.

All our property is well maintained and includes irrigated landscaped areas. The entry road into the property is lined with pine trees, and the established buildings have well maintained lawn, grass and shrubs planted around the area.

The site utilizes several methods to control weeds and grasses not located within the farmed property. A ground sterilant is applied in the spring to areas free from potential leaching, such as fence lines and open areas. A broadleaf herbicide is applied as needed in sensitive areas, such as around landscaped



Cassia County Noxious Weed Control
1459 Overland Ave., Room 4
Burley, ID 83318
Phone: 208-878-4043
Fax: 208-878-7862

Applicant:

Name: Tessenderlo Kerley, Inc.
Address: 480 S 260 W Burley, ID 83318
Phone: 208-678-9565

Map of property must be attached or drawn on back; include address of property, all existing buildings and ect. and all proposed changes. If all of the above items are not attached the Noxious Weed Superintendent will not sign off.

County Weed Plan:

This noxious weed control plan is developed IAW with Idaho State Law Title 22 Chapter 24, IDAPA 02.06.22, and the Cassia County Weed Plan requiring all land owners to control noxious weeds on their properties.

Goals: The goal for this facility is to prevent the establishment of noxious weeds on the property. A secondary goal is to eradicate weeds that do establish on the property.

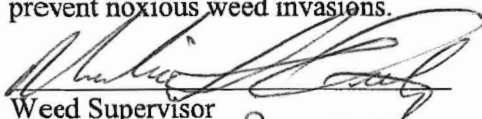
Survey: During the late spring, early summer and/or fall of 2025 (year) a survey will be conducted to identify any noxious weeds listed below:

Black Henbane
Canada Thistle
Curley Pondweed
Dalmation Toadflax
Diffuse Knapweed
Field Bindweed
Houndstongue
Jointed Goatgrass
Leafy Spurge
Musk Thistle

Puncture Vine
Perennial Pepperweed
Poison Hemlock
Rush Skeletonweed
Russian Knapweed
Saltcedar
Scotch Thistle
Spotted Knapweed
White Bryony
Whitetop

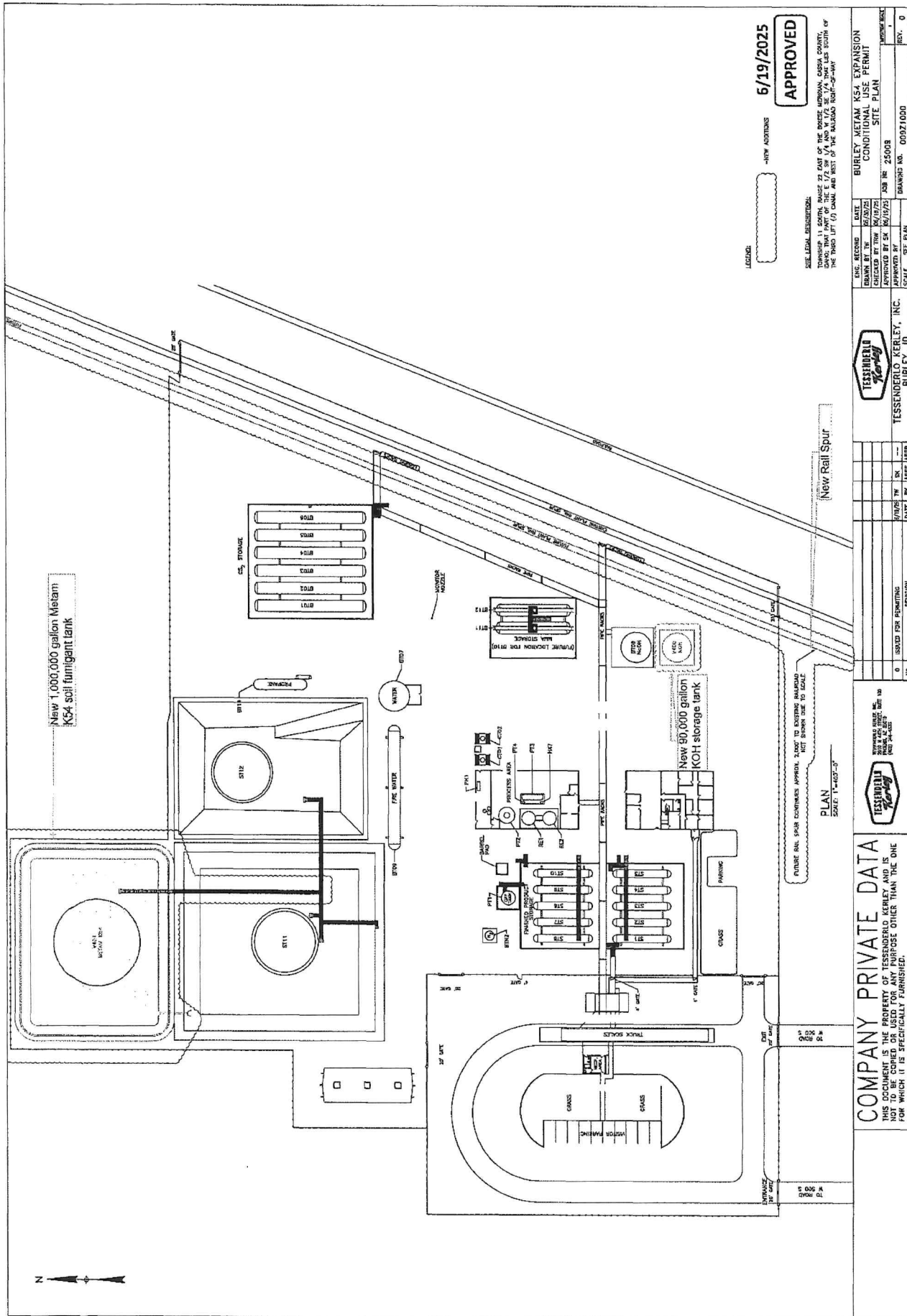
If there are any questions in the identification of weeds, the county weed agent will be contacted to assist in identification.

Eradication and Prevention (Applicant/Landowner responsibilities): Any noxious weeds identified during the survey will be physically removed or spot sprayed with herbicides. During the construction of the facilities, invasive weeds will be prevented from establishing by the use of the appropriate herbicides and mechanical tillage. Post construction, any disturbed soil that was not developed and is non-high traffic will be seeded to native grass species. During the operation of the facilities, any areas susceptible to invasive weeds such as barrow pits, drainage ditches, and fences lines will be regularly surveyed and sprayed with appropriate herbicides to prevent noxious weed invasions.


Weed Supervisor
Date: 7-8-25

Tessenderlo Kerley, Inc.
Steve Sailors
Applicant
Date: 6/26/2025

ORIGINAL



6/19/2025

APPROVED

SITE LEGAL DESCRIPTION:
TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE 10TH MERIDIAN, CASSIA COUNTY,
IDAHO THAT PART OF THE E 1/2, SW 1/4 AND W 1/2 SE 1/4 THW 1/4 SOUTH OF
THE T20S R7E S1E AND WEST OF THE 10TH MERIDIAN.

DATE REVISION	DATE	REVISION
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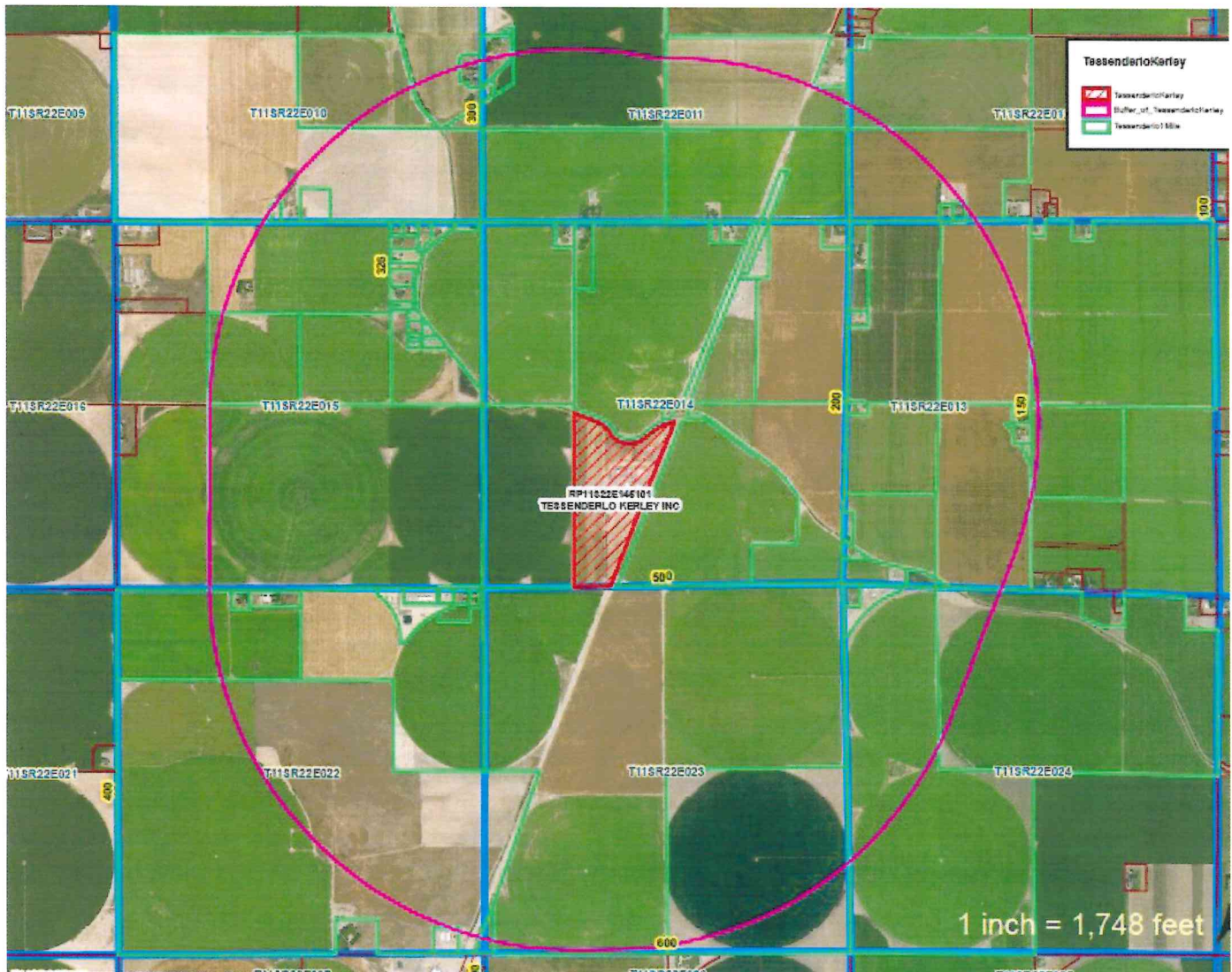
BURLEY METAM K54 EXPANSION
CONDITIONAL USE PERMIT
JOB NO. 25003
APPROVED BY SK 06/19/25
SCALE: SEE PLAN
DRAWING NO. 00921000

DATE	BY	REVISION
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06/19/25	SK	96
06/19/25	SK	97
06/19/25	SK	98
06/19/25	SK	99
06/19/25	SK	100

TESSENDERLO KERLEY, INC.
BURLEY, ID

COMPANY PRIVATE DATA
THIS DOCUMENT IS THE PROPERTY OF TESSENDERLO KERLEY AND IS
NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY
MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING,
RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL
SYSTEM, WITHOUT PERMISSION IN WRITING FROM TESSENDERLO
KERLEY, INC.

TESSENDERLO
KERLEY



- ☐ 5. **County Weed Plan:** A plan developed in conjunction with the **Cassia County Weed Department** setting forth suitable methods, managements and practices for controlling weeds on and involved with the proposed development herein. Weeds shall be defined by state of Idaho noxious weed statutes, laws and regulations.

The 42 acres owned by TKI, 25 acres are farmed, 7 acres are used for manufacturing, and the remaining property consists of roadways and open ground planned for future expansion.

All our property is well maintained and includes irrigated landscaped areas. The entry road into the property is lined with pine trees, and the established buildings have well maintained lawn, grass and shrubs planted around the area.

The site utilizes several methods to control weeds and grasses not located within the farmed property. A ground sterilant is applied in the spring to areas free from potential leaching, such as fence lines and open areas. A broadleaf herbicide is applied as needed in sensitive areas, such as around landscaped

areas. Glyphosate weed killer is utilized elsewhere along rail tracks or in areas where grass cannot be mowed. The farmed property is maintained by a local farmer through general weed control based on the crop being grown for that year.

The TKI owned property located to our north which is not farmed is mowed in late summer for fire control and general aesthetics. Based on the control practices outlined above, Tessenderlo Kerley believes it is following the guidelines necessary to comply with the Cassia County Weed ordinances and regulations.

- ☐ 6. If CUP is for CAFO Permit, show compliance with *Title 9, Chapter 11*.

N/A

- ☐ 7. Applicant shall obtain an impact statement from the irrigation district, canal company, groundwater district, surface water district, public water system, or any other such like entity (such entities being referred to hereinafter as "Water System") within which Applicant's proposal will be located.



Impact Statement

From: Burley Irrigation District

To: Tessenderlo Kerley Inc.

Subject: Expansion Project – 1 million Gallon Holding Tank Installation

Burley Irrigation District (BID) has reviewed the proposed expansion project by Tessenderlo Kerley Inc., which includes the installation of a 1-million-gallon holding tank for the product Metam Potassium. Based on the site plans and information provided, BID confirms that the proposed holding tank is located at a sufficient distance from our canal infrastructure and does not interfere with BID's easement or right-of-way.

Furthermore, we acknowledge that the project includes a lined containment barrier with an earthen dam, which provides an additional level of environmental protection and containment security. These design features demonstrate a commitment to responsible development and risk mitigation.

After evaluating the proximity, containment measures, and overall design, BID does not foresee any negative impact to our operations or infrastructure as a result of this expansion. We appreciate being informed of the project and look forward to continued coordination as needed.

Sincerely,

Don Terry

General Manager

Burley Irrigation District

Email: pzoning@cassia.gov www.cassia.gov

areas. Glyphosate weed killer is utilized elsewhere along rail tracks or in areas where grass cannot be mowed. The farmed property is maintained by a local farmer through general weed control based on the crop being grown for that year.

The TKI owned property located to our north which is not farmed is mowed in late summer for fire control and general aesthetics. Based on the control practices outlined above, Tessengerlo Kerley believes it is following the guidelines necessary to comply with the Cassia County Weed ordinances and regulations.

EXHIBIT 6

- ☐ 4. List of Property Owners within a one-mile radius of the exterior boundaries of the premises.

Parcel	Owner	Address
RP11S22E107900	2B LAND & LIVESTOCK LLC	37 W 400 S BURLEY ID 83318
RP11S22E150410	ALVAREZ, RAMIRO SANTANA	421 S 326 W BURLEY ID 83318
RP11S22E136400	BAKER, HAYLEY	186 W 500 S BURLEY ID 83318
RP11S22E133176	BARTLETT, JANICE E	411 S 200 W BURLEY ID 83318
RP11S22E243176	BEAN, WAYNE R	503 S 200 W BURLEY ID 83318
RP11S22E112401	BECK, SUSAN KAY, FAMILY LIMITED PARTNERSHIP	255 S 300 W BURLEY ID 83318
RP11S22E115400	BECK, SUSAN KAY, FAMILY LMTD PARTNERSHIP	255 S 300 W BURLEY ID 83318
RP11S22E243150	BLACK MAGIC FARMS LLC	503 SOUTH 200 WEST BURLEY ID 83318
RP11S22E150430	BLACKER, WALLACE	913 W 400 S HEYBURN ID 83336
RP11S22E136004	BOWEN LAND HOLDINGS LLC	172 WEST 400 SOUTH BURLEY ID 83318
RP11S22E126449	BOWEN, BRENT L	172 W 400 S BURLEY ID 83318
RP11S22E130001	BOWEN, CLINTON	170 W 400 S BURLEY ID 83318
RP11S22E119400	BOWERS, BART	41 W 532 S BURLEY ID 83318
RP11S22E118401	BOWERS, BART H	41 W 532 S BURLEY ID 83318
RP11S22E154200	BROWN MILNER IV LLC	1 EMBARCADERO CENTER SUITE 3860 SAN FRANCISCO CA 94111
RP11S22E150157	CHESLEY, MICHAEL VERL	319 W 400 S BURLEY ID 83318
RP11S22E136250	COLTRIN, KENT	481 S 200 W BURLEY ID 83318
RP11S22E134850	CROCKER, JAMES	452 S 150 W BURLEY ID 83318
RP11S22E140200	CROP PRODUCTION SERVICES	3005 ROCKY MOUNTAIN AVE LOVELAND

Cassia County Zoning & Building Department | 1459 Overland Ave. Rm. 210 | P: 208.878.7302

Email: pzoning@cassia.gov

www.cassia.gov

		CO 80538
RP11S22E220001	CUMMINS, BRETT	301 W 500 S BURLEY ID 83318
RP11S22E150011	DARRINGTON, BRIAN PAUL	887 EAST 500 SOUTH DECLO ID 83323
RP11S22E140630	ERICKSON, KEITH	235 WEST 400 SOUTH BURLEY ID 83318
RP11S22E237200	FARMLAND RESERVE INC	PO BOX 511196 SALT LAKE CITY UT 84151
RP11S22E150600	HAWKER FAMILY FARMS LLC	361 W 400 S BURLEY ID 83318
RP11S22E150177	HAWKER, ALAN	323 W 400 S BURLEY ID 83318
RP11S22E107100	HAWKER, BRAXTON	354 W 400 S BURLEY ID 83318
RP11S22E133800	HAWKER, JEFFREY R	427 SOUTH 200 WEST BURLEY ID 83318
RP11S22E150100	HAYES, DANIEL P	313 W 400 S BURLEY ID 83318
RP11S22E222450	HIGGS, BRIAN	355 W 500 S BURLEY ID 83318
RP11S22E222575	HIGGS, JAXON B	365 W 500 S BURLEY ID 83318
RP11S22E135575	HOKANSON, JOHN HOKAN	451 S 200 W BURLEY ID 83318
RP11S22E117350	HOLMES FAMILY FARM LLC	358 S 200 W BURLEY ID 83318
RP11S22E229599	HONDO FARMS LLC	951 S 400 W BURLEY ID 83318
RP11S22E150276	HUSTON, TRENA	413 S 326 W BURLEY ID 83318
RP11S22E150251	JOHNSON, OWIN L	411 S 326 W BURLEY ID 83318
RP11S22E134901	KORNBAU, JOSEPH	456 S 150 W BURLEY ID 83318
RP11S22E116000	LARSON, DEREK E	913 W 200 S MURTAUGH ID 83344
RP11S22E150225	MABEY, JAMES J	405 S 326 W POPLAR DR BURLEY ID 83318
RP11S22E140615	MCDONALD, ROBERT WAYNE	233 WEST 400 SOUTH BURLEY ID 83318
RP00009001016 0	MENDOZA, RICARDO	434 S 305 W BURLEY ID 83318
RP11S22E108800	PELLA CEMETERY MAINTENANCE DISTR	Address Not Provided
RP11S22E115560	RANDALL, NATHAN R	365 S 300 W BURLEY ID 83318
RP11S22E115555	RANDALL, RICHARD GRANT	351 S 300 W BURLEY ID 83318
RP11S22E107300	RANDALL, STEVEN G	360 S 300 W BURLEY ID 83318

OBJECTID	Parcel_Num	MailToName	MailToAddr	MailToCity	MailToStat	MailToPost
13558	RP11S22E107900	2B LAND & LIVESTOCK LLC	37 W 400 S	BURLEY	ID	83318
6216	RP11S22E150410	ALVAREZ, RAMIRO SANTANA	421 S 326 W	BURLEY	ID	83318
17166	RP11S22E136400	BAKER, HAYLEY	186 W 500 S	BURLEY	ID	83318
13023	RP11S22E133176	BARTLETT, JANICE E	411 S 200 W	BURLEY	ID	83318
5933	RP11S22E243176	BEAN, WAYNE R	503 S 200 W	BURLEY	ID	83318
6652	RP11S22E112401	BECK, SUSAN KAY, FAMILY LIMITED PARTNERSHIP	255 S 300 W	BURLEY	ID	83318
6457	RP11S22E115400	BECK, SUSAN KAY, FAMILY LMTD PARTNERSHIP	255 S 300 W	BURLEY	ID	83318
5931	RP11S22E243150	BLACK MAGIC FARMS LLC	503 SOUTH 200 WEST	BURLEY	ID	83318
6209	RP11S22E150430	BLACKER, WALLACE	913 W 400 S	HEYBURN	ID	83336
6027	RP11S22E136004	BOWEN LAND HOLDINGS LLC	172 WEST 400 SOUTH	BURLEY	ID	83318
6298	RP11S22E126449	BOWEN, BRENT L	172 W 400 S	BURLEY	ID	83318
13019	RP11S22E130001	BOWEN, CLINTON	170 W 400 S	BURLEY	ID	83318
6333	RP11S22E119400	BOWERS, BART	41 W 532 S	BURLEY	ID	83318
6376	RP11S22E118401	BOWERS, BART H	41 W 532 S	BURLEY	ID	83318
6200	RP11S22E154200	BROWN MILNER IV LLC	1 EMBARCADERO CENTER SUITE 3860	SAN FRANCISCO	CA	94111
6085	RP11S22E150157	CHESLEY, MICHAEL VERL	319 W 400 S	BURLEY	ID	83318
16997	RP11S22E136250	COLTRIN, KENT	481 S 200 W	BURLEY	ID	83318
13020	RP11S22E134850	CROCKER, JAMES	452 S 150 W	BURLEY	ID	83318
6103	RP11S22E140200	CROP PRODUCTION SERVICES	3005 ROCKY MOUNTAIN AVE	LOVELAND	CO	80538
5917	RP11S22E220001	CUMMINS, BRETT	301 W 500 S	BURLEY	ID	83318
6089	RP11S22E150011	DARRINGTON, BRIAN PAUL	887 EAST 500 SOUTH	DECLO	ID	83323
6101	RP11S22E140630	ERICKSON, KEITH	235 WEST 400 SOUTH	BURLEY	ID	83318
5729	RP11S22E237200	FARMLAND RESERVE INC	PO BOX 511196	SALT LAKE CITY	UT	84151
6083	RP11S22E150600	HAWKER FAMILY FARMS LLC	361 W 400 S	BURLEY	ID	83318
6084	RP11S22E150177	HAWKER, ALAN	323 W 400 S	BURLEY	ID	83318
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6203	RP11S22E133800	HAWKER, JEFFREY R	427 SOUTH 200 WEST	BURLEY	ID	83318
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6150	RP11S22E135575	HOKANSON, JOHN HOKAN	451 S 200 W	BURLEY	ID	83318
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5625	RP11S22E229599	HONDO FARMS LLC	951 S 400 W	BURLEY	ID	83318
17485	RP11S22E150276	HUSTON, TRENA	413 S 326 W	BURLEY	ID	83318
6234	RP11S22E150251	JOHNSON, OWIN L	411 S 326 W	BURLEY	ID	83318
13021	RP11S22E134901	KORNBAU, JOSEPH	456 S 150 W	BURLEY	ID	83318
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6282	RP11S22E150225	MABEY, JAMES J	405 S 326 W POPLAR DR	BURLEY	ID	83318
6102	RP11S22E140615	MCDONALD, ROBERT WAYNE	233 WEST 400 SOUTH	BURLEY	ID	83318
6169	RP000090010160	MENDOZA, RICARDO	434 S 305 W	BURLEY	ID	83318
6326	RP11S22E108800	PELLA CEMETERY MAINTENANCE DISTR	Address Not Provided			
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6445	RP11S22E115555	RANDALL, RICHARD GRANT	351 S 300 W	BURLEY	ID	83318
13525	RP11S22E107300	RANDALL, STEVEN G	360 S 300 W	BURLEY	ID	83318

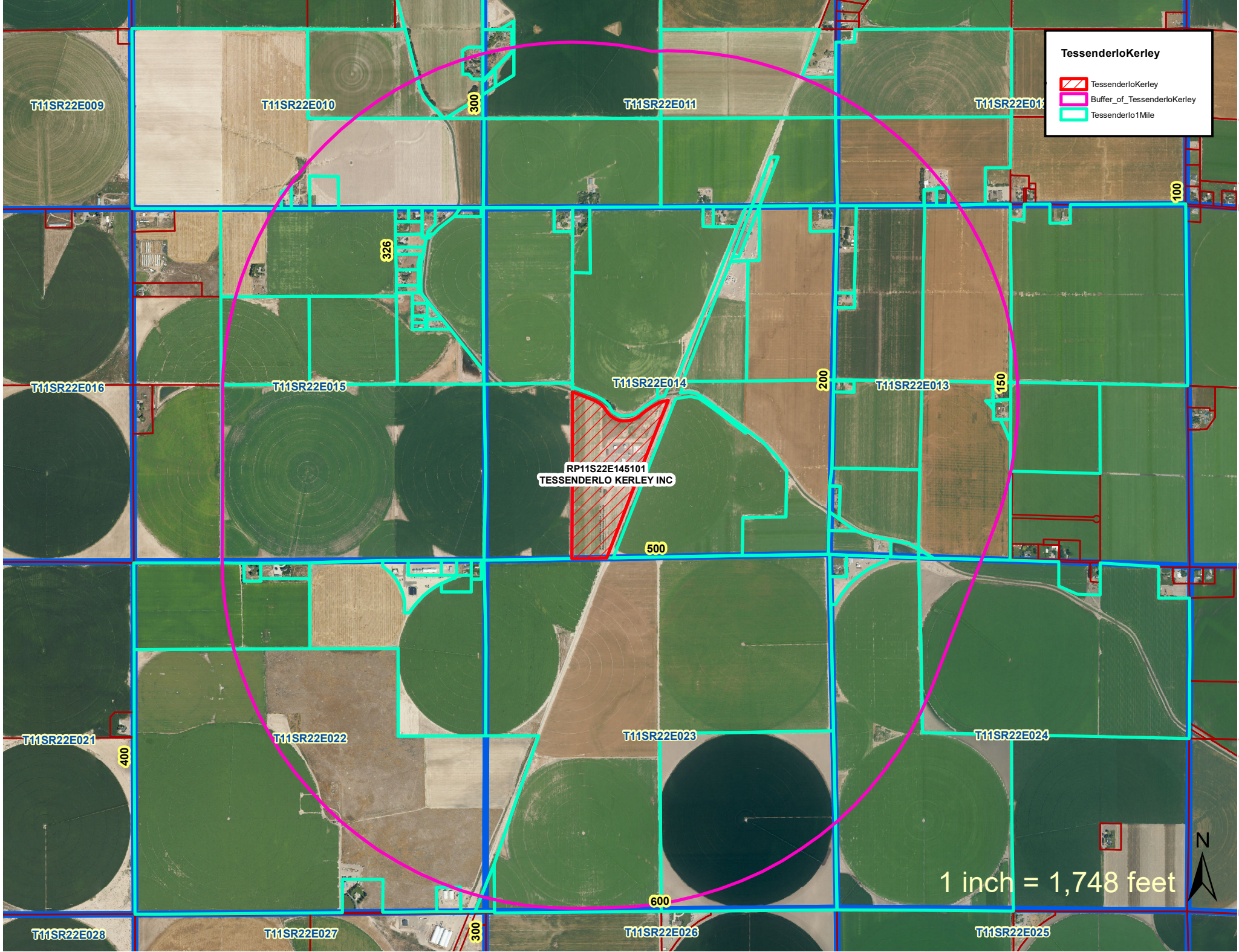
5916	RP11S22E220011	REYES-LOPEZ, JOSE ANTONIO	305 W 500 S	BURLEY	ID	83318
6095	RP11S22E142575	ROBINS, BRET L	273 W 400 S	BURLEY	ID	83318
5782	RP11S22E221202	ROBINS, BRET, FARMS	273 WEST 400 SOUTH	BURLEY	ID	83318
5615	RP11S22E229400	ROBINS, BRET, FARMS INC	273 WEST 400 SOUTH	BURLEY	ID	83318
5927	RP11S22E240100	ROBINS, KAREN	122 W 600 S	BURLEY	ID	83318
6106	RP11S22E140003	SCHMITT, RAYMOND	203 WEST 400 SOUTH	BURLEY	ID	83318
6094	RP11S22E143000	SIMMONS, DARLA SUE	275 W 400 S	BURLEY	ID	83318
6208	RP11S22E150426	STROUD, SHANE LEONARD	425 S 326 W	BURLEY	ID	83318
6122	RP11S22E145101	TESSENDERLO KERLEY INC	2910 N 44TH ST, STE 100	PHOENIX	AZ	85018
5994	RP11S22E136350	VOIGT, CARL	489 SOUTH 200 WEST	BURLEY	ID	83318
5914	RP11S22E220045	WARD, DAN	227 E 400 S	BURLEY	ID	83318
6086	RP11S22E150062	WESTMORELAND, MICHAEL F	393 W 400 S	BURLEY	ID	83318
6224	RP11S22E150325	WRIGLEY, WILFORD G	415 SOUTH 326 WEST	BURLEY	ID	83318
13022	RP11S22E134807	WYATT, KELLY	413 S 50 W	BURLEY	ID	83318
6100	RP11S22E140654	WYATT, REED A	3157 BLUE MOON RD	TWIN FALLS	ID	83301

This information is provided in regards to a public records request.

THIS INFORMATION IS LISTED BY THE COUNTY TAX ASSESSOR AS OWNING REAL PROPERTY

LOCATED WITHIN ONE MILE (OR AS REQUIRED) OF ANY EXTERNAL BOUNDARY OF SITE LISTED IN APPLICATION.

**CASSIA COUNTY ASSUMES NO LIABILITY OR RESPONSIBILITY FOR ERRORS OR OMISSIONS WHEN THE
INFORMATION IS USED FOR ANY OTHER PURPOSE.**



TessenderloKerley

- TessenderloKerley
- Buffer_of_TessenderloKerley
- Tessenderlo1Mile

RP11S22E145101
TESSENDERLO KERLEY INC

1 inch = 1,748 feet



- ☐ 7. **Applicant shall obtain an impact statement** from the irrigation district, canal company, groundwater district, surface water district, public water system, or any other such like entity (such entities being referred to hereinafter as “Water System”) within which Applicant’s proposal will be located.



Impact Statement

From: Burley Irrigation District

To: Tessenderlo Kerley Inc.

Subject: Expansion Project – 1 million Gallon Holding Tank Installation

Burley Irrigation District (BID) has reviewed the proposed expansion project by Tessenderlo Kerley Inc., which includes the installation of a 1-million-gallon holding tank for the product Metam Potassium. Based on the site plans and information provided, BID confirms that the proposed holding tank is located at a sufficient distance from our canal infrastructure and does not interfere with BID’s easement or right-of-way.

Furthermore, we acknowledge that the project includes a lined containment barrier with an earthen dam, which provides an additional level of environmental protection and containment security. These design features demonstrate a commitment to responsible development and risk mitigation.

After evaluating the proximity, containment measures, and overall design, BID does not foresee any negative impact to our operations or infrastructure as a result of this expansion. We appreciate being informed of the project and look forward to continued coordination as needed.

Sincerely,

Don Terry

General Manager

Burley Irrigation District

NOTICE OF HEARING
BEFORE CASSIA COUNTY PLANNING AND ZONING COMMISSION

2025-09-CU

NOTICE IS HEREBY GIVEN: that a hearing will be held on Thursday, the 18th day of September, 2025, beginning at the hour of three (3) o'clock P.M., in the Cassia County Courthouse, 1459 Overland Avenue, Room 206, Burley, Idaho 83318, before the Cassia County Planning & Zoning Commission on the application of:

Keya Litt, 2910 N. 44th Street Phoenix, AZ, 85018.

regarding an Application for a Conditional Use Permit which application was received by the County on the 24th day of June, 2025.

The Nature of the Proposed Application is: To modify the existing process to produce a soil fumigant already stored on site, while also expanding the facility's storage capacity of the fumigant.

The property is located on lands at approximately: 480 South 250 West Burley, ID 83318.

Such lands are located within the Industrial/ Commercial Zone. Pursuant to the Cassia County Zoning Ordinance a Conditional Use Permit is required for development in said zone.

The applicant will appear at this hearing to provide to the Cassia County Planning & Zoning Commission all the information required for issuance of a conditional use permit for the proposed use under the Cassia County Zoning Ordinance, before such permit can be issued.

A copy of the Application for Conditional Use Permit, including relevant maps and drawings, and information concerning the hearing process is available for review by the public at the office of the Zoning Administrator, Room 210 of the Cassia County Courthouse, 1459 Overland Ave., Burley, Idaho, prior to the hearing.

All other interested persons are invited to attend the hearing on the question of issuance of the requested conditional use permit. Such other interested persons are advised that in order to participate in the hearing, the following regulations apply:

- A. Written Statements of Support Or Objection:** All persons to whom notice is mailed shall be advised in that notice that they and others who can establish that their substantial rights would be affected by the approval or denial of the permit may file written objections or supporting statements with the planning and zoning commission secretary, 1459 Overland Ave. Rm. 210, Burley, ID 83318, no later than ten (10) days prior to the hearing setting forth in that writing that person's support or objection to the issuance of the new conditional use permit.

1. Written objections shall set forth each requirement of law (local, state or federal) which the objecting party believes the conditional use permit would violate.
2. Written statements shall also set forth either that the party making the statement owns property within:
 - one (1) mile of any external boundaries of the conditional use permit site described in the application, or
 - in the designated Areas of City Impact only, within three hundred feet (300') of any external boundaries of the conditional use permit site described in the application and/or otherwise setting forth the substantial rights that would be affected by the approval or denial of the permit.
3. Additionally, any party desiring to file any document(s) exceeding one (1) one-sided, 8 ½" x 11" sized page, shall file such document(s) at least ten (10) days prior to the hearing, with the planning and zoning commission secretary. The planning and zoning commission reserves the right to reject any proffered documentation that violates the intent of this regulation.

B. Providing Testimony at the Public Hearing: Any person who files a statement in support or objection to the issuance of a new conditional use permit shall indicate in such statement whether or not such person desires to testify at the hearing.

1. Prior to the hearing the planning and zoning commission shall determine which of those persons who desire to testify will be permitted to testify at the hearing.
2. All statements of support or objections shall be made a part of the record at the hearing, but no person except the applicant shall be permitted to testify at the hearing unless they have previously filed a written statement of support for or objection to the issuance of the permit.

DATED this 10th day of July, 20 25.

Signature: Keya Litt

Applicant Printed Name: Keya Litt

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing document
(**Notice of Hearing**) was on this date served upon the persons listed, (*Signed
Notice of Hearing and list of mailing addresses attached*) at the addresses set out
below their names, by mailing to them a true and correct copy of said document in
a properly addressed envelope in the United States mail, postage prepaid.

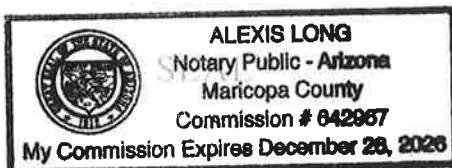
Dated 11 day of July, 2025.

Signature Keya Litt

Printed Name Keya Litt

Arizona
State of IDAHO)
County of CASSIA) ss
Maricopa

Subscribed and sworn to be before me this 11 day of
July, 2025, personally appeared before me and
proved to me on the basis of satisfactory evidence to be the person(s)
whose name(s) are subscribed to this instrument, and acknowledged
that they executed the same.



Notary [Signature]
Residing at 2303 N 44th St Ste 14
Commission expires 12/26/2026

**NOTICE OF HEARING
BEFORE CASSIA COUNTY PLANNING AND ZONING COMMISSION**

2025-09-CU

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 - one (1) mile of any external boundaries of the conditional use permit site described in the application, or
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DATED this 10th day of July, 20 25.

Signature: Keya Litt

Applicant Printed Name: Keya Litt

MailToName	MailToAddr	MailToCity	MailToStat	MailToPost
2B LAND & LIVESTOCK LLC	37 W 400 S	BURLEY	ID	83318
ALVAREZ, RAMIRO SANTANA	421 S 326 W	BURLEY	ID	83318
BAKER, HAYLEY	186 W 500 S	BURLEY	ID	83318
BARTLETT, JANICE E	411 S 200 W	BURLEY	ID	83318
BEAN, WAYNE R	503 S 200 W	BURLEY	ID	83318
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BECK, SUSAN KAY, FAMILY LMTD PARTNERSHIP	255 S 300 W	BURLEY	ID	83318
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BLACKER, WALLACE	913 W 400 S	HEYBURN	ID	83336
BOWEN LAND HOLDINGS LLC	172 WEST 400 SOUTH	BURLEY	ID	83318
BOWEN, BRENT L	172 W 400 S	BURLEY	ID	83318
BOWEN, CLINTON	170 W 400 S	BURLEY	ID	83318
BOWERS, BART	41 W 532 S	BURLEY	ID	83318
BOWERS, BART H	41 W 532 S	BURLEY	ID	83318
BROWN MILNER IV LLC	1 EMBARCADERO CENTER SUITE 3860	SAN FRANCISCO	CA	94111
CHESLEY, MICHAEL VERL	319 W 400 S	BURLEY	ID	83318
COLTRIN, KENT	481 S 200 W	BURLEY	ID	83318
CROCKER, JAMES	452 S 150 W	BURLEY	ID	83318
CROP PRODUCTION SERVICES	3005 ROCKY MOUNTAIN AVE	LOVELAND	CO	80538
CUMMINS, BRETT	301 W 500 S	BURLEY	ID	83318
DARRINGTON, BRIAN PAUL	887 EAST 500 SOUTH	DECLO	ID	83323
ERICKSON, KEITH	235 WEST 400 SOUTH	BURLEY	ID	83318
FARMLAND RESERVE INC	PO BOX 511196	SALT LAKE CITY	UT	84151
HAWKER FAMILY FARMS LLC	361 W 400 S	BURLEY	ID	83318
HAWKER, ALAN	323 W 400 S	BURLEY	ID	83318
HAWKER, BRAXTON	354 W 400 S	BURLEY	ID	83318
HAWKER, JEFFREY R	427 SOUTH 200 WEST	BURLEY	ID	83318
HAYES, DANIEL P	313 W 400 S	BURLEY	ID	83318
HIGGS, BRIAN	355 W 500 S	BURLEY	ID	83318
HIGGS, JAXON B	365 W 500 S	BURLEY	ID	83318
HOKANSON, JOHN HOKAN	451 S 200 W	BURLEY	ID	83318
HOLMES FAMILY FARM LLC	358 S 200 W	BURLEY	ID	83318
HONDO FARMS LLC	951 S 400 W	BURLEY	ID	83318
HUSTON, TRENA	413 S 326 W	BURLEY	ID	83318
JOHNSON, OWIN L	411 S 326 W	BURLEY	ID	83318
KORNBAU, JOSEPH	456 S 150 W	BURLEY	ID	83318
LARSON, DEREK E	913 W 200 S	MURTAUGH	ID	83344
MABEY, JAMES J	405 S 326 W POPLAR DR	BURLEY	ID	83318
MCDONALD, ROBERT WAYNE	233 WEST 400 SOUTH	BURLEY	ID	83318
MENDOZA, RICARDO	434 S 305 W	BURLEY	ID	83318
PELLA CEMETERY MAINTENANCE DISTR	Address Not Provided			
RANDALL, NATHAN R	365 S 300 W	BURLEY	ID	83318
RANDALL, RICHARD GRANT	351 S 300 W	BURLEY	ID	83318
RANDALL, STEVEN G	360 S 300 W	BURLEY	ID	83318
REYES-LOPEZ, JOSE ANTONIO	305 W 500 S	BURLEY	ID	83318
ROBINS, BRET L	273 W 400 S	BURLEY	ID	83318
ROBINS, BRET, FARMS	273 WEST 400 SOUTH	BURLEY	ID	83318
ROBINS, BRET, FARMS INC	273 WEST 400 SOUTH	BURLEY	ID	83318
ROBINS, KAREN	122 W 600 S	BURLEY	ID	83318
SCHMITT, RAYMOND	203 WEST 400 SOUTH	BURLEY	ID	83318
SIMMONS, DARLA SUE	275 W 400 S	BURLEY	ID	83318
STROUD, SHANE LEONARD	425 S 326 W	BURLEY	ID	83318
TESSENDERLO KERLEY INC	2910 N 44TH ST, STE 100	PHOENIX	AZ	85018
VOIGT, CARL	489 SOUTH 200 WEST	BURLEY	ID	83318
WARD, DAN	227 E 400 S	BURLEY	ID	83318
WESTMORELAND, MICHAEL F	393 W 400 S	BURLEY	ID	83318
WRIGLEY, WILFORD G	415 SOUTH 326 WEST	BURLEY	ID	83318
WYATT, KELLY	413 S 50 W	BURLEY	ID	83318
WYATT, REED A	3157 BLUE MOON RD	TWIN FALLS	ID	83301

This information is provided in regards to a public records request.

THIS INFORMATION IS LISTED BY THE COUNTY TAX ASSESSOR AS OWNING REAL PROPERTY
LOCATED WITHIN ONE MILE (OR AS REQUIRED) OF ANY EXTERNAL BOUNDARY OF SITE LISTED IN APPLICATION.
CASSIA COUNTY ASSUMES NO LIABILITY OR RESPONSIBILITY FOR ERRORS OR OMISSIONS WHEN THE
INFORMATION IS USED FOR ANY OTHER PURPOSE.

Name of Applicant Keya Litt Application No. 2025-09-CU

AFFIDAVIT OF POSTING

I, Rick Hieb, of 480 south 260 west
Name Address
Burley, Idaho, hereby state that I personally
City State
posted on the subject property listed below located in the County of Cassia, State of Idaho, a **Notice of Hearing** as required by Cassia County Code, Procedure for Hearing.

Date of Posting: July 18, 2025 (Photo Posting Attached)

Notice was posted upon the property listed at the address set out below, the date being not less than seven (7) days **prior** to the date of hearing. (Does not include the date of the hearing.)

Hearing Date: September 18, 2025 3pm

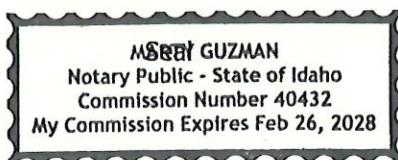
Describe where notice was Posted: where our entry lane meets the county road.

DATED this 18th day of July, 2025.

Signature: Rick Hieb 7/21/25

Printed Name: Rick Hieb

State of Idaho)
County of Cassia) ss



Subscribed and sworn to or affirmed before me at City Burley,
County Cassia, State ID, on the 21 day of
July, 2025,

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Marty Guzman
Notary Public for Idaho
Residing at Burley
Commission Expires: 2-26-28

Note: This affidavit must be submitted to the Cassia County Zoning & Building Office no later than seven (7) days prior to the public hearing. It is suggested that the Notice be posted at least ten (10) days prior to the hearing. Please attach photos of the posted signs to this affidavit.



AFFIDAVIT OF PUBLICATION

Magic Valley Times-News
132 Fairfield ST W, Twin Falls, ID 83301
(208) 735-3253

State of Florida, County of Orange, ss:

I, Anjana Bhadoriya, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Magic Valley Times-News, a newspaper printed and published at Twin Falls on Tuesday, Thursday and Saturday, Twin Falls County, State of Idaho, and having a general circulation therein, and which said newspaper has been continuously and uninterruptedly published in said County during a period of twelve consecutive months prior to the first publication of the notice, a copy of which is attached hereto: that said notice was published in the Times-News, in conformity with Section 60-108, Idaho Code, as amended, for:

Publication Dates:

- Jul 17, 2025

Notice ID: bDyguCj0ahxPualh0Zh6

Notice Name: Notice of Hearing Cassia County #2025-09-CU

Publication Fee: \$195.24

Anjana Bhadoriya

Agent

VERIFICATION

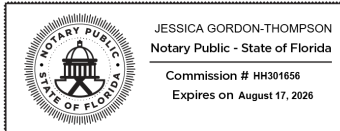
State of Florida
County of Orange

Signed or attested before me on this: 07/21/2025



Notary Public

Notarized remotely online using communication technology via Proof.



**Notice of Hearing #2025-09-CU
NOTICE OF HEARING
BEFORE CASSIA COUNTY PLANNING AND ZONING COMMISSION
#2025-09-CU**

NOTICE IS HEREBY GIVEN: that a hearing will be held on Thursday, the 18th day of September, 2025, beginning at the hour of three (3) o'clock P.M., in the Cassia County Courthouse, 1459 Overland Avenue, Room 206, Burley, Idaho 83318, before the Cassia County Planning & Zoning Commission on the application of:

Keya Litt, 2910 N. 44th Street Phoenix, AZ, 85018

regarding an Application for a Conditional Use Permit which application was received by the County on the 24th day of June, 2025.

The Nature of the Proposed Application is: To modify the existing process to produce a soil fumigant already stored on site, while also expanding the facility's storage capacity of the fumigant.

The property is located on lands at approximately: 480 South 250 West Burley, ID 83318.

Such lands are located within the Industrial/ Commercial Zone. Pursuant to the Cassia County Zoning Ordinance a Conditional Use Permit is required for development in said zone.

The applicant will appear at this hearing to provide to the Cassia County Planning & Zoning Commission all the information required for issuance of a conditional use permit for the proposed use under the Cassia County Zoning Ordinance, before such permit can be issued.

A copy of the Application for Conditional Use Permit, including relevant maps and drawings, and information concerning the hearing process is available for review by the public at the office of the Zoning Administrator, Room 210 of the Cassia County Courthouse, 1459 Overland Ave., Burley, Idaho, prior to the hearing.

All other interested persons are invited to attend the hearing on the question of issuance of the requested conditional use permit. Such other interested persons are advised that in order to participate in the hearing, the following regulations apply:

A. Written Statements of Support Or Objection: All persons to whom notice is mailed shall be advised in that notice that they and others who can establish that their substantial rights would be affected by the approval or denial of the permit may file written objections or supporting statements with the planning and zoning commission secretary, 1459 Overland Ave. Rm. 210, Burley, ID 83318, no later than ten (10) days prior to the hearing setting forth in that writing that person's support or objection to the issuance of the new conditional use permit.

1. Written objections shall set forth each requirement of law (local, state or federal) which the objecting party believes the conditional use permit would violate.

2. Written statements shall also set forth either that the party making the statement owns property within:

- one (1) mile of any external boundaries of the conditional use permit site described in the application, or
- in the designated Areas of City Impact only, within three hundred feet (300') of any external boundaries of the conditional use permit site described in the application and/or otherwise setting forth the substantial rights that would be affected by the approval or denial of the permit.

3. Additionally, any party desiring to file any document(s) exceeding one (1) one-sided, 8 ½" x 11" sized page, shall file such document(s) at least ten (10) days prior to the hearing, with the planning and zoning commission secretary. The planning and zoning commission reserves the right to reject any proffered documentation that violates the intent of this regulation.

B. Providing Testimony at the Public Hearing: Any person who files a statement in support or objection to the issuance of a new conditional use permit shall indicate in such statement whether or not such person desires to testify at the hearing.

1. Prior to the hearing the planning and zoning commission shall determine which of those persons who desire to testify will be permitted to testify at the hearing.

2. All statements of support or objections shall be made a part of the record at the hearing, but no person except the applicant shall be permitted to testify at the hearing unless they have previously filed a written statement of support for or objection to the issuance of the permit.

DATED this 10th day of July, 20 25.

Signature: Keya Litt

Applicant Printed Name: Keya Litt

Publish: July 17, 2025
COL-NV-2372

EXHIBIT
9

TessenderloKerley

 TessenderloKerley

 Cassia County FIRM

RP11S22E145101
TESSENDERLO KERLEY INC

T11SR22E014

A
160041 0100 B
Goose Creek

T11SR22E013

200

500

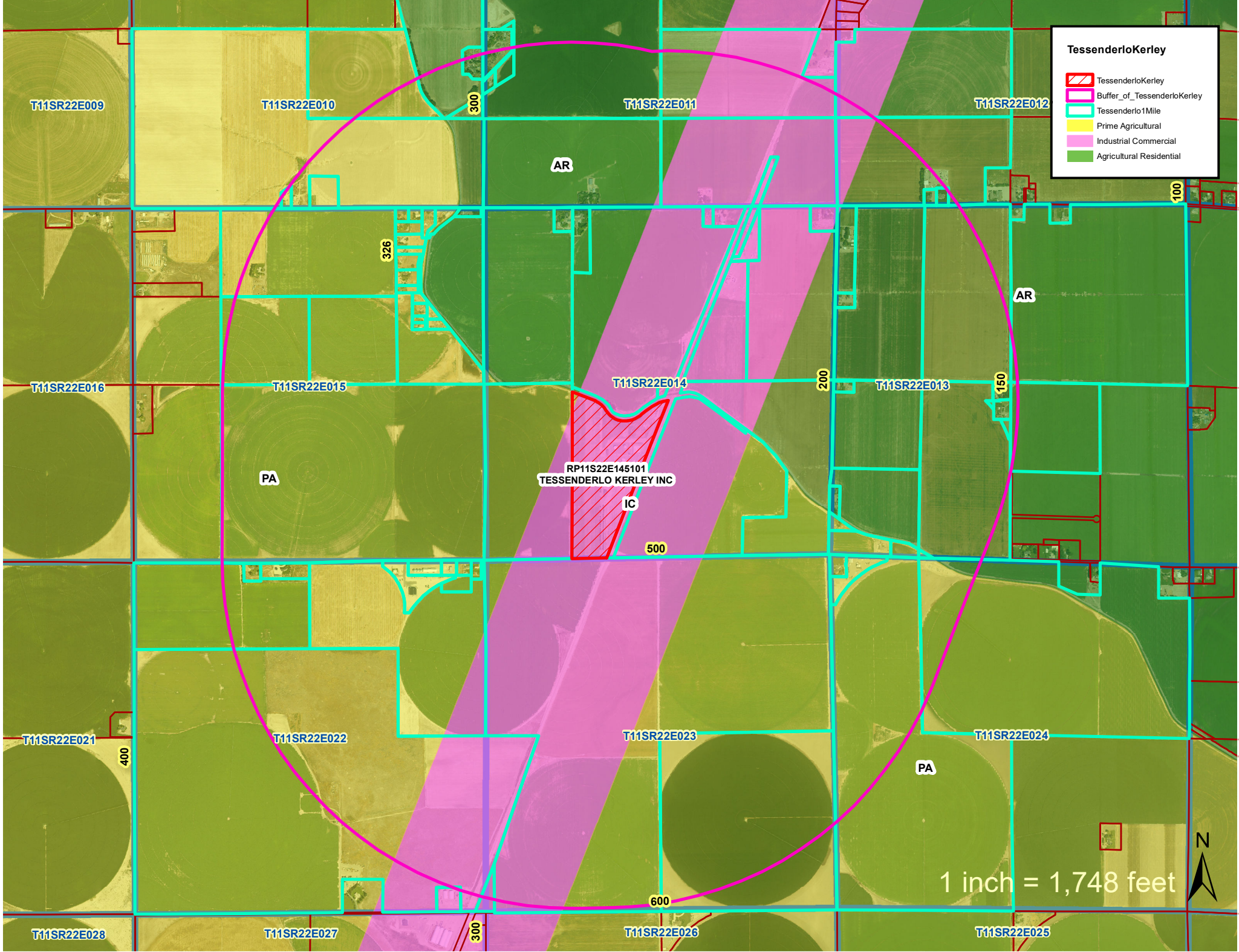
T11SR22E023

1 inch = 421 feet

A
160041 0250 B
Goose Creek

T11SR22E024





TessenderloKerley

- TessenderloKerley
- Buffer_of_TessenderloKerley
- Tessenderlo1Mile
- Prime Agricultural
- Industrial Commercial
- Agricultural Residential

1 inch = 1,748 feet



239758

EXHIBIT
10

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF CASSIA COUNTY, IDAHO,
SITTING AS THE CASSIA COUNTY PLANNING AND
ZONING COMMISSION, RESOLUTION NO. 95-11- 4

This matter having come on before the Board of County Commissioners of Cassia County, sitting as the Planning Commission on Monday, October 23, 1995, for hearing pursuant to Notice as required by law and Ordinance, on the application of Sundance Resources, Inc. for a Special Use Permit to operate a Metam Sodium receiving, storage, manufacturing, transportation and shipping facility upon lands located in Cassia County, Idaho in the vicinity of 285 West 500 South, more particularly described as:

That portion of Parcel 4 in Section 14, Township 11 South, Range 22 that is West of the Eastern Idaho Railroad right-of-way, more particularly described as follows:

Parcel No. 4:

Township 11, South, Range 22 East of the Boise Meridian, Cassia County, Idaho.

Section 14:

W $\frac{1}{2}$ SE $\frac{1}{4}$ South of the Third Lift Canal, Except the Railroad right-of-way.

Also: Beginning at a point 575 feet North of the Southwest corner of the E $\frac{1}{2}$ SE $\frac{1}{4}$ of said Section 14;

Thence East 651 feet.

Thence North to the center of the Third Lift Canal of the Burley Irrigation District;

Thence Northwesterly along said canal to the West boundary of the E $\frac{1}{2}$ SE $\frac{1}{4}$;

Thence South to the Point of Beginning.

Petitioner, Sundance Resources, Inc. having appeared in person at the original hearing and having testified along with several residents of the area, and the Commission having reviewed and accepted the information set forth in Exhibits 1-11 to the record which were admitted before the Board, and having visited the site on November 6, 1995.

Now, therefore, the Commission being fully informed in the matter hereby enters its findings and decision on the application for Special Use Permit and on the motion for reconsideration.

The Commission finds that the application of Sundance Resources, Inc. is in order

RESOLUTION -1
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and that the fee was paid therefore. The Commission further finds that a Special Use Permit is required to operate a Metam Sodium facility in a prime agricultural zone under the Cassia County Zoning Ordinance and that the subject premises are located in such a zone.

The Commission finds that the applicant desires to manufacture, store and ship Metam Sodium on the subject premises.

The Commission further finds that the Metam Sodium is an agricultural chemical that is needed in our area for agricultural production and the facility would be an economic benefit to the community.

The Commission further finds that the proper operation of a Metam Sodium facility would not present a hazard to the environment or water resources in the area.

The Commission further finds that the proposed project will be harmonious with the existing or intended character of the general vicinity, if constructed and operated appropriately.

The Commission further finds that the proposed use would not change the essential character of the surrounding area.

The Commission further finds that the proposed use would not be disturbing to existing neighborhood uses.

The Commission further finds that the approaches to the property are adequately designed so that the applicant can access its property without interfering with traffic on surrounding public thoroughfares or infringing upon private property in the approach.

The Board having considered these matters and finding that the application of Sundance Resources, Inc., meets the standards set forth in the Cassia County Zoning Ordinance for the granting of a Special Use Permit.

NOW THEREFORE, be it resolved by the County Commissioners of Cassia County, Idaho, acting as the Cassia County Planning Commission, that application number 95-08-05 by Sundance Resources, Inc. for a Special Use Permit to construct and operate a Metam Sodium facility on the subject property in a prime agricultural zone is hereby granted.

This permit is granted subject to the following conditions: (1) That all surface water drainage on the area of the premises where the plant is constructed be contained inside the fence line around the plant, and that berms be constructed around the plant to help contain such drainage. (2) That Metam Sodium be the only product produced on the premises under this special use permit. (3) That trucks arriving at and leaving from the plant on the premises use

RESOLUTION -2
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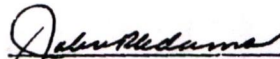
one of the following two routes: (a) 500 South west to 400 West then North to Highway 30, or; (b) 500 South east to Highway 27, then North or South on Highway 27. (4) That the land on the balance of the premises that is not involved in the actual plant be leveled so that the surface water drains away from the plant site. (5) That all chemicals and substances be handled on the premises in accordance with State and Federal regulations and in a closed system such that no chemical be spilled onto the ground or released into the air. (6) That all chemicals arriving at the site by rail car be loaded into storage facilities on the site prior to being manufactured into Metam Sodium, and that rail cars not be used for storage facilities of chemicals at the site.

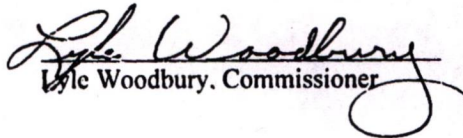
(7) That the balance of the premises not used in the manufacturing plant be used in agricultural uses only. (8) That the site be fenced with lockable gates and a substantial fence and that the site be landscaped. (9) That the plant be contained in an area no larger than five (5) acres on the premises unless approval for expansion is given by this commission.

All interested parties opposing this decision are hereby notified that they have a period of twenty eight (28) days from the date of this decision to file an appeal of this decision in the District Court of the Fifth Judicial District in and for Cassia County, Idaho.

DATED this 10th day of November, 1995.

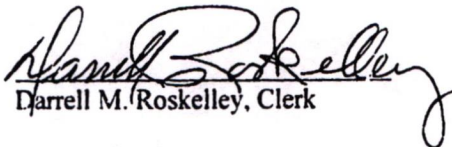
PLANNING AND ZONING COMMISSION


John R. Adams, Commissioner


Lyle Woodbury, Commissioner

Paul Christensen, Commissioner

ATTEST:


Darrell M. Roskelley, Clerk

RESOLUTION -3
CAZONEARESSPUSE.SUN

RECORDED AT THE REQUEST OF.
Cassia Co. Planning Commission
FILM 271
1995 NOV 22 P 4: 36
CASSIA COUNTY, IDAHO
DARRELL M. ROSKELLEY
RECORDER
239758
X3: 206mly
DE NGERSUTHE

BEFORE THE CASSIA COUNTY PLANNING AND ZONING COMMISSION

RESOLUTION 2012-03

A RESOLUTION OF THE CASSIA COUNTY PLANNING AND ZONING COMMISSION.

CASSIA COUNTY
Recorded for:
CASSIA COUNTY PLAN/ZONE CO
11:28:32 am 03-16-2012
2012-001105
No. Pages: 9 Fee: \$
JOSEPH W. LARSEN
County Clerk
Deputy: VIKI

The application of Tessengerlo Kerley, Inc whose address is 2255 N. 44th St. – Suite 300, Phoenix, Arizona 85008, for a Conditional Use permit, Application Number 2011-14-CU came on for hearing before the Planning and Zoning Commission on the 16th day of February, 2012 in the City Council Chambers, Burley City Hall, 1401 Overland Avenue, Burley, Idaho. Exhibits 1 through 8 were reviewed and accepted as part of the record in these proceedings.

Commissioners Beck, James, Garner, Whitehead, Peterson, Brice and Durfee were present for this matter. A conflict poll was conducted with no conflicts being noted.

The departmental report was presented by Kerry McMurray. Ms. Dawn Kominski, Mr. Steve Sailors, and Mr. Karey Poulsen represented Applicant and made the presentation of the application on its behalf.

The application requests a conditional use permit to develop an Ammonium Thiosulfate solution plant at the address commonly known as approximately 480 South 250 West, Burley, Idaho. The legal description for this site, as offered by Applicant is more specifically:

That portion of Parcel 4 in Section 14, Township 11 South, Range 22 that is West of the Eastern Idaho Railroad right-of-way, more particularly described as follows:

Parcel No. 4:

Township 11, South, Range 22 East of the Boise Meridian, Cassia County, Idaho.

Section 14:

W1/2SE1/4 South of the Third Lift Canal, Except the Railroad right-of-way.

Also: Beginning at a point 75 feet North of the Southwest corner of the E1/2SE1/4 of said Section 14;

Thence East 651 feet.

Thence North to the center of the Third Lift Canal of the Burley Irrigation District;

Thence Northwesterly along said canal to the West boundary of the E1/2SE1/4;

Thence South to the Point of Beginning.

Upon the whole record, as compiled by the Applicants and the Planning and Zoning Commission, including evidence, and information received at public hearing, and in written form on the record (including Exhibits #1 through #8), the Planning and Zoning Commission, having duly considered all such evidence, testimony and background information presented, now makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

Upon the whole record before them, and taking notice of those facts which are common knowledge or of which there is general public awareness, the Cassia County Planning and Zoning Commission finds and concludes as follows:

1. Notice of public hearing on the conditional use permit was published in the official newspaper of Cassia County at least thirty (30) days prior to public hearings as scheduled, as by law provided. Applicant also provided proof of mailing of the Notice of Public Hearing to property owners of all real property located within one (1) mile beyond the external boundaries of the land being considered for the conditional use permit. The applicant has also provided proof of posting of notice on the subject property. The applicant and public were given full opportunity to express comments and submit evidence, under existing County rules of procedure for conditional use permit hearings.
2. Section 9-13-3 of the Cassia County Code Zoning Regulations provides that "The Commission shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall determine if adequate evidence has been presented showing that such use [meets those standards] at the proposed location". Those standards and the Commission's findings in regard to each are as follows:

a. WILL IN FACT, CONSTITUTE A CONDITIONAL USE AS ESTABLISHED BY THE OFFICIAL SCHEDULE OF ZONING REGULATIONS FOR THE ZONE INVOLVED.

The Official Schedule of Zoning Regulations is set forth at Section 9-8-2 of the Cassia County Code Zoning Regulations. The proposed location of this use is within the Industrial Commercial Zone (IC) and a small tip of the Northwest corner is zoned Prime Agricultural (AP). Chemical fertilizers manufacturing and storage, under Trade and Wholesale Section of Cassia County Regulation 9-8-2, requires a conditional use permit in both IC and AP zones.

The Commission finds adequate evidence showing that the proposed conditional use will in fact constitute a conditional use as established on the official schedule of zoning regulations for the Industrial Commercial zone and the Prime Agricultural zone.

b. WILL BE HARMONIOUS WITH AND IN ACCORDANCE WITH THE GENERAL OBJECTIVES OR WITH ANY SPECIFIC OBJECTIVE OF THE COMPREHENSIVE PLAN AND/OR THE ZONING ORDINANCE.

The Cassia County Comprehensive Plan, Section D.1 Goal is to: "Encourage beneficial and appropriate development of additional employment opportunities and economic diversity in Cassia County, which will ensure a benefit to the county, and more importantly, its residents." This project answers that goal in a very beneficial way.

The Comprehensive Plan, Section D.2 sets out policies in accord with the section's goals. The proposal herein offers economic growth that is consistent with and supports industry in Cassia County; promotes commercial expansion that appears to be beneficial to the County; encourages commercial growth that is not at the expense of the quality of life of County residents; and this particular project as designed and proposed is well organized and well planned.

Additionally, the Commission finds that the application and evidence in support thereof is also harmonious with achieving stated objectives of the Comprehensive Plan for commercial growth. In Section E.2-5, County policy is to conduct orderly and well-planned development for business establishments. Also, in section D.2-3, commercial growth is encouraged so long as it is not at the expense of the quality of life of its residents.

Lastly, but not least, review of the Comprehensive Plan at Section G regarding Hazardous Areas is applicable and appropriate in review of this project. Item G.2-4 discusses hazardous materials. The County policy is to "[l]imit public exposure to hazardous materials during transportation, storage, and use as much as is reasonably practical." Evidence of record is that any hazardous materials will be appropriately contained and maintained in a safe and secure manner at the facility.

The Commission finds that the proposed operation appears to be harmonious with the general objectives of the Comprehensive Plan, and the County Zoning Ordinance, or through the imposition of reasonable conditions related to safety can made to be harmonious.

c. WILL BE DESIGNED, CONSTRUCTED, OPERATED AND MAINTAINED TO BE REASONABLY HARMONIOUS AND APPROPRIATE IN APPEARANCE WITH THE EXISTING OR INTENDED CHARACTER OF THE GENERAL VICINITY; AND THAT SUCH USE WILL NOT CHANGE THE ESSENTIAL CHARACTER OF THE GENERAL VICINITY.

The Commission finds that the character of the proposed project is reasonably harmonious with the existing and intended nature of the general vicinity. Much of the nearby area is agricultural. This site will serve agricultural industry by producing an agricultural product, i.e., non-hazardous liquid fertilizer, and therefore this proposal is deemed to be compatible with the essential character of the general vicinity. A letter in opposition to the proposal was filed with the Commission by Ira H. Coltrin. Mr. Coltrin

opposed the matter on the basis that the cooling tower and truck traffic would impact use of his property for a potential future subdivision and would be of negative impact on aesthetics. The Applicant addressed tower and truck traffic issues. The Commission finds that from evidence presented, the proposal is reasonably harmonious with the area.

The Applicants have shown, to the satisfaction of this Commission, that this standard will be met by virtue of the application submitted, the testimony offered at the hearing, and compliance with conditions issued as part of this permit.

d. WILL NOT BE UNREASONABLY HAZARDOUS OR DISTURBING TO EXISTING OR FUTURE NEIGHBORING USES.

The Commission finds from the evidence, testimony and information of record in this matter that the proposed use of the site for production of Ammonium Thiosulfate solution will not be out of character with the existing varied ag-industry uses in the area, and will not be unreasonably disturbing to existing and future neighboring uses. The Commission notes that the current facility owned by applicant is next door, and involves processes to produce Metam Sodium solution. In essence this application is an expansion of the plant facilities, to add production of a new ag-industry product.

With conditions being placed on this use permit that developers construct, develop and maintain the use in accordance with the application submitted and other submittals through the hearing process, this standard is adequately met by applicants.

e. WILL BE SERVED ADEQUATELY BY ESSENTIAL PUBLIC FACILITIES AND SERVICES SUCH AS HIGHWAYS, STREETS, POLICE AND FIRE PROTECTION, DRAINAGE STRUCTURES, REFUSE DISPOSAL, WATER AND SEWER AND SCHOOLS; OR THAT THE PERSONS OR AGENCIES RESPONSIBLE FOR THE ESTABLISHMENT OF THE PROPOSED USE WILL PROVIDE ADEQUATELY FOR ANY SUCH SERVICES.

Based upon evidence, testimony and information on the record in this matter, the Commission determines that essential public facilities and services are currently available to the general area, and the proposed use will not unduly burden these services. Evidence presented and herein relied upon is that essential public services such as highways, police and fire protection, drainage and refuse disposal now being provided to the Metam Sodium Solutions plant will continue to be the same for the new plant, and will be served adequately thereby. Also, evidence was provided that the new facility will not access public water or sewer systems. Common sense would dictate that changing plant size from five (5) acres to over 14 acres would have some increased impact on fire protection concerns. While not arising to the level of a condition on this proposed use, a reasonable suggestion would be that Applicant also meets with the appropriate fire protection district to ensure proper safety standards are understood, implemented and maintained. Also, arising herefrom is that condition that the Applicant contact Burley Highway District, before any construction proceeds, to ensure road and route safety in light of increased volume of vehicles.

Therefore, based upon the proposal and implementation of reasonable conditions as herein set forth, this standard is adequately addressed and met.

f. WILL NOT CREATE EXCESSIVE ADDITIONAL REQUIREMENTS AT PUBLIC COST FOR PUBLIC FACILITIES AND SERVICES AND WILL NOT BE UNREASONABLY DETRIMENTAL TO THE ECONOMIC WELFARE OF THE COMMUNITY.

Based upon the evidence, testimony and information on record in this matter, the Commission finds that no additional requirements at public cost for public services will be required by the proposed project. No evidence of economic detriment was offered for the record, in fact, evidence presented was that the proposal will be an increase to the economic benefit of the community, with addition of up to five (5) new jobs and increased fertilizer availability to area farming operations.

g. WILL NOT INVOLVE USES, ACTIVITIES, PROCESSES, MATERIALS, EQUIPMENT OR CONDITIONS OF OPERATION THAT WILL BE DETRIMENTAL TO ANY PERSONS, PROPERTY OR THE GENERAL WELFARE BY REASON OF EXCESSIVE PRODUCTION OF TRAFFIC, NOISE, SMOKE, FUMES, GLARE, POLLUTION OR ODORS.

By reason of the very nature of this project, it is necessary that the project be developed and operated in accordance with federal, state, and local regulations that apply to such production. Evidence presented was that this will happen. Applicant has determined that various environmental permits would need to be obtained or updated for the development and construction of the new facility. Applicant believes that it will have to obtain an Air Quality Discharge Permit from Idaho Department of Environmental Quality for air emissions' issues and a Waste Water Discharge/Re-Use permit from IDEQ for waste water discharge. This shall be a condition of the permit that Applicant follow through on meeting all federal, state, and local regulations and requirements for development, construction and operation of this type of facility.

The Commission is concerned with the evidence that truck traffic in the area will nearly double with this expansion project. The Commission has determined that in light of this evidence, Applicant must contact Burley Highway District to ensure that traffic routes will be able to handle the increase, and then to work with the District to make certain Highway District needs are addressed and met in development of the project.

The Commission finds, based upon evidence, testimony and information in the record, that there will be no excessive production of traffic, noise, smoke, fumes, glare, pollution or odors, and that through appropriate and reasonable conditions being imposed on the development of this Ammonium Thiosulfate solution plant facility, this standard can be met.

h. WILL NOT BE OR CREATE CONDITIONS THAT ARE UNREASONABLY HARMFUL OR DANGEROUS TO THE INDIVIDUAL SAFETY OR WELFARE OF PERSONS ON THE

PREMISES OF THE USE OR LIVING OR WORKING IN THE VICINITY OF THE USE; OR WILL NOT CREATE CONDITIONS THAT COULD BE UNREASONABLY HARMFUL TO THE GENERAL SAFETY, HEALTH OR WELFARE OF THE COMMUNITY.

The facts and evidence show this to be a well-planned Ammonium Thiosulfate solution production facility. It is recognized that some elements of this production process involves hazardous materials. Applicant recognizes that it must have appropriate and sufficient safeguards in place in an engineered safety plan, which also must be implemented. The Commission finds that, with implementation of reasonable conditions as forth herein, that this standard is met.

i. WILL HAVE VEHICULAR APPROACHES TO THE PROPERTY WHICH ARE SO DESIGNED AS NOT TO CREATE SAFETY HAZARDS OR INTERFERENCE WITH TRAFFIC ON SURROUNDING PUBLIC THOROUGHFARES.

Based upon the record, the Commission determines that the traffic issues associated with the Conditional Use permit will essentially be the same traffic patterns that have traditionally and historically existed. It is anticipated that truck traffic will increase during the busy Spring planting and growing season. Approaches that currently exist will continue in use.

The Commission finds this standard will be adequately met through use of the currently existing approaches, and conditions imposed upon this permit.

j. WILL NOT RESULT IN THE DESTRUCTION OF OR LOSS OR DAMAGE TO ANY NATURAL, SCENIC OR HISTORIC FEATURE OR RESOURCE OF IMPORTANCE TO THE PUBLIC.

Based upon the application, evidence, testimony and information of record in this matter, the Commission finds no evidence that destruction, loss, or damage to any natural, scenic or historic feature or resource of importance to the public will occur. The evidence is that there are no known scenic or historic features in the vicinity of the proposed facility.

CONCLUSIONS OF LAW

The Applicant/Owner, Tessenderlo Kerley, Inc, whose address is 2255 N. 44th St. – Suite 300, Phoenix, AZ 85008, applied for a conditional use permit under Chapter 13, of the Cassia County Code Zoning Regulation. In making that application, Applicants must produce adequate evidence that the standards set forth as "General Standards Applicable to All Conditional Uses" have been met. The Applicants have met or upon implementation of stated conditions will adequately meet all of the standards. It is hereby the conclusion of the Cassia County Planning and Zoning Commission that based upon the foregoing Findings of Fact, and upon meeting all of the stated standards in the ordinance, application 2011-14-CU is approved, with conditions.

DECISION

NOW THEREFORE, be it resolved by the Planning and Zoning Commission of Cassia County, Idaho, that the application of Tessengerlo Kerley, Inc., whose address is 2255 N. 44th St. – Suite 300, Phoenix, AZ 85008, for a Conditional Use Permit pursuant to Chapter 13 of the Cassia County Code Zoning Regulations, be and hereby is approved, to run with the land, based upon the following conditions:

1. Operation of the storage and loading site will be in strict conformance with the application and the evidence presented to the Commission by the Permittee, including self-imposed conditions in the application and presentation, though such may not be indicated otherwise herein.

2. That before commencing operations, the Permittee shall have in its possession all appropriate approvals, licenses, and certifications required by federal and state oversight agencies, and that compliance with all such approvals, licenses or certifications shall be considered terms and conditions of approval of this conditional use permit as though fully set forth herein.

3. That before commencing operations, the Permittee provides true and correct copies of all such licenses, certifications, and applications, as determined necessary under condition #2 hereinabove, to the Cassia County Planning and Zoning Office.

4. That before commencing operations, the Permittee shall provide a copy of its engineered safety plan/fire water protection plan to the Cassia County Planning and Zoning Office.

5. That the Permittee maintain the grounds and any structure, keeping such free of litter, refuse and other debris at all times.

6. That Permittee shall obtain the approval of the County Building Inspector for any structures to be built upon the site of the project.

7. That any area lighting associated with the proposed use shall be directed in a downward direction, and implemented so as to minimize impact of glare on any neighboring property, lot, or roadway.

8. That Permittee shall contact the Burley Highway Department to review truck routes and to ensure the roads can adequately handle trucking volume associated with this project. Permitted shall file the information arising from that review with the Cassia County Planning and Zoning Office. Any conditions arising therefrom shall be considered a condition of this permit as though fully set forth herein.

9. That in the event the Cassia County Planning and Zoning Department believes that the use is terminated, abandoned, ceases operation or fails to commence operation, then the Planning and Zoning Commission reserves all right and authority to review and revisit this permit to assure

compliance, conformance and cooperation in meeting the provisions of county code and conditions applicable to this permit and to therein determine if said permit is expired. Any such action shall be brought before the Planning and Zoning Commission in open and regularly scheduled meeting, and upon written notice, delivered by First Class mail, to the Permittee; the Commission may also consider minor adjustments to the permit to avoid undue hardships that are not the result of the actions of the permittee; and to avoid matters contrary to the public interest.

10. That Permittee shall contact the Cassia County Weed Department and develop a plan to comply with the Cassia County Weed ordinances and regulations, then implement and follow that plan in the development and operation of this use.

11. That Permittee shall allow any authorized County officer or employee to enter upon private property identified with this permit to enforce the provisions of this permit, ensure issues of compliance are suitably met, and to review or seek to remedy any other applicable provisions of state or local law.

NOTICE OF APPEAL RIGHT

Pursuant to provision of Cassia County Code Zoning Regulation, Title 9, Chapter 5, Section 9-5-5 J, any person, whose substantial rights are affected by this decision, is hereby notified that they have a right to file an appeal of this decision to the Board of County Commissioners for Cassia County, Idaho within twenty-eight (28) days after the date of this written decision, by filing with the County Clerk a notice of appeal specifying the grounds therefor and paying the appropriate fee.

Notice to Applicant – Right to Request Regulatory Taking Analysis

Idaho Code Section 67-8003 (2) provides that:

Upon the written request of an owner of real property that is the subject of such action, such request being filed with the clerk or the agency or entity undertaking the regulatory or administrative action not more than twenty-eight (28) days after the final decision concerning the matter at issue, a state agency or local governmental entity shall prepare a written taking analysis concerning the action. Any regulatory taking analysis prepared hereto shall comply with the process set forth in this chapter, including use of the checklist developed by the attorney general pursuant to subsection (1) of this section and shall be provided to the real property owner no longer than forty-two (42) days after the date of

filing the request with the clerk or secretary of the agency whose action is questioned. A regulatory taking analysis prepared pursuant to this section shall be considered public information.

A request for a regulatory taking analysis in this matter, if requested, shall be filed with the Administrative Assistant of the Planning and Zoning Commission, in Courthouse Room # 4, Basement, 1459 Overland Avenue, Burley, Cassia County, Idaho.

DATED this 15 day of March, 2012.

Approved this date by the following vote:

Bruce Beck	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Excused <input type="checkbox"/>
Dennis L. James	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Excused <input type="checkbox"/>
Burke Garner	Aye <input type="checkbox"/>	Nay <input type="checkbox"/>	Excused <input checked="" type="checkbox"/>
Daryl Whitehead	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Excused <input type="checkbox"/>
Nolan Peterson	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Excused <input type="checkbox"/>
Robert Brice	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Excused <input type="checkbox"/>
Kent Durfee	Aye <input checked="" type="checkbox"/>	Nay <input type="checkbox"/>	Excused <input type="checkbox"/>

PLANNING AND ZONING COMMISSION



Bruce Beck, Chairman

ATTEST:



Timbri M. Hurst
Administrative Assistant to Planning and Zoning



Burley Plant Conditional Use Permit
Producing Sextagon-K54



Presentation Agenda

Background History of Facility

- Past Permits and Zoning
- Safety and Environmental Reputation
- Current Storage and Production

Project Changes to Facility

- New Product Production on Site
- Modifications to Property
- Environmental and Area Considerations

Future Next Steps

- Timeline for Project Completion

Burley Site History

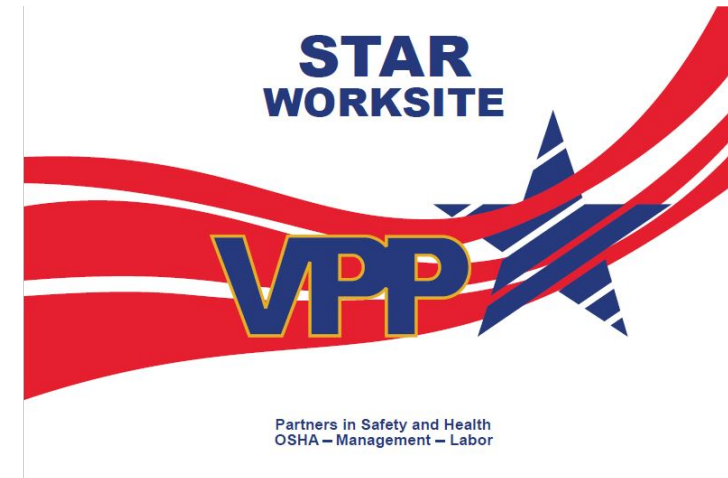
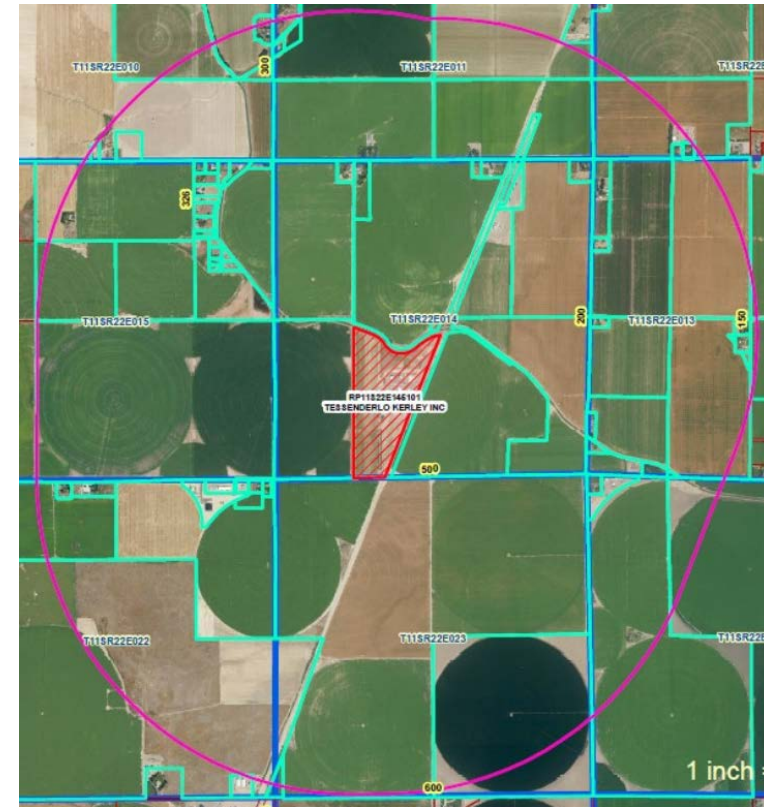
Reputation for Safety and Responsibility

Property Information

- 480 South 250 West, Burley, ID 83318
- Currently operating under a special use permit.
- Surrounded by agricultural land – property is maintained for pleasant appearance visually and audibly

Safety

- OSHA Voluntary Protection Program (VPP) Star Certification.
 - Highest level of certification, awarded for outstanding safety performance.



Current Facility

Production

- Site only produces a Metam Sodium Product: Sectagon-42

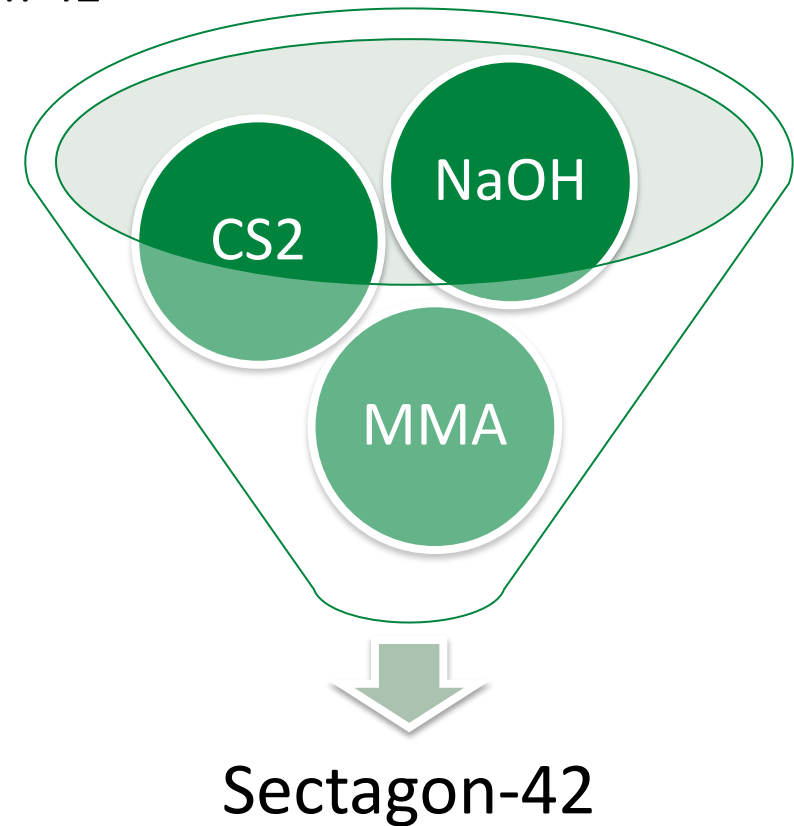
Site Inventory Currently

Raw Materials Stored

- Monomethylamine – MMA
- Carbon Disulfide –CS2
- Sodium Hydroxide – NaOH

Products Stored and Sold

- Metam Potassium Product: Sectagon-K54
- Metam Sodium Product: Sectagon-42



Project: Produce Metam Potassium



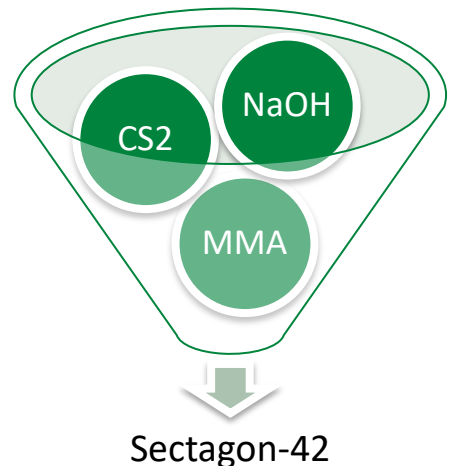
Goal

- Modify production to make Metam Potassium: Sectagon-K54
 - Continue to make Metam Sodium: Sectagon-42
 - Site will only make on product at a time

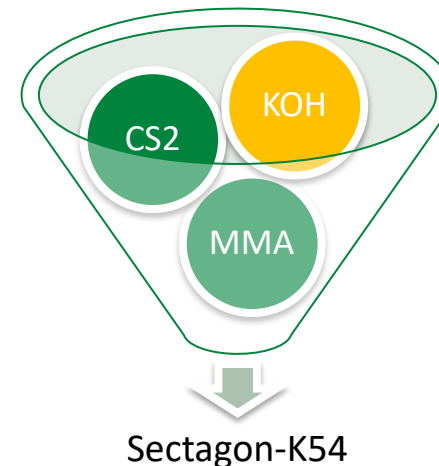
Changes to Process

- Store and use Potassium Hydroxide (KOH) to make Metam Potassium
 - Adding KOH storage tank and additional Metam Potassium storage tank

Current Production Process

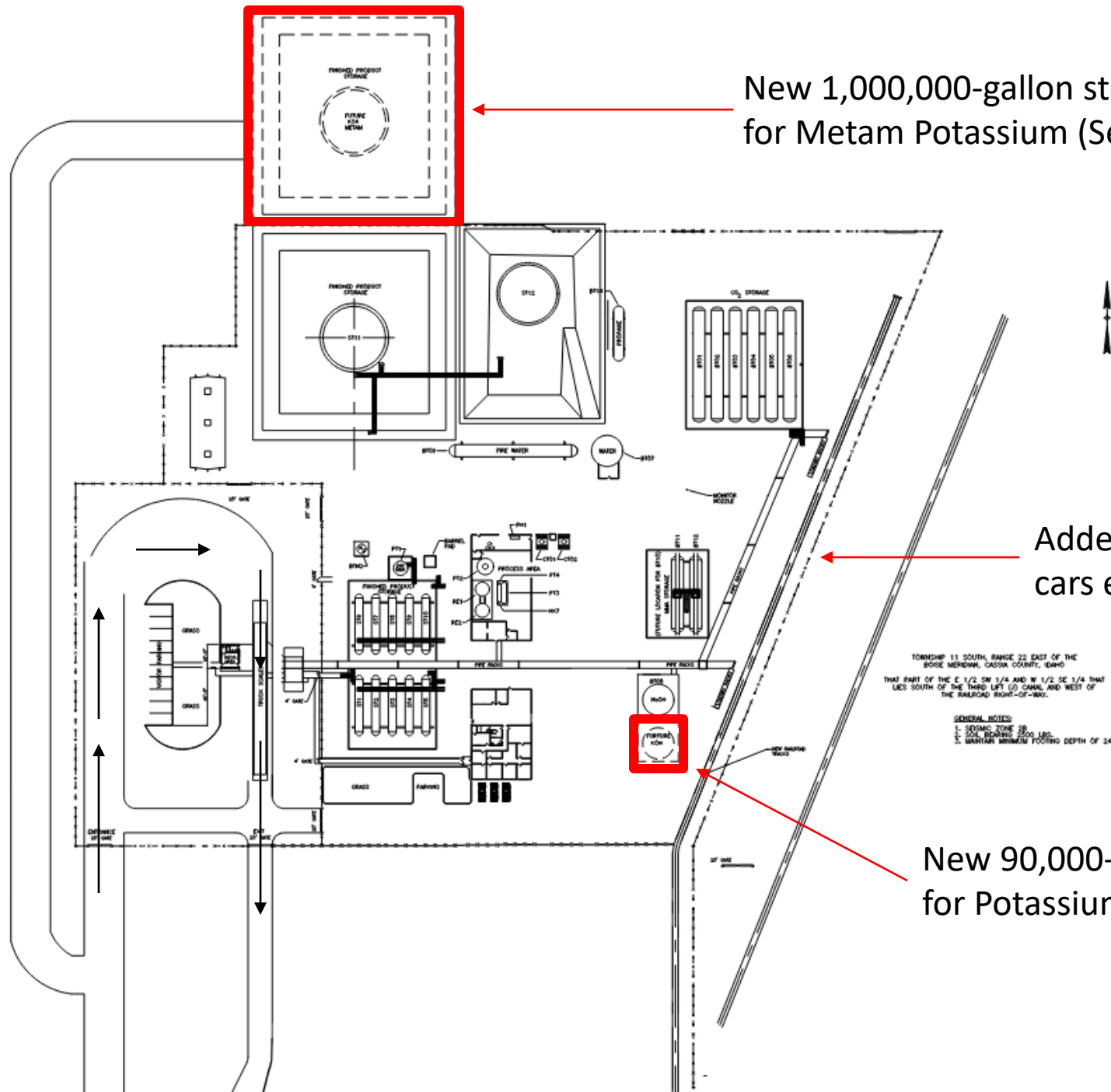


Future Production Process





Facility Modifications Plot Plan



New 1,000,000-gallon storage tank
for Metam Potassium (Sectagon-K54)

Added rail switches to make moving
cars easier and reduce rail traffic

New 90,000-gallon storage tank
for Potassium Hydroxide (KOH)

TOWNSHIP 11 SOUTH, RANGE 22 EAST OF THE
BOISE MERIDIAN, CASSIA COUNTY, IDAHO
THAT PART OF THE E 1/2 SW 1/4 AND W 1/2 SE 1/4 THAT
LIES SOUTH OF THE THIRD LIFT (D) CANAL AND WEST OF
THE RAILROAD RIGHT-OF-WAY.

GENERAL NOTES:
1. SOILS ZONE 2B
2. SOIL BEARING 2500 LBS.
3. MINIMUM MINIMUM FOOTING DEPTH OF 24"

Project Considerations

Environmental

- Environmental impact assessment was done with third party consultants.
- All production process emissions are below permitting thresholds.
- Tessenderlo Kerley, Inc. submitted these findings IDEQ on 5/22/2025.
 - Received acknowledgement from IDEQ on 5/23/2025.

Noise

- No impact to the level of noise from the facility because of the project.

Traffic

- No expected impact to traffic on roadways to site as a result of this change.
- Rail spur addition will allow for less rail car traffic than what is experienced today.

Expected Completion

- Break ground after approval of CUP and Construction Permits.
- Expected to produce new product Q4 2025 or Q1 2026



Questions



Backup

Property Owner in 1 Mile Radius

Parcel	Owner	Address
RP11S22E107900	2B LAND & LIVESTOCK LLC	37 W 400 S BURLEY ID 83318
RP11S22E150410	ALVAREZ, RAMIRO SANTANA	421 S 326 W BURLEY ID 83318
RP11S22E136400	BAKER, HAYLEY	186 W 500 S BURLEY ID 83318
RP11S22E133176	BARTLETT, JANICE E	411 S 200 W BURLEY ID 83318
RP11S22E243176	BEAN, WAYNE R	503 S 200 W BURLEY ID 83318
RP11S22E112401	BECK, SUSAN KAY, FAMILY LIMITED PARTNERSHIP	255 S 300 W BURLEY ID 83318
RP11S22E115400	BECK, SUSAN KAY, FAMILY LMTD PARTNERSHIP	255 S 300 W BURLEY ID 83318
RP11S22E243150	BLACK MAGIC FARMS LLC	503 SOUTH 200 WEST BURLEY ID 83318
RP11S22E150430	BLACKER, WALLACE	913 W 400 S HEYBURN ID 83336
RP11S22E136004	BOWEN LAND HOLDINGS LLC	172 WEST 400 SOUTH BURLEY ID 83318
RP11S22E126449	BOWEN, BRENT L	172 W 400 S BURLEY ID 83318
RP11S22E130001	BOWEN, CLINTON	170 W 400 S BURLEY ID 83318
RP11S22E119400	BOWERS, BART	41 W 532 S BURLEY ID 83318
RP11S22E118401	BOWERS, BART H	41 W 532 S BURLEY ID 83318
RP11S22E154200	BROWN MILNER IV LLC	1 EMBARCADERO CENTER SUITE 3860 SAN FRANCISCO CA 94111
RP11S22E150157	CHESLEY, MICHAEL VERL	319 W 400 S BURLEY ID 83318
RP11S22E136250	COLTRIN, KENT	481 S 200 W BURLEY ID 83318
RP11S22E134850	CROCKER, JAMES	452 S 150 W BURLEY ID 83318
RP11S22E140200	CROP PRODUCTION SERVICES	3005 ROCKY MOUNTAIN AVE LOVELAND

RP11S22E220001	CUMMINS, BRETT	301 W 500 S BURLEY ID 83318
RP11S22E150011	DARRINGTON, BRIAN PAUL	887 EAST 500 SOUTH DECLO ID 83323
RP11S22E140630	ERICKSON, KEITH	235 WEST 400 SOUTH BURLEY ID 83318
RP11S22E237200	FARMLAND RESERVE INC	PO BOX 511196 SALT LAKE CITY UT 84151
RP11S22E150600	HAWKER FAMILY FARMS LLC	361 W 400 S BURLEY ID 83318
RP11S22E150177	HAWKER, ALAN	323 W 400 S BURLEY ID 83318
RP11S22E107100	HAWKER, BRAXTON	354 W 400 S BURLEY ID 83318
RP11S22E133800	HAWKER, JEFFREY R	427 SOUTH 200 WEST BURLEY ID 83318
RP11S22E150100	HAYES, DANIEL P	313 W 400 S BURLEY ID 83318
RP11S22E222450	HIGGS, BRIAN	355 W 500 S BURLEY ID 83318
RP11S22E222575	HIGGS, JAXON B	365 W 500 S BURLEY ID 83318
RP11S22E135575	HOKANSON, JOHN HOKAN	451 S 200 W BURLEY ID 83318
RP11S22E117350	HOLMES FAMILY FARM LLC	358 S 200 W BURLEY ID 83318
RP11S22E229599	HONDO FARMS LLC	951 S 400 W BURLEY ID 83318
RP11S22E150276	HUSTON, TRENA	413 S 326 W BURLEY ID 83318
RP11S22E150251	JOHNSON, OWIN L	411 S 326 W BURLEY ID 83318
RP11S22E134901	KORNBAU, JOSEPH	456 S 150 W BURLEY ID 83318
RP11S22E116000	LARSON, DEREK E	913 W 200 S MURTAUGH ID 83344
RP11S22E150225	MABEY, JAMES J	405 S 326 W POPLAR DR BURLEY ID 83318
RP11S22E140615	MCDONALD, ROBERT WAYNE	233 WEST 400 SOUTH BURLEY ID 83318
RP000090010160	MENDOZA, RICARDO	434 S 305 W BURLEY ID 83318
RP11S22E108800	PELLA CEMETERY MAINTENANCE DISTR	Address Not Provided
RP11S22E115560	RANDALL, NATHAN R	365 S 300 W BURLEY ID 83318
RP11S22E115555	RANDALL, RICHARD GRANT	351 S 300 W BURLEY ID 83318
RP11S22E107300	RANDALL, STEVEN G	360 S 300 W BURLEY ID 83318

Impact Statement: Irrigation District



Impact Statement

From: Burley Irrigation District

To: Tessenderlo Kerley Inc.

Subject: Expansion Project – 1 million Gallon Holding Tank Installation

Burley Irrigation District (BID) has reviewed the proposed expansion project by Tessenderlo Kerley Inc., which includes the installation of a 1-million-gallon holding tank for the product Metam Potassium. Based on the site plans and information provided, BID confirms that the proposed holding tank is located at a sufficient distance from our canal infrastructure and does not interfere with BID's easement or right-of-way.

Furthermore, we acknowledge that the project includes a lined containment barrier with an earthen dam, which provides an additional level of environmental protection and containment security. These design features demonstrate a commitment to responsible development and risk mitigation.

After evaluating the proximity, containment measures, and overall design, BID does not foresee any negative impact to our operations or infrastructure as a result of this expansion. We appreciate being informed of the project and look forward to continued coordination as needed.

Sincerely,

Don Terry

General Manager

Burley Irrigation District

Google Earth Photo of Site



Emails to IDEQ



SM

Shannon Manoulian <SManoulian@trinityconsultants.com>
To: air.permits@deq.idaho.gov
Cc: Noah Cefola; Keya Litt

TKI Burley TAPS Report_v1.2_...
804 KB

Reply

Reply all

Forward

Thu 5/22/2025 7:58 AM

CAUTION: This email originated from outside of our organization. Do not click on links or open attachments unless you recognize the name of the sender and are certain that the content is safe, TG-IT.

Dear DEQ,

On behalf of Tessenderlo Kerley, Inc (TKI), please find attached the Toxic Air Pollutant Exemption Report for the TKI Burley facility.

The TKI Burley facility is a soil fumigant production facility, and produces metam using either NaOH or KOH, monomethylamine, and carbon disulfide.

The facility is exempt from the requirement to obtain a PTC under IDAPA 58.01.01 220, 221.01, and 223.02.a. In accordance with 223.04, the Toxic Air Pollutant Exemption Report is attached.

Please do not hesitate to contact me if you have any questions.

Best,
Shannon

Shannon K. Manoulian, P.E.
Senior Consultant

P 208.472.8837 M 734.624.4555
405 S. 8th St. Suite 331, Boise, ID 83702
Email: smanoulian@trinityconsultants.com

Trinity
Consultants

ZK

Zach Klotovich <Zach.Klotovich@deq.idaho.gov>
To: Shannon Manoulian <SManoulian@trinityconsultants.com>; Air Permits <air.permits@deq.idaho.gov>
Cc: Noah Cefola; Keya Litt

Reply

Reply all

Forward

Fri 5/23/2025 4:53 PM

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Received.

Thank you.

Zach Q. Klotovich, PE | Air Permitting Supervisor
Idaho Department of Environmental Quality
1410 N Hilton Street, Boise, ID 83706
Office: (208) 373-0295
www.deq.idaho.gov

Our mission: To protect human health and the quality of Idaho's air, land, and water.

Emissions Data

Table 1b. Controlled Facility-wide Emission Summary (tons per year)

Source Category	Annual Emissions (tpy)										
	NOx	CO	PM	PM ₁₀	PM _{2.5}	VOC	SO ₂	CS ₂	MMA ^a	KOH	NaOH
Combustion	0.93	0.54	0.05	0.05	0.05	0.07	1.43E-03	-	-	-	-
Fugitives	-	-	-	-	-	-	-	#N/A	#N/A	#N/A	#N/A
Metam Unit Vent	-	-	-	-	-	-	-	0.11	0.01	-	-
Loading Racks	-	-	-	-	-	-	-	-	-	-	-
Cooling Towers	-	-	1.34	1.10	2.44E-02	-	-	-	-	-	-
Site-Wide Totals	0.93	0.54	1.39	1.15	0.07	0.07	1.43E-03	#N/A	#N/A	#N/A	#N/A
Non-Fugitive Totals	0.93	0.54	0.05	0.05	0.05	0.07	0.00	0.11	0.01	0.00	0.00
Major Source Thresholds^b	100	100	100	100	100	100	100	10	---	---	---
Idaho Permitting Thresholds	4	10	2.5	1.5	1.0	4.0	4.0	---	---	---	---

Table 2b. Uncontrolled Facility-wide Emission Summary (tons per year)

Source Category	Annual Emissions (tpy)										
	NOx	CO	PM	PM ₁₀	PM _{2.5}	VOC	SO ₂	CS ₂	MMA ^a	KOH	NaOH
Combustion	0.93	0.54	0.05	0.05	0.05	0.07	1.43E-03	-	-	-	-
Fugitives	-	-	-	-	-	-	-	#N/A	#N/A	#N/A	#N/A
Metam Unit Vent	-	-	-	-	-	-	-	1.11	0.06	-	-
Loading Racks	-	-	-	-	-	-	-	-	-	-	-
Cooling Towers	-	-	1.34	1.10	2.44E-02	-	-	-	-	-	-
Site-Wide Totals	0.93	0.54	1.39	1.15	0.07	0.07	1.43E-03	#N/A	#N/A	#N/A	#N/A
Non-Fugitive Totals	0.93	0.54	0.05	0.05	0.05	0.07	0.00	1.11	0.06	0.00	0.00
Major Source Thresholds^b	100	100	100	100	100	100	100	10	---	---	---
Idaho Permitting Thresholds	4	10	2.5	1.5	1.0	4.0	4.0	---	---	---	---

Additional Items Complete in Application

- Signed Notice of Hearing from TKI
- Notarized Certificate of Mailing of the Notice of Hearing to all property owners within one mile of property.
- Notarized Affidavit of Publication in Magic Valley News.
- Notarized Affidavit of Posting for Notice of Hearing outside the site.

