



PLANNING AND ZONING COMMISSION
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

CU2023-0011 – Padlo

The Canyon County Planning and Zoning Commission considers the following:

- 1) Case No. CU2023-0011: The applicant, Edward Padlo is requesting a Conditional Use Permit for a contractor shop, staging area, and farm implement service for a welding business in the “A” (Agricultural) zone. The welding business is proposed to operate Monday through Saturday from 7 am to 5 pm with metal deliveries 1-2 times per month. The business has two owners and two employees. The subject property is located at 12040 Alamo Lane, also referenced as Parcel R30200011, a portion of the SE quarter of Section 25, T2N, R3W, BM, Canyon County, Idaho.

Summary of the Record

1. The record is comprised of the following:

A. The record includes all testimony, the staff report, exhibits, and documents in Case File CU2023-0011.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Canyon County Code §07-14 (Use Standards), and Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures).
 - a. Notice of the public hearing was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512.
 - b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
 - c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCZO §07-07-01.
 - d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development;(6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school

districts, providing services within the planning jurisdiction. See Idaho Code §67-6512, CCZO §07-07-17, and 07-07-19.

- e. Use Standards – Contractor’s Shop: The use shall be contained within a building or behind a sight obscuring fence. See CCZO §07-14-09.
 - f. Use Standards – Staging Area: (1) All work shall be conducted off site. (2) Business vehicles shall be operable and parked on site, not on a public or private road. (3) Persons not employed on the premises may visit the premises for the purpose of picking up equipment and materials to be used elsewhere, including trucks offloading or transferring equipment and/or materials to other vehicles. (4) Employees may meet on the premises to share rides to and from job sites. (5) Employees' vehicles shall be parked on site and not on a public or private road. See CCZO §07-14-29.
2. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01.
 3. There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm’rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
 4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCZO §07-05-03.
 5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
 6. The County’s hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCZO 07-05-03(1)(I).

The application (CU2023-0011) was presented at a public hearing before the Canyon County Planning and Zoning Commission on November 7, 2024. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission decide as follows:

CONDITIONAL USE PERMIT HEARING CRITERIA – CCZO §07-07-05

1. Is the proposed use permitted in the zone by conditional use permit?

Conclusion: The proposed use is permitted in the zone by conditional use permit, pursuant to County Ordinance 07-10-27.

Findings: (1) The proposed use consists of a contractor shop, staging area, and farm implement service for a welding business in the “A” (Agricultural) zone. See project description analysis contained in Section 07-07-05(2) detailing the nature of the request.

(2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0011.

(3) Evidence includes associated findings and evidence supported within this document.

2. What is the nature of the request?

Conclusion: The nature of the request consists of a contractor shop, staging area, and farm implement service for a welding business in the “A” (Agricultural) zone. The welding business is proposed to operate Monday through Saturday from 7 am to 5 pm with metal deliveries 1-2 times per month. The business has two owners and two employees.

- Findings:** (1) The welding business is proposed to operate Monday through Saturday from 7 am to 5 pm with metal deliveries 1-2 times per month. The business has two owners and two employees (**Exhibit A2, A8**).
- (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0011.
- (3) Evidence includes associated findings and evidence supported within this document.

3. Is the proposed use consistent with the comprehensive plan?

Conclusion: The proposed use is consistent with the 2030 Canyon County Comprehensive Plan.

Findings: (1) The use is consistent with the following goals, policies, and actions:

Goal/Policy/Action	Analysis
G1.01.00 Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.	Allowing this use would not obstruct property rights.
A1.01.00a	Require properties to conform to the zoning code before receiving additional zoning approvals.
The property is conforming to the zoning code.	P1.01.01
No person should be deprived of private property without due process of law.	This application/hearing is the due process.
P1.01.03	Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures on development approvals.
The conditions have been found to be necessary to mitigate potential issues with the proposal and have been reviewed by the applicant.	G2.02.00
Promote housing, business, and service types needed to meet the demand of the future and existing population.	The property owner's business meets a need for commercial and agricultural welding services.
G3.04.00	Increase agricultural-based and supportive businesses.
This is a supportive business to agriculture since it is partly welding for farm equipment.	G3.05.00
Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.	This is a commercial use and is a part of the overall economic stability of Canyon County.
P4.01.02	Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.
There has been no public comment to indicate that the business is not in the community's interest, and allowing the business promotes the property rights of the owner.	

P4.03.03	Recognize that each land use application is unique and that agricultural and non-agricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.	This business is compatible with agricultural uses in the vicinity as conditioned.
G4.05.00	Support a diversity of agricultural uses to sustain the agricultural and agriculturally related economy.	The business is partly in the agriculturally-related economy.
P4.05.01	Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators.	This land-use decision is not anticipated to create hardship for farmers or agricultural operators.
P4.05.02	Consider development on poor soils (Class 4 or higher) that will not interfere with viable agricultural operations in the area.	The parcel contains Class 3, 5, and 8 soils, and the business use is not on the Class 3 part of the property.
P4.05.03	Encourage uses on agricultural parcels to be planned and placed to limit interference with farming operations, which may include clustering of residences and other structures, placement near existing utilities and infrastructure, and placement to minimize conflicts with allowed agricultural uses on the proposed site and adjacent lands.	The location of the business along Rim Road and the Mora Canal somewhat clustered near to other houses, and close to a gravel pit suggests that the business will have minimal impact to agricultural uses.
G5.06.00	Encourage downward-facing lighting to improve public safety.	Downward-facing lighting is proposed as a condition of approval.

(2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0011.

(3) Evidence includes associated findings and evidence supported within this document.

4. Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?

Conclusion: The proposed use will not be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area.

Findings: (1) According to the letter of intent and additional information, (**Exhibit A2, A8**), all work onsite is performed within the shop building and deliveries come only 1-2 times per month. It is a family business consisting of two owners and two employees. A work truck, two trailers, and a scissor lift are parked outside. If there are minor noise, traffic, or other impacts, there are not many residences in the immediate vicinity to experience them.

Adjacent Existing Conditions:

Direction	Existing Use	Primary Zone	Other Zone
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N	Agricultural	A	--
S	Gravel pit/Agricultural	A	--
E	Residential/Agricultural	A	--
W	Residential/Agricultural	A	--
<small>"A" (Agricultural), "R-R" (Rural Residential), "R-1" (Single-Family Residential), "C-1" (Neighborhood Commercial), "C-2" (Service Commercial), "M-1" (Light Industrial), "CR" (Conditional Rezone)</small>			

Surrounding Land Use Cases:

There have been no land use cases within 1 mile of the subject property in the last 5 years. The last land use case was a conditional use permit approved in 2005 for a building permit for a single-family residence on a 10.28-acre parcel approximately a quarter mile east of the subject property.

Character of the Area:

The area is primarily open space consisting of agriculture, a gravel pit, and some houses and accessory/agricultural structures on large lots. The Mora Canal and Brooks Lateral run adjacent to the subject parcel through some elevation changes.

- (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 7, 2024 and October 4, 2024. Newspaper notice was published on October 4, 2024. Property owners within 600’ were notified by mail on October 4, 2024. The property was posted on October 8, 2024.
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0011.
- (4) Evidence includes associated findings and evidence supported within this document.

5. Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?

Conclusion: The project will have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems to accommodate the proposed use based on the analysis contained herein.

Findings: (1) Water:

The use does not require water.

Sewer:

There is not a bathroom in the shop, although in a pre-application meeting with Southwest District Health, the applicant indicated that one may be installed in the future (**Exhibit A6**). There is a restroom in the house which workers can use while on the property. Southwest District Health did not cite any concerns with this.

Irrigation:

The use does not require irrigation.

Drainage:

The use does not require or affect drainage on the property.

Stormwater drainage facilities:

The shop being used for the use is existing. The use is not anticipated to affect stormwater drainage on the property.

Utility Systems:

The property already has power. It is anticipated that the property owner will be able to work with Idaho Power and other utility providers to gain any additional utilities needed.

- (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 7, 2024 and October 4, 2024. Newspaper notice was published on October 4, 2024. Property owners within 600' were notified by mail on October 4, 2024. The property was posted on October 8, 2024.
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0011.
- (4) Evidence includes associated findings and evidence supported within this document.

6. Does legal access to the subject property for the development exist or will it exist at the time of development?

Conclusion: The subject property does have legal access for the development.

- Findings:**
- (1) The property is accessed via Alamo Lane, a private road, which comes off of Rim Road, a public road. The portion of Alamo Lane west of Rim Road is within a 28' easement and has a recorded road users' maintenance agreement (Inst. No. 2020-028717).
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 7, 2024 and October 4, 2024. Newspaper notice was published on October 4, 2024. Property owners within 600' were notified by mail on October 4, 2024. The property was posted on October 8, 2024.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0011.
 - (4) Evidence includes associated findings and evidence supported within this document.

7. Will there be undue interference with existing or future traffic patterns?

Conclusion: There will not be undue interference with the existing or future traffic patterns.

- Findings:**
- (1) The business has a two (2) owners who live on site and two (2) employees. Work is done on and off site. Metal is delivered 1-2 times per month. Overall, traffic patterns are not expected to change significantly as a result of the business.
 - (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 7, 2024 and October 4, 2024. Newspaper notice was published on October 4, 2024. Property owners within 600' were notified by mail on October 4, 2024. The property was posted on October 8, 2024.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0011.
 - (4) Evidence includes associated findings and evidence supported within this document.

8. Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?

Conclusion: Essential services will be provided to accommodate the use including, but not limited to school facilities, police and fire protection, emergency medical services, irrigation facilities. The services will not be negatively impacted by such use, or require additional public funding in order to meet the needs created by the requested use.

Findings: (1) School Facilities:

Not applicable. Nampa School District was notified of the application and did not comment.

Police and Fire protection:

Police and fire protection are provided to the property. Canyon County Sheriff, Upper Deer Flat Fire Protection District, and the State Fire Marshal were notified of the application and did not respond. The applicant provided a letter from Upper Deer Flat Fire Protection District along with the Agency Acknowledgement signature (Exhibit A6). The district is in support of the application subject to two conditions, which are included as conditions 3a and 3b. The use is not anticipated to be significant enough to cause a negative impact or require additional public funding.

Emergency Medical Services:

Emergency Medical Services are provided to the property. Canyon County Paramedics/EMT and the Emergency Management Coordinator were notified of the application and did not comment. The use is not anticipated to be significant enough to cause a negative impact or require additional public funding.

Irrigation Facilities:

The use does not require irrigation. Boise-Kuna Irrigation District and Boise Project Board of Control were notified of the application and did not comment. The Mora Canal and Brooks Lateral border the property but given that the shop is in the middle of the parcel and not near the irrigation facilities and that Alamo Lane is separated from the Mora Canal and its ditch road, no impacts are anticipated to the facilities.

- (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on August 7, 2024 and October 4, 2024. Newspaper notice was published on October 4, 2024. Property owners within 600’ were notified by mail on October 4, 2024. The property was posted on October 8, 2024.
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0011.
- (4) Evidence includes associated findings and evidence supported within this document.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2023-0011, a conditional use permit for a contractor shop, staging area, and farm implement service for a welding business in the “A” (Agricultural) zone subject to the following conditions as enumerated:

Conditions of Approval

- 1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
- 2. A change of occupancy from residential accessory to commercial occupancy, fire district permit and approval for Certificate of Occupancy, and a new address is required for the shop building use for the business. All appropriate building permits shall be obtained prior to the commencement of use.
- 3. The applicant shall comply with applicable Upper Deer Flat Fire District requirements. The applicant shall obtain a fire district permit to be provided at the time of building permit submittal.
 - a. ABC chemical fire extinguishers must be appropriately placed as required by Upper Deer Flat Fire Protection District.
 - b. Premise addressing must be displayed with 6 inch numerals as required by Upper Deer Flat Fire Protection District.

4. The applicant shall comply with applicable Nampa Highway District access requirements. The applicant shall obtain a permit to be provided at the time of building permit submittal.
5. All exterior lighting, if installed, shall be downward facing and directed away from surrounding properties. Compliance shall be demonstrated in the building plans submitted as part of the building permit submittal. Review and approval by DSD shall be completed before building permit issuance.
6. The applicant shall not impede, disrupt, or otherwise disturb the existing irrigation structures on and adjacent to the subject property without written approval from the irrigation district with jurisdiction.
7. Signage shall meet CCZO §07-10-13 requirements, and shall not exceed 32 sq. feet and 10 ft in height unless an additional sign permit is applied for and approved by the Director. If it exceeds 6 ft in height, a building permit is required.
8. The hours of operation shall be 7 a.m. to 5 p.m. Monday through Saturday, as proposed in the applicant's land use worksheet (Exhibit A5).
9. The proposed development shall be in general conformance with the applicant's site plan and Letter of Intent (Exhibit A2).
10. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (Canyon County Code of Ordinances Chapter 2 Article 1: Public Nuisances).
11. Employees' vehicles shall be parked on site and not on a public or private road. Business vehicles shall be operable and parked on site, not on a public or private road.
12. This conditional use permit must follow land use time limitation as stated in CCZO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date.
 - a. Commencement shall be the date a zoning compliance is issued for a change of occupancy for the shop building used for the business.
13. The Commission authorizes the addition of future employee restrooms should the need arise.

DATED this 7 day of November, 2024.



**PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO**

Robert Sturgill
Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 7 day of November, in the year 2024, before me Amber Lewter, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.

Notary: Amber Lewter

My Commission Expires: 10/20/2029