



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

In the matter of the application of:

CU2024-0001 – Gutierrez

The Canyon County Planning and Zoning Commission considers the following:

- 1) Case No. CU2024-0001: The property owner, Jose M. Gutierrez of Progressive Lawn Care requests a conditional use permit to allow a staging area on Parcel R22070010. The 2.73-acre property is located at 23911 Stone Lane, Middleton, ID 83607; also referenced as a portion of the Fruitdale Farm Plat in Block 19, Section 03, T4N, 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 CU2024-0001.

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 CCCO §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* CCCO §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, CCCO §07-07-17, and 07-07-19.
 - e. 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 CCCO §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. CCCO §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. CCCO §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. CCCO 07-05-03(1)(I).

The application (CU2024-0001) was presented at a public hearing before the Canyon County Planning and Zoning Commission on January 16, 2025. 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 – CCCO §07-07-05

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

Conclusion: Yes, the proposed use, a staging area, is permitted in the "A" (Agricultural) zone by conditional use permit, pursuant to Canyon County's Code of Ordinances (CCCO) §07-10-27.

- Findings:**
- (1) The subject property, Parcel R22070010, containing approximately 2.73 acres is zoned "A" (Agricultural) (**Staff Report Exhibit B1**).
 - (2) The proposed use consists of staging area for a landscaping business in the "A" (Agricultural) zone. See project description analysis contained in Section 07-07-05(2) detailing the nature of the request.
 - (3) Staging Area is defined as "An area where equipment and/or materials are stored for use conducted entirely off site." (CCCO §07-02-03)
 - (4) CCCO §07-10-27 Land Use Regulations (Matrix) provides for Staging Area by conditional use permit in the agricultural zone.
 - (5) A conditional use permit was submitted on December 27, 2023, with additional information submitted in October and November of 2024 (**Staff Report Exhibits A1-A13**).
 - (6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0001.
 - (7) 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 using the subject property to store trees, plants, shrubs, tools, and miscellaneous supplies and tools for landscaping projects associated with the applicant's business (Progressive Lawn Care LLC) (**Staff Report Exhibits A3 and A4**). There may be materials from job sites stored on the property for periods of time (such as asphalt, concrete, and tree stumps) but are quickly disposed (**Staff Report Exhibits A10 and C1**). The hours of operation proposed are 7:00 a.m. to 7:00 p.m. Monday through Saturday per their Land Use Worksheet (**Staff Report Exhibit A2**). The representative stated employees usually meet on site at 8:00 a.m. and finish up and return the business vehicles between 6:00-6:30 p.m. each night. Further, the representative stated the hours are seasonal during the winter months, as the businesses' hours are minimal or sporadic (**Staff Report Exhibit A12**). There are approximately seven (7) employees (**Staff Report Exhibit A2**). The applicant further states that the business only uses the property for storage purposes and no customers or clients visit the property (**Staff Report Exhibits A3 and A4**). Additionally, the applicant uses the entrance directly in front of their house for the staging area, not the driveway found next to the property (**Staff Report Exhibit A11**). The outbuildings and sheds on the property are used to store tools on the property (**Staff Report Exhibit A10**) and some of these structures are unpermitted (**Staff Report Exhibit D9**).

- Findings:**
- (1) The subject property, Parcel R22070010, containing approximately 2.73 acres is zoned "A" (Agricultural) (**Staff Report Exhibit B1**).
 - (2) Per CCCO §07-10-27 - Land Use Matrix, the applicant may operate a staging area with an approved CUP in the agricultural zone.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0001.
 - (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: Yes. The Planning and Zoning Commission finds that the proposed use and conditional use application for a staging area is consistent with the 2030 Canyon County Comprehensive Plan (the Plan).

- Findings:**
- (1) The 2030 Canyon County Comprehensive Plan designates the future use of the parcel as "Rural Residential" (**Staff Report Exhibit B1**).
 - (2) The proposed use is consistent with multiple goals and policies of the 2030 Canyon County Comprehensive Plan including but not limited to:
 - i. Property Rights Policies and Goals: *Goal No. 1: "Protect the integrity of individual property rights while safeguarding public health, safety, and welfare." Policy No. 1: "No person shall be deprived of private property without due process of law." Policy No. 3: "Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures in development approvals." Goal No. 2: "Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition and preserve it for future generations without becoming a public nuisance."*
 - ii. Population Component Policy and Goal: *Policy No. 1: "Plan for anticipated population and households that the community can support with adequate services and amenities." Goal No. 2: "Promote housing, business, and service types needed to meet the demand of the future and existing population."*
 - iii. Economic Development Goal and Policy: *Goal No. 1: "Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations." Policy No. 2: "Supportive suitable sites for economic growth and expansion compatible with the surrounding area."*

iv. *Land Use Policy and Goals: Policy No. 2: "Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses. Goal No. 3: "Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning." Goal No. 4: "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."*

- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0001.
- (4) 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: No, 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 as conditions of approval #1-20 will mitigate the negative effects to the residential character of the area.

- Findings:**
- (1) The property is currently zoned "A" (Agricultural) (**Staff Report Exhibit B1**) and the average lot size within a 1-mile radius is 2.02 acres (**Staff Report Exhibit B2.6**). The general character of the area is mainly agricultural residential parcels (meaning they are zoned agricultural but have residential uses) and residential (mainly parcels are rezoned or conditionally rezoned RR or R-1). There are parcels in agricultural production mainly to the north, but agricultural production is dispersed throughout the area. (**Staff Report Exhibits B2.4 and B2.12**).
 - (2) There are forty-five (45) subdivisions located within 1-mile of the subject property and six (6) subdivisions in platting. There are 680 lots within platted subdivisions and 94 lots in subdivisions that are in platting. The immediate vicinity is trending towards residential as evidenced by the residential zoning in the area and platted subdivisions (**Staff Report Exhibit B2.6**).
 - (3) The staging area will not significantly increase the sound levels in the immediate vicinity. Per the applicant and their representative, no clients come to the property, the property is only used as storage area for the landscaping company's equipment and materials, and the employees generally take two (2) trips to the property per day. Additionally, as conditioned, the hours of operation are limited to 7 a.m. to 7 p.m. Monday through Saturday, as proposed in the applicant's land use worksheet. See Condition #14 (**Staff Report Exhibit A2**).
 - (4) The staging area will not significantly increase the dust levels in the immediate vicinity, as both the entrance and the area where equipment and materials are stored per staff's site visit appear to be graveled (**Staff Report Exhibit C2**). As conditioned, 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 (CCCO Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) requirements. See Condition #12.
 - (5) There is no lighting proposed for the staging area and there does not appear to be outside lighting that will significantly increase lighting in the immediate vicinity (**Staff Report Exhibits A1-A13 and C2**). As conditioned, 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. See Condition #5

- (6) The property is located within the “A” Flood Zone (Floodplain without Base Flood Elevation (BFE)). There has been no evidence of compliance with Canyon County’s Floodplain requirements (**Staff Report Exhibits B1, D1, and D7**). As conditioned, within thirty (30) days of approval of this application, (a) floodplain development permit(s) is required to be submitted to Canyon County’s Development Services Department per Chapter 7, Article 10A of the Canyon County Code of Ordinances. (An) approved floodplain development permit for the project shall be in receipt of the property owner within 6 months of approval of this application. See Condition #17.
- (7) The staging area will not significantly increase traffic in the area. See Criteria #7 and Findings #1-#5 for conclusions on traffic and conditions of approval to mitigate the potential impact to the character of the area and potential conflicts with the neighboring properties.
- (8) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on October 2, 2024 and December 17, 2024. Newspaper notice was published on December 17, 2024. Property owners within 600’ were notified by mail on December 13, 2024. The property was posted on December 17, 2024.
- (9) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0001.
- (10) 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: Yes, 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) The property appears to have adequate water via an individual well to serve the proposed use. There are no additional wells proposed to serve the proposed staging area (**Staff Report Exhibit A2**).
 - (2) There are no proposed septic tanks for this project. There is currently an individual septic tank serving the residence on site which Southwest District Health finds adequate for the staging area and does not foresee increasing wastewater flows to significant degree to require an additional septic tank. They stated a porta-potty may be used temporarily, but is not required at this time. Southwest Health District Health further states there are no concerns about the use for a staging area as the existing septic system is not encroaching upon the parking area. As conditioned, the applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property and the Commission authorizes the addition of future employee restrooms should the need arise. See proposed condition #4 (**Staff Report Exhibits A2, D3, and D3.1**).
 - (3) Parcel R22070010 is under the jurisdiction of Black Canyon Irrigation District (BCID). BCID states in their comment letter dated October 21, 2024 “...according to the District’s records, the parcel receives irrigation water from the District and that the turnout is located along the C.E.10.2-6.2 lateral.” BCID requests that prior to concurrence of the conditional use permit the applicant turn in a New Project Application Form for the conditional use permit for the development of a staging area on the applicant’s company. Additionally, the BCID states that “...mapping indicates that the Hartley Gulch Drain is located adjacent to the western property boundary and has a historical 100-foot easement (50-feet from the centerline) as shown on the applicant’s site plan. The applicant will need to prepare a provide to the District a legal description and exhibit for the easement along the Hartley Gulch Drain. All documents must be stamped and signed by a land surveyor licensed in the State of Idaho... [and] will be attached to the District[‘s] standard easement language and recorded with Canyon County.” Furthermore, the “...District recommends that the applicant fence the property along the

easement to prevent any encroachments as the staging area is developed.” Black Canyon Irrigation District also stated in their comment letter “Any and all maintenance road rights-of-way, lateral rights-of-way, and drainage rights-of-way will need to be protected (including the restriction of all encroachments). Also, any crossing agreement(s) and/or piping agreement(s) will need to be acquired from the Bureau of Reclamation (Bureau), once approved by the District, to cross over or under any existing lateral, pipe any lateral, or encroach, in any way, the rights-of way of the District or the Bureau.” As conditioned, the applicant shall comply with all Black Canyon Irrigation District requirements as outlined in Staff Report Exhibit D5, including fencing the property along the canal easement to prevent any encroachments as the staging area is developed within six (6) months of approval of this application. If the fencing along the canal easement is prohibited by floodplain development standards, it shall not be required to be constructed See proposed condition #7 (See **Staff Report Exhibit D5** to review Black Canyon Irrigation District’s full comment letter). The Bureau of Reclamation did not comment on this request.

- (4) It appears the use does not require or affect drainage or stormwater drainage on the property (**Staff Report Exhibit A2**).
- (5) Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziplly were notified of the application on October 2, 2024 and December 17, 2024. No agency comments were provided by those services at the time the staff report was written. It is anticipated that the applicant will be able to work with utility providers to gain any additional utilities needed.
- (6) Canyon County’s Building Department sent a comment letter in on November 8, 2024 and recommended the following conditions of approval: (1) The two (2) existing unpermitted structures shall be permitted prior to the use being established onsite if approved; (2) Any fencing over 7’ tall shall require a building permit; (3) A building permit for a sign may be required upon review by DSD, or if the sign is over six (6’) in height and permanently affixed to the ground. Upon site improvements taking place or use of any structures, Canyon County’s Building Division shall review if a building permit is required prior to commencement of work and/or use. (see **Staff Report Exhibit D9** to review the Canyon County Building Department’s full comment letter). As conditioned, the applicant shall obtain all necessary building permits for unpermitted structures (such as those identified in **Exhibit D9**) within 3 months of approval of this application and any future structures/improvements. Evidence shall be an approval document from the Canyon County Building Department and Middleton Rural Fire Protection District. See condition #9.
- (7) During a site visit on November 1, 2024, an occupied RV was identified on the property without a temporary use permit. The representative stated that a friend was staying in the RV temporarily and would be moving out the week of November 5, 2024 (**Staff Report Exhibit A12**). As conditioned, the staging area shall be maintained in compliance with CCCO Chapter 2 Article 1: Public Nuisances, including, but not limited to obtaining a temporary use permit for an occupied RV at time of commencement of the conditional use permit.
- (8) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on October 2, 2024 and December 17, 2024. Newspaper notice was published on December 17, 2024. Property owners within 600’ were notified by mail on December 13, 2024. The property was posted on December 17, 2024.
- (9) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0001.
- (10) 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: Yes, the subject property does have legal access via Stone Lane for the development per Highway District No. 4 (**Staff Report Exhibit D8**).

- Findings:**
- (1) The parcel has approximately 316 feet of frontage on Stone Lane at the east boundary. Stone Lane is classified as a local road on the functional classification maps adopted by Canyon County and Highway District No. 4. Right-of-Way was dedicated as a part of the Fruitdale Farms Plat in total width of 50' (25' half width). The ultimate ROW width for a local public road is 60' (30' half width). Parcel R2073000 located immediately opposite the subject property on Stone Lane dedicated an additional 5' of ROW as part of a past administrative land division (**Staff Report Exhibit D8**).
 - (2) Highway District No. 4 states that "...the subject property is currently served by a circular gravel driveway onto Stone Lane approximately 450-ft south of Willis Road. The existing approach can be utilized for the proposed commercial activity subject to the following conditions: Improve the approach to meet ACCHD SD-106 to include a paved apron on at least one leg of the circular driveway. If only one (1) leg is paved, this should be the only approach used by the commercial traffic. This serves to protect the existing edge of the mainline pavement on Stone Lane from damage by trucks or equipment. An access permit from HD4 documenting the commercial use is required." (**Staff Report Exhibit D8**). As conditioned, the applicant shall comply with applicable Highway District No. 4 requirements, including paying any applicable impact fees. The applicant shall obtain an access permit within three (3) months of approval of this application as evidenced by the applicant providing Development Services with an approved highway district document indicating the completion of improvements prior to commencement of staging area activities. See condition #3.
 - (3) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on October 2, 2024 and December 17, 2024. Newspaper notice was published on December 17, 2024. Property owners within 600' were notified by mail on December 13, 2024. The property was posted on December 17, 2024.
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0001.
 - (5) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: No, there will not be undue interference with the existing or future traffic patterns (**Staff Report Exhibits D8 and D8.1**).

- Findings:**
- (1) The business has seven (7) employees. Work is done off site and employees take approximately two (2) trips to the property per day (**Staff Report Exhibits A1-A13**). Overall, traffic patterns are not expected to change significantly as a result of the landscaping business.
 - (2) At the time of issuance of an access permit, actual impact fees will be determined with accurate information (**Staff Report Exhibits D8 and D8.1**). As conditioned, the applicant shall comply with applicable Highway District No. 4 requirements, including paying any applicable impact fees. See proposed condition of approval #3.
 - (3) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on October 2, 2024 and December 17, 2024. Newspaper notice was published on December 17, 2024. Property owners within 600' were notified by mail on December 13, 2024. The property was posted on December 17, 2024.

- (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0001.
- (5) 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: Yes, 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, and/or require additional public funding in order to meet the needs created by the requested use.

- Findings:**
- (1) Parcel R22070010 is serviced by Middleton School District #4, it's not anticipated that any impacts or accommodations will be needed for the staging area. Agency comments were sent out on October 2, 2024 and December 17, 2024 and no comments were received by the school district.
 - (2) Parcel R22070010 is under the jurisdiction of Middleton Rural Fire District. Middleton Rural Fire District is required to provide services to the parcel. As conditioned, the applicant shall comply with all Fire District requirements per State adopted IFC and as evidenced by review and approval documentation from the applicable fire district prior to issuance of a certificate of occupancy for unpermitted structures. Agency notice was sent on October 2, 2024 and December 17, 2024, and no comments were received by the fire district.
 - (3) Emergency Medical Services are provided to the property. Canyon County Paramedics/EMT and Canyon County's Emergency Management Coordinator were notified of the application on October 2, 2024 and December 17, 2024. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding.
 - (4) Canyon County's Emergency Management Coordinator asked if the outbuildings on the property are used for the storage of tools as the Coordinator was concerned about the buildings being in the floodplain and meeting floodplain requirements on October 2, 2024. Staff informed her on October 31, 2024 that IDWR Floodplain's Coordinator and Canyon County's Engineering Supervisor were both notified about the project and comments were received by both agencies, which addressed the Emergency Management Coordinator's concerns (**Staff Report Exhibit D6**)
 - (5) Parcel R22070010 is under Black Canyon Irrigation District's (BCID) jurisdiction. See Criteria #5 and Finding #3 and **Staff Report Exhibit D5** for information related to BCID's comments on this conditional use permit.
 - (6) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on October 2, 2024 and December 17, 2024. Newspaper notice was published on December 17, 2024. Property owners within 600' were notified by mail on December 13, 2024. The property was posted on December 17, 2024.
 - (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0001.
 - (8) Evidence includes associated findings and evidence supported within this document.

Canyon County Code §09-09-17 (Area of City Impact Agreement) – MIDDLETON AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Middleton Area of City Impact. The city designates the area as “Residential.”

- Findings:**
- (1) Pursuant to Canyon County Code Section §09-09-17 (1)A of the Middleton Area of City Impact Agreement, a notice was provided to the City of Middleton on October 2, 2024 and December 17, 2024. No comments were received by the City of Middleton.
 - (2) The City of Middleton is located approximately 1.6 miles to the east. The City of Middleton’s Comprehensive Plan designates the future land use of the parcel as “Residential.” (**Staff Exhibit B2.10**).
 - (3) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on October 2, 2024 and December 17, 2024. Newspaper notice was published on December 17, 2024. Property owners within 600’ were notified by mail on December 13, 2024. The property was posted on December 17, 2024.
 - (4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0001.

USE STANDARDS – STAGING AREA CCCO 07-14-29(1)

1. All work shall be conducted off site.

Conclusion: Yes. The Commission finds that the use will be conducted off site.

- Findings:**
- (1) Per the applicant’s land use worksheet, letter of intent, and operations plan, all work will be conducted off site and no customers/clients will come to the site in association with the business (**Staff Report Exhibits A2-A4**).
 - (2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on October 2, 2024 and December 17, 2024. Newspaper notice was published on December 17, 2024. Property owners within 600’ were notified by mail on December 13, 2024. The property was posted on December 17, 2024.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-00001.
 - (4) Evidence includes associated findings and evidence supported within this document.

2. Business vehicles shall be operable and parked on site, not on a public or private road.

Conclusion: The Commission finds that all business vehicles shall be operable and parked on site, not on a public or private road.

- Findings:**
- (1) Per the applicant’s site plan and condition of approval #15, business parking will be parked on site and behind an existing fence on the property. No parking will take place on a public or private road (**Staff Report Exhibits A5**). Based on Planning Staff’s site visit on November 1, 2024, there does not appear to be any inoperable business vehicles on the property (**Staff Report Exhibit C2**).
 - (2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on October 2, 2024 and December 17, 2024. Newspaper notice was published on December 17, 2024. Property owners within 600’ were notified by mail on December 13, 2024. The property was posted on December 17, 2024.

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0001.

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

3. Persons not employed on the premises may visit the premises for the purpose of picking up equipment trucks offloading or transferring equipment and/or materials to other vehicles.

Conclusion: The Commission finds that the business as proposed does not operate as open to the public and persons not employed on the premises may visit the premises for the purpose of picking up equipment trucks, offloading, or transferring equipment and/or materials to other vehicles.

- Findings:**
- (1) Per the applicant's land use worksheet, letter of intent, and operations plan, there will be approximately seven (7) employees total that will visit the premises to pick up equipment and materials to be used elsewhere, including trees, shrubs, and miscellaneous supplies and tools for landscaping projects (**Staff Report Exhibits A2-A4**).
 - (2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on October 2, 2024 and December 17, 2024. Newspaper notice was published on December 17, 2024. Property owners within 600' were notified by mail on December 13, 2024. The property was posted on December 17, 2024.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0001.
 - (4) Evidence includes associated findings and evidence supported within this document

4. Employees may meet on the premises to share rides to and from job sites.

Conclusion: The Commission finds that employees may meet on the premises to share rides to and from job sites.

- Findings:**
- (1) Per the applicant's operations plan, the business currently has approximately seven (7) employees that park their cars at the property to then head to job sites in support of the landscaping business (**Staff Report Exhibit A2 and A4**).
 - (2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on October 2, 2024 and December 17, 2024. Newspaper notice was published on December 17, 2024. Property owners within 600' were notified by mail on December 13, 2024. The property was posted on December 17, 2024.
 - (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0001.
 - (4) Evidence includes associated findings and evidence supported within this document

5. Employees' vehicles shall be parked on site and not on a public or private road.

Conclusion: The Commission finds that, as conditioned, employee vehicles will be parked on site and not on a public or private road.

- Findings:**
- (1) Per the applicant's site plan and condition of approval #15, employee parking will be parked on site and behind an existing fence on the property. No parking will take place on a public or private road (**Staff Report Exhibit A5**).

- (2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on October 2, 2024 and December 17, 2024. Newspaper notice was published on December 17, 2024. Property owners within 600' were notified by mail on December 13, 2024. The property was posted on December 17, 2024.
- (3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0001.
- (4) Evidence includes associated findings and evidence supported within this document

Order

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. Comply with all Fire District requirements per State adopted IFC and as evidenced by review and approval documentation from the applicable fire district prior to issuance of a certificate of occupancy for unpermitted structures.
3. The applicant shall comply with applicable Highway District No. 4 requirements, including paying any applicable impact fees. The applicant shall obtain an access permit within 3 months of approval of this application as evidenced by the applicant providing Development Services with an approved highway district document indicating the completion of improvements (**Staff Report Exhibit D8**).
4. The applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property.
 - a. The Commission authorizes the addition of future employee restrooms should the need arise.
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. The applicant shall comply with all Black Canyon Irrigation District requirements as outlined in **Staff Report Exhibit D5**, including fencing the property along the canal easement to prevent any encroachments as the staging area is developed within six (6) months of approval of this application. If the fencing along the canal easement is prohibited by floodplain development standards, it shall not be required to be constructed (**Staff Report Exhibit D5**).
8. A site-obscuring fence shall be constructed on the southern, northern, and eastern boundary as to obscure the business operations and storage of tools, equipment, etc. The placement of the fencing shall take into consideration any easements that may be in place and be constructed within 6 months of approval of the application unless prohibited by floodplain development standards.
9. The applicant shall obtain all necessary building permits for unpermitted structures (such as those identified in **Exhibit D9**) within 3 months of approval of this application and any future structures/improvements. Evidence shall be an approval document from the Canyon County Building Department and Middleton Rural Fire Protection District.
10. Signage shall meet CCCO §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.
11. The staging area shall be maintained in compliance with CCCO Chapter 2 Article 1: Public Nuisances, including, but not limited to obtaining a temporary use permit for an occupied RV within one (1) month of approval of the conditional use permit.
12. 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) and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) requirements.
13. The proposed development shall be in general conformance with the applicant's site plan and letter of intent (**Staff Report Exhibits A3 and A5**).
14. The hours of operation shall be 7 a.m. to 7 p.m. Monday through Saturday, as proposed in the applicant's land use worksheet (**Staff Report Exhibit A2**).

15. Employees' and business vehicles shall be parked on site and not on a public or private road.
16. Any materials removed from a job site may only be stored on the property for five (5) business days.
17. Within thirty (30) days of approval of this application, (a) floodplain development permit(s) is required to be submitted to Canyon County's Development Services Department per Chapter 7, Article 10A of the Canyon County Code of Ordinances. (An) approved floodplain development permit for the project shall be in receipt of the property owner within 6 months of approval of this application.
18. This conditional use permit must follow land use time limitation as stated in CCCO 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.
 - b. Commencement shall be the date a building permit is issued for the unpermitted structures on the property as referenced in **Staff Report Exhibit D9**. This shall be completed within 90 days of approval of the conditional use permit.
19. No motor vehicles licensed in excess of (1) ton gross vehicle weight shall be stored or parked on the subject property in support of the business operations.
20. The shared driveway found south of Parcel R22070010 shall not be used for business operations associated with this application.

DATED this 6 day of February, 2025.

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

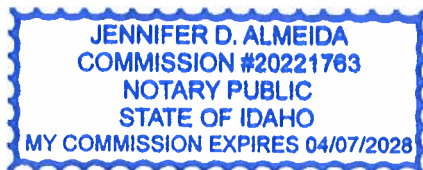

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 6th day of February, in the year 2025, before me Jennifer D. Almeida, 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: Jennifer D. Almeida
My Commission Expires: 4/7/28