



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

In the matter of the application of:

CU2023-0020 – Martin

The Canyon County Planning and Zoning Commission considers the following:

- 1) Case No. CU2023-0020: The property owner, Joshua Martin and Charmolita Martin of All Rail Construction, LLC requests a conditional use permit to allow a staging area and contractor shop. The subject property is 30.5-acres (more or less) and located at 24574 Farmway Road, Caldwell, ID 83607; also referenced as a Parcel R38153, located in the NW quarter of Section 33, T5N, 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 CU2023-0020.

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. Two written public comments were received by the established materials deadline opposed to the request.

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'

F. Use Standards – Contractor Shop: (1) The use shall be contained within a building or behind a sight obscuring fence. See CCCO §07-14-09

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.

The application (CU2023-0020) 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 Commission finds that 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.

Finding:

- (1) The subject property, Parcel R38153, containing approximately 30.5-acres (more or less) is zoned “A” (Agricultural) (**Staff Report - Exhibit B1**).

- (2) The proposed use consists of a specialty construction company, All Rails Construction, LLC, 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) Contractor Shop is defined as “A building where a contractor conducts his business, including offices and parking of equipment and employee parking.” (CCCO §07-02-03)
- (5) CCCO §07-10-27 Land Use Regulations (Matrix) provides for Staging Area and Contractor Shop by conditional use permit in the agricultural zone.
- (6) A conditional use permit was submitted on September 15, 2023, with additional information submitted in August of 2024 (**Staff Report - Exhibits A1-A8**).
- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0020.
- (8) Evidence includes associated findings and evidence supported within this document.

2. What is the nature of the request?

Conclusion: The subject request is to operate a staging area to support the operation of a construction company. The subject business, as indicated by the applicant, is a specialty highway construction contractor that works on improvements to state and local government infrastructure projects. The applicant has indicated that the site was identified due to it having an electrical transmission corridor and being positioned between interstate 84 and a collector road (**Staff Report - Exhibit A.2**). The subject property is located along Farmway Road, a major collector road (**Staff Report - Exhibit B2.6**). The applicant has indicated that there is an existing manufactured home on the property that is being used as an office building, providing services to employees. See Comment from the Canyon County Building Department (**Staff Report - Exhibit D.6**) related to necessary building code compliance. The applicant indicates that operations will include 10 to 20 employees. Employees will be expected to load material for a project and will typically be assigned to work offsite from Monday through Friday. Hours of operation are proposed to be 8am – 5pm, Monday - Friday. The subject business operation is not open to the public at this location (**Staff Report - Exhibit A1 & A.2**). Signage associated with the subject operation are proposed to be located on the approach roads to direct delivery of raw materials. The signage is shown to be 3’ by 4’ and to be fence mounted (**Staff Report - Exhibit A1 & A.2**). All signage associated with the proposed use shall require an approved sign permit prior to installation (condition no.7). Based on application and supporting materials submitted, the project site will include the following: 5’-6’ fencing along Farmway Road, building with septic and well, two storage buildings, a storage shed, vehicle parking of up to 10-20 spaces, jersey barrier storage; guard rail storage; and truck parking (**Staff Report - Exhibit A1 & A.2**).

Finding:

- (1) The subject property, Parcel R38153, containing approximately 30.5-acres (more or less) is zoned “A” (Agricultural) (**Staff Report - Exhibit B1**).
- (2) Per CCCO §07-10-27 - Land Use Matrix, the applicant may operate a staging area and contractor shop 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. CU2023-0020.
- (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.

Finding:

- (1) The subject property has an Agricultural Designation on the 2030 Comprehensive Plan Land Use Map (**Staff Report - Exhibit B2.3**) and is zoned agricultural. The proposed use is conditionally permitted in the Agricultural zoning district. The property is not located within an established area of city impact (**Staff Report - Exhibit B.1**).
- (2) The request aligns with the following goals and policies of the 2030 Comprehensive Plan:
 - I. Property Rights Policies and Goals: *Goal No. 1.1: “Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.” Action No. 1.1.00a: “Require properties to conform to the zoning code before receiving additional zoning approvals”. Action No. 1.1.00b: Canyon County will take appropriate measures to enforce all nuisance ordinances to protect the quality of life and private property rights”. Policy No. 1.1.1: “No person shall be deprived of private property without due process of law.” Policy No. 1.3: “Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures in development approvals.” Goal No. 1.2: “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: *Goal No. 2.1 “Incorporate population growth trends & projections when making land-use decisions”. Policy No. 2.1.1: “Plan for anticipated population and households that the community can support with adequate services and amenities.” Goal No. 2.2: “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. 3.1: *“Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.”* Policy No. 3.1.1: *“Direct business development to locations that can provide necessary services and infrastructure”*. Policy No. 2: *“Supportive suitable sites for economic growth and expansion compatible with the surrounding area.”* Goal No. 3.5: *“Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability”*.
- IV. Land Use Policy and Goals: Goal No. 4.1: *“Support livability and high quality of life as the community changes over time”*. Policy No. 4.1.2: *“Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.* Goal No. 4.2: *“Ensure that growth maintains and enhances the unique character throughout the County”*. Policy No. 4.2.1: *“Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.* Goal No. 4.3: *“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.”* Policy No. 3.2: *“Encourage the development of individual parcels and subdivisions that do not fragment existing land use patterns”*. Policy No. 3.3: *“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”*. Goal No. 4.4: *“Concentrate future higher density residential growth in appropriate areas in and around existing communities while preserving and enhancing the County’s agricultural and rural character”*. Policy No. 4.5: *“Encourage buffering and/or transitional uses between residential and more impactful uses to promote the health and well-being of existing and future residents”*. Goal No. 4.5: *“Support a diversity of agricultural uses to sustain the agricultural and agriculturally related economy”*. Policy 4.5.1 *“Promote future development and land-use decisions that do not create hardship for farmers and agricultural operators”*. Goal No. 4.6: *“Development design should improve the area’s character and be compatible with the community’s visual appearance and the natural environment”*.
- V. Natural Resources and Hazards: Goal No.5.1: *“Protect, enhance, and steward natural resources”*. Policy No. 5.1.3: *“Encourage the protection of groundwater and surface water quality and quantity in land use through drought-tolerant design and community systems”*. Policy No. 5.1.3a: *“Coordinate with water supply providers to ensure policies align for successful water management”*. Goal No. 5.6: *“Encourage downward-facing lighting to improve public safety”*. Policy No. 5.6.1: *“Lighting design should reduce the negative impact of light pollution, including sky glow, glare, impacts on public health and safety, disruption of ecosystems and hazards to wildlife”*.

VI. Public Services, Facilities, & Utilities: Goal No. 7.1: “*Endeavor to continue providing reliable public services, public safety facilities, & public utilities that support existing developed areas and future growth*”. Policy No. 7.1.3: “*New developments should not increase stormwater runoff from the site*”.

VII. Agriculture: Goal No. 12.4: “*Minimize conflicts between agricultural uses and operations and adjacent non-agricultural uses*”. Policy 12.4.1: “*Encourage new development adjacent to agricultural areas to be designed to minimize conflicts with adjacent agricultural uses*”.

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0020.

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

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

Conclusion: No. The Commission finds that as conditioned, 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

Finding:

(1) The surrounding land uses as reviewed within a one-mile radius indicate that land uses in the area are trending towards residential, though there are still agricultural operations occurring to the south and west. As conditioned it is not anticipated that the proposal will be injurious to other property within the immediate vicinity, nor will it change the essential character of the area.

(2) Adjacent Existing Conditions

Direction	Existing Use	Primary Zone	Other Zone
N	Residential	AG - Agricultural	
S	Residential & Agricultural	AG - Agricultural	
E	Residential	R1 Single Family Residential	RR - Rural Residential
W	Residential, Agricultural, & Commercial	AG - Agricultural	

“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)

(3) Surrounding Land Use Cases (Land Use Cases within a 1-mile radius & within the past 5 years): Within a 1-mile radius of the property there have been ten (10) land use cases that have been approved with six (6) of these being subdivisions, three (3) being rezone applications, and one (1) being a conditional use permit

modification. (**Exhibit B.2.6 7 & B.2.7**). Of the land use cases listed below and detailed within the Land Use Case summary 9 of the 10 are located east of Interstate 84 and located within the City of Middleton Area of Impact.

- SD2019-0043 Purple Sage Estates No. 4 – Approved
- RZ2019-0037 County Club Water Association (RR to R2) – Approved
- SD2019-0008 – Trison Estates Sub – Approved
- SD2020-0026 Purple Sage Estates No.5 – Approved
- SD2020-0038 Desert Pine Est No. 2 – Approved
- SD2021-0017 Burris Ranch Estates – Approved
- RZ2021-0029 Burris Ranch (RR & C1 to CR-R1) – Approved
- RZ2022-0003 Franks (RR to CR-R1) – Approved
- SD2022-0003 Hidden Legends Estates – Approved
- CU2023-0035 Olsen (CU2002-42 Modification – Approved

(4) Character of the Area:

The area is characterized by a mix of uses ranging from residential to agricultural, agricultural structures on large lots, and some limited commercial operations to the south and west. The subject parcel is not within an area of city impact. The City of Middleton area of impact is located east of the subject property, separated from the site by interstate 84. The City of Caldwell area of impact is located south of the site approximately 1.55 miles south off the site when measured along Farmway Road. The subject property is zoned Agricultural “A” (**Staff Report - Exhibit B2.5 & B1**) and has a designation of Agricultural on the 2030 Future Land Use Map. Within a one-mile radius of the property there are thirty-three (33) platted subdivisions, two (2) mobile home parks, and six (6) subdivisions in platting (**Staff Report - Exhibit B2.10**). The average lot size within platted subdivisions is 1.14 acres. See also Exhibit B2.6 Lot Classification Map for visual representation of the Functional Classification designations and an illustration of lot sizes in the within a one-mile radius of the site. The soils on the subject property range from “prime farmland if irrigated” and “farmland of statewide importance if irrigated”, with soil capability being moderately suited, soil class 3 and 4 respectively (**Staff Report - Exhibit B2.12,13&14**). The Conway Gulch Lateral runs adjacent to the subject parcel through some elevation changes along the west and northern property lines and is managed by the Black Canyon Irrigation District. (**Staff Report - Exhibit D.5**) As shown in Exhibit B2.15, the Dairy, Feedlot, and Gravel Pit Map, there is one feedlot within a one-mile radius from the site, located to the northwest of the subject property. There is a similar use that existing located across Farmway road at the southeast corner of the property, being a palette manufacturing operation established through CU2005-155 (**Staff Report - Exhibit B5**).

(5) Potential Impacts:

As proposed, the staging area and contactor shop are not anticipated to significantly increase the sound levels in the immediate vicinity. Per the letter of intent, the nature of the work is remote around the states of Idaho and Oregon. The business anticipates an average of two deliver/ships coming in and out of the property, though it is assumed that this is per day, as it was not specified in the applicant’s letter of intent. The applicant indicates that the normal course of operations includes 10 to 20 employees who will load material for a project and will typically be assigned work offsite from Monday through Friday, with assignments being offsite. The proposed operation is not open to the public. As conditioned, the hours

of operation are limited to 8 a.m. to 5:00 p.m. Monday through Friday (as proposed in the land use worksheet), and the proposed development shall be in general conformance with the applicant's site plan (meaning it cannot expand outside of the area shown without amending the conditional use permit). See conditions #8 & 9. (**Staff Report - Exhibits A2 and A3**). That applicant has indicated in their letter of intent that a site obscuring fence has been installed (**Staff Report - Exhibit A2 & A3**), however, upon completion of a site visit conducted by staff on January 3, 2025, the slats do not extend the full length of the fencing (**Staff Report - Exhibit C**). Canyon County Comprehensive Plan 2024 Goal No. 4.6 outlines that, "Development design should improve the area's character and be compatible with the community's visual appearance and the natural environment". In order to improve compatibility with adjacent residential properties to the north, west, and south, and to improve the visual aesthetic of the frontage of the property staff recommended, and the Commission concurred, that a condition be added to enhance the screening of the subject property. See condition #15. The contractor shop and staging area may increase the dust levels in the immediate vicinity as the access to the area designated for the contractor shop and staging area the to the property is a dirt access (**Staff Report - Exhibit A4 & C1**). The area has not been proposed to be graveled per the letter of intent (**Staff Report - Exhibit A3**). 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. To mitigate the potential for dust, tracking mud and debris off-site, and erosion and sediment control concerns, staff recommends that the applicant install a dustless surface along all travel ways and employee parking areas, as shown on their site plan, within six-months (6-months) of approval of the CUP. See condition No. 14. The Commission recommended that the approach to the site be paved in order to reduce the tracking of debris and mud to and from the site unless otherwise waived by the highway district. See section 07-07-05(06 & 07) for findings and conditions. The applicant did not indicate that they plan to install lighting for the associated use, and lighting was not observed during the site visit conducted on January 3, 2025. 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. See findings within CCCO §07-07-05(7) for traffic impacts.

- (6) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on August 13, 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. CU2023-0020.
- (8) 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 Commission finds that the project will have adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems to accommodate the proposed use.

Finding:

- (1) Water: The applicant's proposal indicates that an individual well will be provided by individual domestic well (**Staff Report - Exhibit A2**). See condition No. 1.
- (2) The applicant has proposed that on-site sewer/sanitation will be provided by individual septic (**Staff Report - Exhibit A2**). Southwest District Health provided an agency response on August 14, 2024, indicating that a nutrient pathogen study is not required. In relation to the adequacy of sanitary systems to accommodate the use, Southwest District Health indicated that septic systems have not been proposed for this project (**Staff Report - Exhibit D.1**). Whereas the applicant has indicated in the land use worksheet (**Staff Report - Exhibit A2**) that sewer will be provided via a septic system and their revised letter of intent that essential services to employees, workers and deliver drivers such as restrooms and drinking water, the appropriate approvals shall be obtained prior to commencement of use. Condition 16 has been included to ensure adequate sewer/septic systems are provided to accommodate the proposed use.
- (3) Irrigation: The applicant has indicated that irrigation water is provided via gravity surface irrigation (**Staff Report - Exhibit A2**). The Black Canyon Irrigation District (BCID) has indicated that according to their records the parcel receives irrigation water from the District. See the BCID agency response dated September 11, 2024, for further agency comment related to irrigation water (**Staff Report - Exhibit D.4**). Condition No. 6 has been included related to irrigation water to ensure that adequate irrigation is provided to the property. There is a private driveway that is located along the northwest most property line of the subject property benefiting the residence located at 24584 Farmway Road (R38153010), which may be located within the twenty-five-foot (25') irrigation lateral easement as shown on record of survey 2003-72726. There is also a twenty-eight-foot (28') ingress/egress easement running parallel to the aforementioned lateral easement. Based on the applicant's site plan and measuring using GIS, it appears that the applicant's fencing, parking and some storage may be located within the 28' ingress/egress easement. In order to mitigate potential impacts to the approved ingress/egress easement Condition No. 17 has been included.
- (4) Drainage & Stormwater drainage facilities: the site shall require review and approval of stormwater and drainage plans.
- (5) Utility Systems: The property owner will need to work with Idaho Power and other utility providers to gain any additional private utilities as needed.
- (6) Building Code: See findings contained within criteria 07-14-09(1).

- (7) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on August 13, 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.
- (8) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0020.
- (9) 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 Commission finds that the subject property does have legal access via frontage along Farmway Road frontage, provided condition number 4 has been met.

Finding:

- (1) The subject property does have legal access for the development via frontage along Farmway Road (**Staff Report - Exhibit B2& B6**). However, Pursuant to comment received from Notus Parma Highway District No. 2 the intended use of the site does not have an approved legal access (**Staff Report - Exhibit D7**). The subject west-most portion of the property includes a section of Farmway Road. Condition number 4 has been included to ensure that an approved approach permit is obtained for the intended use. See further comment located in section 07-07-05(7).
- (2) The applicant has indicated that there is an existing twenty-eight-foot (28') ingress/egress easement to the property (Staff Report - Exhibit A3.1). See also Exhibit B6 to the staff report related to the prior land division.
- (3) Agency notice was sent to Notus Parma Highway District on August 13, 2024, and December 17th, 2024. Comment was received on January 6, 2025 and may be found in Exhibit D to the staff report.
- (4) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on August 13, 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.
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0020.
- (6) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: No. The Commission finds that, as conditioned, there will not be undue interference with the existing or future traffic patterns.

Finding:

- (1) Agency notice was sent to Notus Parma Highway District and the Idaho Transportation Department (ITD) on August 13, 2024, and December 17th, 2024. and comments was from the Notus Parma Highway District No.2 (Staff Report - Exhibit D7). The Idaho State Transportation Department commented that they have no objections as long as there is no encroachment of any property into ITD Right of Way (Staff Report - Exhibit D.3).
- (2) The Commission finds that Condition number 4 shall be included to evaluate and mitigate potential undue interference with existing and future traffic patterns.
- (3) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on August 13, 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. CU2023-0020.
- (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. The Commission finds that 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, nor will they require additional public funding in order to meet the needs created by the requested use.

Finding:

- (1) School Facilities: Not applicable. The proposed use is not anticipated to require additional accommodations from the Middleton School District. Middleton School District was notified of the application and did not comment.
- (2) Police and Fire Protection: Police and fire protection are provided to the property. Canyon County Sheriff, Middleton Fire Protection District were notified of the application and did not respond. The applicant has indicated that fire suppression will be provided by domestic well (**Staff Report - Exhibit A2**). Agency notice was sent on August 13, 2024, and December 17th, 2024, and comment has not been received from the Middleton Fire District. All development shall comply with the 2018 International Fire Code and codes set forth by Canyon County. See also comment letter from the Canyon County Building Department (Staff Report - Exhibit D.6) indicating that Fire Department approval shall be required at the time of building permit.

- (3) 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.
- (4) Irrigation Facilities: Conclusions and findings related to irrigation water contained within criteria 07-07-05(5). As conditioned, it is not anticipated that the proposed existing services will be negatively impacted by the proposed use, nor require additional public funding in order to meet the needs of the requested use.
- (5) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on August 13, 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.
- (6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0020.
- (7) Evidence includes associated findings and evidence supported within this document

USE STANDARDS – CONTRACTOR SHOP CCCO 07-14-03(1)

1. The use shall be contained within a building or behind a sight obscuring fence.

Conclusion: The commission finds that the use will be contained within a building and/or behind a sight obscuring fence, assuming compliance with conditions 1-17

Finding:

- (1) Per the applicant's letter of intent (**Staff Report - Exhibit A5**), all work on site is done off-site or within the office building, other than storage of equipment which falls under the staging area portion of the application.
- (2) Building Compliance: Canyon County's Building Department sent a comment letter (Exhibit D.6) on December 31st, 2024 and recommended the following conditions of approval: (1) All proposed and existing structures that will be used, will require a commercial building permit and/or Commercial Change of Occupancy permit. A code analysis to be required to be submitted with plans provided by a licensed architect/engineer. Applicable agency approvals will be required at the time of permit: Middleton Fire Department, Southwest district Health, and Notus-Parma Highway District #2; (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. See Conditions #2, 3 & 4. As conditioned, the applicant shall obtain building permits for unpermitted structures, such as those identified in Staff Report - Exhibit D6, and any future structures/improvements, including fencing. Evidence shall be an approval document from the Canyon County Building Department, Middleton Fire District, Notus Parma Highway District, and Southwest District Health. (**Staff Report - Exhibit D6**).

- (3) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on August 13, 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. CU2023-0020.
- (5) Evidence includes associated findings and evidence supported within this document

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.

Finding:

- (1) Per the letter of intent and site plan (**Staff Report - Exhibit A3.1 & 4**) the proposal indicates that operations will include 10 to 20 employees. Employees will be expected to load material for a project and will typically be assigned to work offsite from Monday through Friday. Hours of operation are proposed to be 8am – 5pm, Monday - Friday. The subject business operation is not open to the public at this location. The site is intended to support the construction operations of All Rail Construction, LLC., a highway construction contractor, on improvements to state and local government infrastructure projects. The site will be utilized to store guardrail, concrete barriers, bridge railing, crash cushions and fencing.
- (2) The work that is done on site is done within the shop building and falls under the contractor shop portion of the application (Table 2). Regarding further analysis of the existing manufactured home, utilized as an office building, see criteria 07-14-09(1).
- (3) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on August 13, 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. CU2023-0020.
- (5) 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.

Finding:

- (1) There are between 10-20 parking spaces according to the land use worksheet (**Staff Report - Exhibit A5**) and plenty of space for more parking if needed. The parking spaces are located along the northmost edge of the property. Per Condition 11, business vehicles shall be operable and parked according to this criterion.
- (2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on August 13, 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. CU2023-0020.

- (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.

Finding:

- (1) The applicant's letter of intent indicates that the proposed business does not operate as open to the public (**Staff Report - Exhibit A3**). The operations of the proposed use may include incidental operations as permitted by this section.
- (2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on August 13, 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. CU2023-0020.

- (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.

Finding:

- (1) Employees may meet on the premises to share rides to and from job sites.
- (2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on August 13, 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. CU2023-0020.

(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.

Finding:

(1) There are between 10-20 parking spaces according to the land use worksheet (**Staff Report - Exhibit A2**) and space for more parking if needed. The parking spaces are located along the northmost edge of the property. Per Condition 11, employees' vehicles shall be parked according to this criterion.

(2) Notice of the public hearing was provided per CCCO §07-05-01. Affected agencies were noticed on August 13, 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. CU2023-0020.

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

Order

In consideration of the application and supporting materials, the Commission finds that, as conditioned, the proposed Conditional Use Permit is **compliant** with Canyon County Ordinance 07-07-05. See Conditions of approval listed below:

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 to commercial occupancy, fire district permits and approval for Certificate of Occupancy for the mobile home building use for the business office may be required. All appropriate building permits shall be obtained within 180 days from the approval of the CUP;
3. The applicant shall obtain a fire district permit to be provided at the time of building permit submittal;
4. Within six (6) months of approval of the CUP, the applicant shall comply with applicable Notus Parma Highway District No.2 access requirements and obtain the necessary approvals for the intended use. Evidence of compliance shall be an approved approach permit from the subject highway district;

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. All necessary permits shall be obtained from Black Canyon Irrigation District shall be obtained prior to the within six (6) months of approval of this CUP;
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 8 a.m. to 5 p.m. Monday through Friday, as proposed in the applicant's land use worksheet and letter of intent (**Staff Report - Exhibit A3.1**);
9. The proposed development shall be in general conformance with the applicant's site plan and letter of intent (**Staff Report - Exhibit A2**);
10. All applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the operations including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances) and Idaho Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) requirements shall be adhered to;
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 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 the time of commencement of the conditional use permit;
14. The applicant shall install a dustless surface along all travel ways and employee parking areas, as shown on the site plan, within six-months (6-months) of approval of the CUP;
15. A site plan detailing screening locations and elevations shall be reviewed and approved by the Development Services Department within 180 days of approval of the subject CUP;
16. The applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property as evidenced by the applicant providing Development Services a letter of review and approval from SWDH prior to the commencement of contractor shop and staging area activities: and

17. Storage of materials shall be located outside of the ingress/egress easement as identified on record of survey No. 2003-72726.

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

