

HEARING EXAMINER
FINDINGS OF FACT, CONCLUSION OF LAW, AND ORDER

In the matter of the application of:

Jose Rogel/J. Rogel Trucking LLC – CU2024-0006

The Canyon County Examiner considers the following:

- 1) A conditional use permit to allow for a staging area and contractor shop. The subject property is located at 15741 Willis Rd, Caldwell, ID 83607; also referenced as Parcel R34550, a portion of the NW quarter of Section 04, T3W, R4N, BM, Canyon County, Idaho. (CU2024-0006).

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 CU2024-0006.

- i. All exhibits are attached to the staff report dated March 3, 2025, and memo dated April 7, 2025.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO§07-05 (Notice, Hearing and Appeal Procedures), CCCO§07-07 (Conditional Use Permits), CCCO§07-02-03 (Definitions), CCCO§07-10-27 (Land Use Regulations (Matrix)), CCCO§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 – Contractor’s Shop: The use shall be contained within a building or behind a sight-obscuring fence. *See* CCCO §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 CCCO §07-14-29.

2. Any hearing examiner appointed by the board shall perform such duties as assigned by the board pursuant to Idaho Code section 67-6520. See CCCO §07-03-07.
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 CU2024-0006 was presented at public hearings before the Canyon County Hearing Examiner on March 3, 2025, and April 7, 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 Hearing Examiner decides as follows:

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

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

Conclusion: The proposed uses are permitted in the "A" (Agricultural) zone by conditional use permit.

Findings: (1) The proposed uses are permitted in the "A" (Agricultural) zone by conditional use permit, pursuant to the Canyon County Code of Ordinance (CCCO §07-10-27).

(2) CCCO §07-02-03 defines a staging area as "An area where equipment and/or materials are stored for use conducted entirely off-site."

(3) CCCO §07-02-03 defines a contractor shop as "May include, but not limited to, a building where a contractor conducts his business, including offices and parking of equipment and employee parking."

(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0006.

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

2. What is the nature of the request?

Conclusion: The request consists of a conditional use permit for a staging area and contractor shop.

Findings: (1) The applicant submitted a conditional use permit for a staging area and contractor shop on February 15, 2024. See **Exhibit A** for the application and submitted materials.

(2) The staging area and contractor shop consist of the following:

- a. Use: The nature of the request consists of using the subject property to store semi-trucks and trailers for the applicant's business, J. Rogel Trucking LLC., with general maintenance of the equipment being conducted onsite. General use of the subject property is parking the equipment when not in use; all loading and unloading is done off-site. (**Exhibit A2**).

- b. Number of Employees: There are twelve (12) employees, consisting of eleven (11) drivers and one (1) office employee (**Exhibit A2**).
 - c. Hours of Operation: The hours of operation proposed are Sunday–Friday 6 am – 10 pm and Saturday 8 am – 5 pm per email correspondence (**Exhibit A2.2**). The applicant stated this is a year-round job with hours that vary.
 - d. Parking: The applicant is requesting fifteen (15) parking spaces to store equipment (**Exhibit A2**) and five (5) parking spaces for employee parking (**Exhibit A2.2**).
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No.CU2024-0006.
 - (4) 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 generally consistent with the Comprehensive Plan.

Findings: (1) As conditioned, the proposed use is consistent with the 2030 Comprehensive Plan. Parcel R34550 is zoned “A” (Agricultural) with a future land use designation of “A” (Agricultural) (**Exhibit B1**). However, the property is approximately 1,000 feet east of the future industrial land use designation. Highlighted below are goals, action plans, and policies in the comprehensive plan that align with the proposed use of parcel R34550, but not limited to:

a. Property Rights Goals and Policies:

- Goal No. 1: “Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.”

Canyon County values the applicants’ and surrounding applicants’ private property rights and may support the applicants’ project and the surrounding applicants’ rights by adding mitigating conditions to the proposed conditional use permit (CCCO §07-07-17). The associated conditions of approval will mitigate impacts on the surrounding properties.

b. Population Component Goals:

- Goal G2.01.00: “Incorporate population growth trends and projections when making land use decisions.”

The subject parcel is located in TAZ (Traffic Analysis Zone) 2030 (Approximately 380-acre area): Canyon Northwest Rural (**Exhibit B2.13**). Based on the TAZ forecasts used by the state and/or local transportation officials and COMPASS for tabulating traffic-related data for future growth and needed transportation funding for improvements, household growth is not anticipated in the area. However, job growth is highly anticipated between 2024 and 2050. This is due to the property being close to planned industrial growth and proximity to I-84.

c. Economic Development Goal and Policy:

- Goal No. 5: “Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.”

Canyon County supports retaining, expanding, and recruiting businesses and economic growth and expansion, but this must be done in a way that is compatible with the surrounding area, which may include adding mitigation conditions to this conditional use permit that address the community’s concerns (noise, traffic, dust, etc.). The associated conditions of approval address the community’s concerns.

d. Land Use Goals:

- Policy No. P4.01.01: “Maintain a balance between residential growth and agriculture that protects the rural character.”
- Policy P4.01.02: “Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.”

Canyon County supports growth and development as long as it is compatible with the surrounding area and appropriate conditions are added to mitigate adverse impacts that affect other land uses and the surrounding community. The associated conditions of approval will mitigate adverse impacts that affect other land uses and the surrounding community.

- (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0006.
- (3) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: 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.

Findings: (1) The surrounding land uses in the area are trending towards residential, though there are still agricultural operations occurring to the east, south, and west. As conditioned, it is not anticipated that the proposed use will be injurious to other property within the immediate vicinity, nor will it change the essential character of the area.

Adjacent Existing Parcels			
Direction	Existing Use	Primary Zone	Other Zone
N	Residential	A	
S	Agricultural	A	
E	Residential & Agricultural	A	R-R
W	Residential & Agricultural	A	
“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)			

- (2) **Surrounding Land Use Cases (Land Use Cases within a 1-mile radius and within the past 5 years):** Within a 1-mile radius of the property, there have been fourteen (14) land use cases that have been approved with eight (8) of these being subdivisions, five (5) being rezone applications, and one (1) being a conditional use permit modification (**Exhibit B2.5**).

There does appear to be at least four (4) unpermitted staging areas within a 1-mile radius of the proposed staging area and contractor shop. The neighboring property to the east, parcel R34550011, has an open code enforcement case (CDEF2025-0011) for an unauthorized staging area.

As conditioned, the proposed use fits within the agricultural zone with an approval of a conditional use permit.

(3) **Character of the Area:**

The area is characterized by a mix of uses ranging from residential to agricultural and some limited commercial operations to the south.

The subject parcel is not within an area of city impact. The City of Middleton's area of impact is located east of the subject property, approximately 2.72 miles when measured along Willis Road.

The subject property is zoned Agricultural “A” (**Exhibit B1**) and has a designation of Agricultural on the 2030 Future Land Use Map. Within a one-mile radius of the property, there are twenty-five (25) platted subdivisions, two (2) mobile home parks, and five (5) subdivisions in platting (**Exhibit B2.5**). The average lot size within platted subdivisions is 1.70 acres. See **Exhibit B2.8 Lot Classification Map** for a visual representation of the Functional Classification designations and an illustration of lot sizes 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 (**Exhibit B2.9**).

As shown in **Exhibit B2.7**, the Dairy, Feedlot, and Gravel Pit Map, there are two (2) feedlots within a 1.5-mile radius from the site, located to the southwest of the subject property. There are four (4) gravel pits within a 1.5-mile radius of the site, located to the northwest, southeast, and southwest of the subject property.

(4) Compatibility:

As conditioned, the proposed use is not anticipated to interfere with or conflict with the surrounding land use. The staging area and contractor 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 in the states of Idaho and Oregon. The applicant indicates that the normal course of operations includes one (1) office employee and eleven (11) drivers, where all loading and unloading of materials will be done off-site. The proposed operation is not open to the public. As conditioned, the hours of operation are limited to Sunday–Friday, 6 am – 10 pm, and Saturday, 8 am – 5 pm (**Exhibit A2.2**), and the proposed development shall be in general conformance with the applicant’s site plan.

To improve compatibility and mitigate impacts on adjacent residential properties to the north, east, and west, a site obscuring fence shall be installed around the property. This fence will also improve the visual aesthetic of the frontage of the property. 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. The approach to the site shall be paved to reduce the tracking of debris and mud to and from the site unless otherwise waived by the highway district. 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. Finally, the two-year limit placed on this approval will ensure impacts are mitigated long-term on the adjacent residential properties.

- (5) The proposed use may have impacts on the transportation system; however, the effects of the impacts are unknown until a traffic impact study is completed as conditioned.
- (6) One (1) public comment was received. See **Exhibit E** and the conditions of approval to mitigate concerns and impacts that may arise with the proposed use.
- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0006
- (8) Evidence includes associated findings and evidence supported within this document.

2. 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) 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 and proposed conditions of approval.

- a. **Water:** 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. **See Exhibit A1.**
- b. **Sewer:** There are no proposed septic tanks for this project. There is currently an individual septic tank servicing the residence on site. As conditioned, the applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property. **See Exhibit A1.**
- c. **Irrigation:** Parcel R34550 is under the jurisdiction of Black Canyon Irrigation District (BCID). BCID states in their comment letter dated October 21, 2024, "According to existing records, the parcel receives irrigation water from the District. The turnout is located along the C.G. 7.3 lateral. BCID requests, "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 **Exhibit D3.**
- d. **Drainage:** The use does not require or affect drainage on the property. **See Exhibit D3.**
- e. **Stormwater drainage facilities:** The use does not require or affect stormwater drainage facilities on the property. **See Exhibit D3.**
- f. **Utility Systems:** Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply were notified of the application on October 11, 2024 and January 27, 2025. 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.
- g. **Building Compliance:** The following conditions of approval, based on the Canyon County Building Department letter dated October 16, 2024, have been included for the project:
 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 is required to be submitted with plans provided by a licensed architect/engineer.
 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.
 4. Upon site improvements taking place or use of any structures, Canyon County's Building Division shall review whether a building permit is required prior to commencement of work and/or use.
- h. **Engineering Compliance:** As recommended by the Canyon County Engineering Department, coordination with the Black Canyon Irrigation District, Notus Parma Highway District #2, and the Idaho Department of Environmental Quality shall be required 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. CU2024-0006.

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

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

Conclusion: The subject property has legal access to Willis Rd, which is a local roadway. The Notus Parma Highway District must approve legal access for the proposed development.

- Findings:**
- (1) The subject property has legal access via frontage along Willis Rd.
 - (2) The Notus Parma Highway District must approve legal access for the proposed development as part of their review of a Traffic Impact Study (TIS). **See Exhibit D4.**
 - (3) The existing right-of-way at the subject parcel and along the centerline of Willis Road appears to be a 50-ft wide prescriptive easement (25-ft each side of the roadway centerline). The functional classification for Willis Rd per NPHD's 2017 Transportation Plan is a Local roadway. **See Exhibit D4.**
 - (4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0006.
 - (5) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: As conditioned, there may not be undue interference with the existing or future traffic patterns.

- Findings:**
- (1) Agency notice was sent to Notus Parma Highway District and the Idaho Transportation Department (ITD) on October 11, 2024, and January 27, 2025. Notus Parma Highway District No.2 commented that a traffic impact study should be conducted as a condition of approval (**Exhibit D4**). The Idaho State Transportation Department commented that they have no comments. (**Exhibit D1**).
 - (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0006.
 - (3) Evidence includes associated findings and evidence supported within this document.

5. 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, and 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) **School Facilities:** Parcel R34550 is serviced by the Middleton School District; it's not anticipated that any impacts or accommodations will be needed for the staging area. Agency comments were sent out on October 11, 2024, and no comments were received by the school district.
 - (2) **Police and Fire Protection:** Parcel R34550 is under the jurisdiction of the 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 and commencement of staging area activities on the site. All development shall comply with the 2018 International Fire Code and codes set

forth by Canyon County. See proposed condition No. 2. Agency notice was sent on October 11, 2024, and no comments were received by the fire district.

- (3) **Emergency Medical Services:** Emergency Medical Services are provided to the property. Canyon County Paramedics/EMT and Canyon County's Emergency Management were notified of the application on October 11, 2024. No comments were received. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding.
- (4) **Irrigation Facilities:** Parcel R34550 is under Black Canyon Irrigation District's (BCID) jurisdiction. See CCCO §07-07-05(5) and **Exhibit D3** for information related to BCID's comments on this conditional use permit.
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0006.
- (6) Evidence includes associated findings and evidence supported within this document.

6. Does the proposed project comply with the specific use standards for a contractor shop per CCCO §07-14-09?

Conclusion: The proposed project complies with the specific use standards for a contractor shop per CCCO §07-14-09.

Findings: (1) **The use shall be contained within a building or behind a sight-obscuring fence.** Per the applicant's letter of intent, general maintenance on the equipment is conducted on the premises with one (1) office employee, all other work is done off-site (**Exhibit A2**). As conditioned, there will be a sight-obscuring fence that all uses shall be contained behind.

7. Does the proposed project comply with the specific use standards for a staging area per CCCO §07-14-29?

Conclusion: The proposed project complies with the specific use standards for a contractor shop per CCCO §07-14-09.

- Findings:** (1) **All work shall be conducted off-site.** Per the applicant's land use worksheet and letter of intent, all work will be conducted off-site, and no customers/clients will come to the site in association with the business (**Exhibits A1 and A2**).
- (2) **Business vehicles shall be operable and parked on site, not on a public or private road.** Per the applicant's site plan, there will be business parking for 15 trucks to be parked on-site and additional parking for five employee vehicles. No parking will take place on a public or private road (**Exhibits A3 and A3.1**). Based on the Planning Staff's site visit on November 25, 2024, there does not appear to be any inoperable business vehicles on the property (**Exhibit C1**).
- (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.** Per the applicant's land use worksheet and letter of intent, there will be approximately eleven (11) employees total who will visit the premises to pick up equipment to be used elsewhere, including semi-trucks and trailers. (**Exhibits A5, A2, and A2.2**).
- (4) **Employees may meet on the premises to share rides to and from job sites.** Per the applicant's letter of intent, this may occur.
- (5) **Employees' vehicles shall be parked on-site and not on a public or private road.** There are five parking spaces for employee vehicles, according to an email from the applicant (**Exhibit A2.2**). There is space for more parking if needed. See **Exhibit A3.1** for the location of the parking spaces. As conditioned, the proposed development shall be in general conformance

with the applicant's site plan and letter of intent (**Exhibits A2, A2.1, A2.2, A3, and A3.1**), and no vehicles shall be parked on the public road.

Order

Based upon the Findings of Fact, Conclusions of Law, and Order contained herein, the Canyon County Hearing Examiner **approves** Case # CU2024-0006, a conditional use permit for a staging area and contractor shop 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 to commercial occupancy, fire district permits, and approval for a Certificate of Occupancy for the business office. All appropriate building permits shall be obtained within 180 days from the approval of the CUP.
3. The applicant shall comply with applicable Notus Parma Highway District No.2 access requirements. The applicant shall obtain a permit to be provided at the time of building permit submittal.
 - a. Within six (6) months of approval of the CUP, the applicant shall coordinate with the Notus Parma Highway District No. 2 and obtain the necessary approvals for the intended use including but not limited to a Traffic Impact Study (TIS). Evidence shall be an approved approach permit from the subject highway district.
4. 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.
5. 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 and shall be obtained prior to the six (6) months of approval of this CUP.
6. Signage shall meet CCCO §07-10-13 requirements, and shall not exceed 32 sq. feet and 10 feet 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.
7. The proposed development shall be in general conformance with the applicant's site plan and letter of intent (**Exhibits A2, A2.1, A2.2, A3, and A3.1**).
 - a. The hours of operation shall be Sunday – Friday, 6 am -10 pm, and Saturday 8 am – 5 pm, as proposed in the applicant's email correspondence (**Exhibit A2.2**).
 - b. 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.
8. 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."
 - a. Commencement shall be the date zoning compliance is issued for a change of occupancy for the shop building used for the business.
9. The applicant shall install a dustless surface along all travel ways and employee parking areas, as shown on the site plan (**Exhibit A3 and A3.1**), within six months (6-months) of approval of the CUP.
10. A sight-obscuring fence shall be installed across the north, east, and west sides of the parcel. Proof shall be submitted to the Development Services Department for review and approval within 180 days of approval of the subject CUP.

11. 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.
12. This approval is limited to a maximum of two (2) years from the date of commencement. A new CUP approval will be required to allow for the proposed operation beyond this date.

DATED this 21st day of April, 2025.

**HEARING EXAMINER
CANYON COUNTY, IDAHO**

Leon Letson

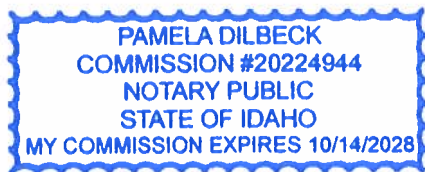
Leon Letson

State of Idaho)

SS

County of Canyon County)

On this 21st day of April, in the year 2025, before me Pamela Dilbeck, a notary public, personally appeared Leon Letson, 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: Pamela Dilbeck

My Commission Expires: 10/14/2028