



PLANNING AND ZONING COMMISSION

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

Piatt – CU2023-0012

The Canyon County Planning and Zoning Commission considers the following:

1) Conditional Use Permit

Case No. CU2023-0012: The applicants, Kenneth & Alisa Piatt are requesting a conditional use permit for a staging area and contractor shop for their excavation business. The proposed use of the property includes storage of equipment, vehicles, and semi-trucks for use on job sites as well as storage and screening of dirt. Occasional work on equipment and vehicles occurs in the shop. The subject property is located at 8820 Hwy 44, Middleton, ID 83644, also referenced as Parcel R22365508, a portion of the NW quarter of Section 10, T4N, R2W, 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 CU2023-0012.

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), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and Canyon County Code §09-09-17 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512.
 - b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
 - c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCZO §07-07-01.
 - d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development; (6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school

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

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

The application (CU2023-0012) was presented at a public hearing before the Canyon County Planning and Zoning Commission on May 1, 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 – CCZO §07-07-05

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

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

Findings: (1) The proposed use consists of a staging area and contractor shop. Pursuant to County Ordinance 07-10-27, both staging areas and contractor shops are permitted in the “A” (Agricultural) zone by conditional use permit. See project description analysis contained in section 07-07-05(2) detailing the nature of the request.

(2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0012.

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

2. What is the nature of the request?

Conclusion: The nature of the request consists of a conditional use permit for a staging area and contractor shop for their excavation business.

- Findings:** (1) The proposed use of the property includes storage of equipment, vehicles, and semi-trucks for use on job sites as well as storage and screening of dirt. The existing shop is used for occasional vehicle/equipment repairs and an employee restroom. Hours of operation are 6:30 a.m. to 8 p.m. as conditioned and 5-10 employees are proposed. There are 3 dump trucks that are parked on the property every night. Typically, 3 employee vehicles are parked on the property during the day. Trucks typically leave in the morning and return at the end of the day, occasionally hauling dirt back to the property during the day. Dirt is sometimes screened to remove rocks. The applicant states that this process is not very noisy. Backup alarms are only heard in the evening when the trucks are parking for the night. (Exhibit A8)
- (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0012.
- (3) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: Yes, the proposed use is consistent with the comprehensive plan.

- Findings:** (1) The property's future land use designation is Residential. South of Highway 44 and in an area about a third of a mile east, the future land use designation is Commercial.
- (2) The proposal is consistent with the following goals, policies, and actions of the comprehensive plan:

P1.01.03	Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures on development approvals.
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The conditions have been found to be necessary to mitigate potential issues with the proposal and have been reviewed by the applicant.

G3.01.00	Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.
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P3.01.01	Direct business development to locations that can provide necessary services and infrastructure.
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G3.05.00	Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.
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This is a commercial use and is a part of the overall economic stability of Canyon County.

P4.01.02	Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.
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A4.01.02a	Enact land use ordinances, policies, and fees, and make decisions, including land-use restrictions and conditions of approval that do not violate private property rights.
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P4.04.01	Support development in locations where services, utilities, and amenities are or can be provided.
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P4.07.01	Plan land uses that are compatible with the surrounding community.
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There has been no public comment to indicate that the business is not in the community's interest, and allowing the business promotes the property rights of the owner. The business is located along a commercial corridor close to the City of Middleton.

G5.06.00	Encourage downward-facing lighting to improve public safety.
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P5.06.01 Lighting design should reduce the negative impacts of light pollution, including sky glow, glare, impacts on public health and safety, disruption of ecosystems, and hazards to wildlife.

Downward-facing lighting is proposed as a condition of approval.

P12.01.02 Encourage non-agricultural related development to the cities, areas of city impact, and other clearly defined and planned development areas.

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0012.

(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: 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 area is primarily in agricultural zoning with commercial zoning along Highway 44 and some residential zoning generally further away from the highway.

Adjacent Existing Conditions:

Direction	Existing Use	Primary Zone	Other Zone
N	Residential	A	RR
S	RV Storage & Landscape Business	C1	A
E	Residential	A	R2, CR-C2, C1
W	Residential	A	C1, R1
"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:

A list and map of surrounding land use cases can be found in Exhibit 2.5. There have been several rezones to residential zones and plats for residential subdivisions. There was also one conditional rezone to Service Commercial, a conditional use permit for expansion of an RV storage facility, and a conditional use permit for a small animal facility.

(3) Character of the Area:

The parcel is located within a residential subdivision with lot sizes around 2.25 acres. It also fronts on Highway 44 which has commercial uses, such as the RV storage and landscaping business to the south which was recently approved to be expanded. Therefore, the area is a mix of residential and commercial uses as well as some agricultural uses, especially to the south. The City of Middleton is about half a mile to the northeast and northwest.

(4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on April 1, 2025. Newspaper notice was published on April 1, 2025. Property owners within 600' were notified by mail on April 1, 2025. The property was posted on April 4, 2025.

(5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0012.

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

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

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

Findings: (1) Water: Water is used to keep dust down when necessary (Exhibit A8). There is an existing private well which serves the dwelling (Exhibit A4).

Sewer: A bathroom in the shop building may be used by employees. Per Southwest District Health, the septic system should be sized appropriately to accommodate that use. If the septic will be used for the business and is not sized appropriately already, it will need to be brought up to the appropriate size as determined by Southwest District Health (Exhibit D3.1; Condition 5).

Irrigation: Irrigation is not necessary for the use.

Drainage and Stormwater drainage facilities: According to the land use worksheet (Exhibit A4), stormwater is retained on site and there is an overflow ditch located near the southern property line along Highway 44.

Utility Systems: Other utility systems are not required for the use but are available.

- (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on April 1, 2025. Newspaper notice was published on April 1, 2025. Property owners within 600' were notified by mail on April 1, 2025. The property was posted on April 4, 2025.
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0012.
- (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The subject property does have legal access for the development and it will exist at the time of the development.

- Findings:** (1) The property is accessed from Ranchero Drive, a private road which stems from Highway 44. The private road is a part of Greenview Acres Subdivision. If approved, the property owner will need to apply for a commercial approach with ITD for the approach of the private road on to Highway 44 (Exhibit D4; Condition 4).
- (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on April 1, 2025. Newspaper notice was published on April 1, 2025. Property owners within 600' were notified by mail on April 1, 2025. The property was posted on April 4, 2025.
 - (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0012.
 - (4) Evidence includes associated findings and evidence supported within this document.

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

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

- Findings:** (1) The applicant has stated that there are generally three employee cars coming to and from the property once per day and three dump trucks leaving the property and returning once per day and occasionally multiple times (Exhibit A8). That is a total of twelve or more trips per day, six in the morning and six in the evening. However, the applicant also proposed 5-10 employees on the land use worksheet (Exhibit A4).

- (2) Highway 44 is a busy road. The applicant has “not had any issues with turning on and off the highway except for having to sit and wait because of the non stop traffic early in the mornings and evenings” (Exhibit A8).
- (3) Idaho Transportation Department indicated that a TIS is not necessary at this time (Exhibit D4).
- (4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on April 1, 2025. Newspaper notice was published on April 1, 2025. Property owners within 600’ were notified by mail on April 1, 2025. The property was posted on April 4, 2025.
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0012.
- (6) Evidence includes associated findings and evidence supported within this document.

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

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

Findings: (1) School Facilities: School facilities are not necessary for the use.

Police and Fire protection: Police and fire services were noticed and did not comment. The type of use is unlikely to require more police or fire services than the existing residential use on average, given that employees will mainly be off-site.

Emergency Medical Services: Emergency medical services were noticed and did not comment. The type of use is unlikely to require more emergency medical services than the existing residential use on average, given that employees will mainly be off-site.

Irrigation Facilities: Irrigation is not necessary for the use.

- (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on April 1, 2025. Newspaper notice was published on April 1, 2025. Property owners within 600’ were notified by mail on April 1, 2025. The property was posted on April 4, 2025.
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0012.
- (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: The property is located within the Middleton Area of City Impact. A notice was sent to the City of Middleton per Canyon County Code Section 09-09-17.

Findings: (1) The City of Middleton was noticed as required by 09-09-17 and did not comment. Per 09-09-11(3), the county may proceed without the recommendation of the city.

- (2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on April 1, 2025. Newspaper notice was published on April 1, 2025. Property owners within 600' were notified by mail on April 1, 2025. The property was posted on April 4, 2025.
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2023-0012.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2023-0012, 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. If the shop is to be used for commercial purposes, a change of occupancy from residential accessory to commercial occupancy, fire district permit and approval for Certificate of Occupancy, and a new address is required for the shop building use for the business. The building permit application shall be submitted within 120 days of approval of this conditional use permit.
3. The applicant shall comply with applicable Star Fire District requirements. The applicant shall obtain a fire district permit to be provided at the time of building permit submittal.
4. The applicant shall comply with applicable Idaho Transportation Department access requirements including applying for a commercial approach (Exhibit D4). An approach permit will be required at the time of building permit submittal or within 120 days of approval of this conditional use permit.
5. If the septic will be used for the business and is not sized appropriately already, it will need to be brought up to the appropriate size as determined by Southwest District Health. Southwest District Health approval will be required at the time of building permit submittal (Exhibit D3.1).
6. 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 or within 120 days of approval of this conditional use permit.
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 6:30 a.m. to 8 p.m. Monday through Saturday.
9. The proposed development shall be in general conformance with the applicant's site plan and Letter of Intent (Exhibits A2, A3, and A8).
10. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (Canyon County Code of Ordinances Chapter 2 Article 1: Public Nuisances).
11. Employees' vehicles shall be parked on site and not on a public or private road. Business vehicles shall be operable and parked on site, not on a public or private road.
12. This conditional use permit must follow land use time limitation as stated in CCZO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date.
 - a. Commencement shall be the date a zoning compliance is issued for a change of occupancy for the shop building used for the business.

13. This conditional use permit shall expire upon any change in ownership of the property.

DATED this 15th day of May, 2025.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

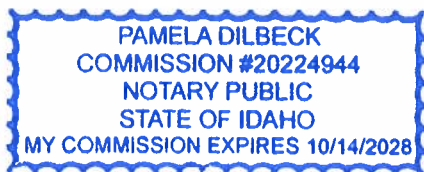

Brian Sheets, Acting Chairman

State of Idaho)

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County of Canyon County)

On this 15th day of May, in the year 2025, before me Pamela Dilbeck, a notary public, personally appeared Brian Sheets, 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