



HEARING EXAMINER
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

Jose Cervantes – CU2024-0020

The Canyon County Examiner considers the following:

- 1) A conditional use permit for a retail/wholesale nursery, staging area, and contractor shop. The subject property (parcels R35479011 and approximately 2 acres of R35477010) is located at 16503 Wagonier Dr, Caldwell, ID 83607, also known as a portion of the southwest quarter of Section 29, T4N, R3W, BM, Canyon County, Idaho. (CU2024-0020).

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 CU2024-0020.

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), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and Canyon County Code 09-03.
 - 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 Hearing Examiner 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 §07-03-07.
 - 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.

- (2) The hearing examiner appointed by the board shall perform such duties as assigned by the board pursuant to Idaho Code section 67-6520. See CCZO §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. 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 CU2024-0020, was presented at a public hearing before the Canyon County Hearing Examiner on July 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 – CCZO §07-07-05

1. Is the proposed use permitted in the zone by 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 nursery (retail/wholesale) as "the selling of products and plants at retail and/or wholesale," a staging area as "an area where equipment and/or materials are stored for use conducted entirely off-site," and a contractor shop as "may include, but not be limited to, a building where a contractor conducts his business, including offices and parking of equipment and employee parking."
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0020.
- (4) 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 nursery (retail/wholesale), a staging area, and a contractor shop.

Findings:

- (1) The conditional use permit application for a complete application was submitted on September 27, 2024 (**Exhibit A**).

- (2) The nature of the request consists of using the subject properties to sell plants, trees, and nursery items such as rock and soil, store equipment for the nursery such as skid steers, trucks and trailers, as well as having an office located inside the residence. (**Exhibit A2.2**).
- (3) There are seven (7) employees. Five (5) employees come on-site in the morning to load their trailers and do work off-site. Two (2) employees will come as needed to load and unload materials to take to the off-site workplaces of the other five (5) employees; the average times per day the two (2) employees will come onsite in a day is two (2). The owners work in the office and assist customers onsite. The owners and their family tend to the nursery (**Exhibit A2.2**).
- (4) Customers are by appointment only (**Exhibit A2.2**).
- (5) The hours of operation proposed are Monday – Friday 7 am – 7 pm, Saturday and Sunday 8 am – 5 pm per the applicant’s letter of intent (**Exhibit A2**).
- (6) The employee parking and the applicant’s equipment are stored on the west side of the property behind the shop.
- (7) There are no restrooms used by employees or customers.
- (8) There is a large greenhouse on the property that customers do not enter. It is used to store already produced plants. The applicant will be required to get an Ag Exempt permit for the greenhouse once the property boundary adjustment is completed.
- (9) The shop on the property is used to store additional materials and equipment. Half of the shop is under construction and there is an active building permit. The other half of the shop is already permitted; this is the half that is currently being used.
- (10) The two acres on parcel R35477010 will be used to grow trees. Customers will not be on this portion of the property. If the conditional use permit gets approved, the two acres of parcel R35477010 will be combined with parcel R35479011.
- (11) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0020.
- (12) Evidence includes associated findings and evidence supported within this document.

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

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

Findings:

- (1) The 2030 Canyon County Comprehensive Plan designates the subject parcel as “Residential” (**Exhibit B1**). However, approximately 0.50 miles west of the subject property, there is a future agricultural land use designation and approximately 1-mile north of the subject property, there is a future industrial land use designation. The future land use is trending towards a mixed use of residential, industrial, and agricultural.
- (2) As condition, the proposed use is aligned but not limited with the following goals and policies of the 2030 Comprehensive Plan:

Property Rights Goals and Policies:

- Goal No. 1.1: “Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.”

Population Component Goals:

- Goal No. 2.1: “Incorporate population growth trends and projections when making land use decisions.”

Economic Development Goals and Policy:

- Goal No. 3.4: “Increase agricultural-based and supportive businesses.”
- Policy No. 3.4.1: “Build Canyon County as the premier location for agricultural-based businesses of all sizes.”
- 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.”

Land Use & Community Design Goals:

- Policy No. 4.1.1: “Maintain a balance between residential growth and agriculture that protects the rural character.”
- Policy No. 4.1.2: “Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.”

(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0020.

(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: As conditioned, the proposed use is not anticipated to 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, as reviewed within a one- and two-mile radius, as well as the current zoning and classification map indicate that land uses in the area are a combination of residential, industrial, and agricultural uses as seen in **Exhibits B2.5, B2.6 and B2.8**. There are agricultural operations adjacent to the subject property to the east and west. A nursery is a permitted use in the Ag zone. The conditional use permit is required due to the nursery being retail/wholesale, which is a small part of the nursery operation. The proposed use will have a minimal impact and 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.

Adjacent Existing Parcels:			
Direction	Existing Use	Primary Zone	Parcel Size (acres)
N	Residential	AG	1.03
S	Residential	AG	1.04
E	Agricultural	AG	5.02
W	Agricultural	AG	8.85
“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:** Within a 1-mile radius of the property, there have been three 3 land use cases that have been approved, with one (1) of these being subdivisions, one (1) being a rezone application, and one (1) being a conditional rezone application. (**Exhibit B2.6**). In approx. 0.50-mile there are two (2) agricultural businesses from the subject property. There is a seed packaging business and an agricultural repair business.

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

- The area is characterized by a mix of uses ranging from residential, industrial and agricultural.
- The subject parcel is in the City of Caldwell's area of impact. The City of Caldwell's future land use designation is "Residential Estates", although, directly north of the subject property the City of Caldwell's future land use designation is "Manufacturing & Production" (**Exhibit B2.12**). City of Caldwell commented stating that, due to the location of this project and the minimal impact, the City of Caldwell has no comments on the project (**Exhibit D4**).
- There is a feedlot and few gravel pits within a 2-mile radius of the subject property (**Exhibit B2.8**). This indicates that the area is not just trending towards residential. There is still intensive agriculture being conducted in the area as well.
- In **Exhibit B2.10**, it indicates the soils are primarily class 3, a moderately-suited soil. There is also soil class 2, best-suited soil. The Farmland Report indicates the subject parcel has a combination of prime farmland if irrigated and farmland of statewide importance, if irrigated.

(4) **Potential Impacts:**

- As proposed, the retail/wholesale nursery, staging area, and contractor shop are not anticipated to significantly increase the sound levels in the immediate vicinity. Per the letter of intent (**Exhibit A2**), the nature of the work is remote, with loading and unloading onsite. The nursery upkeep is primarily done by automatic sprinklers, and when needed, the property owners or family will attend to the upkeep. Customer visits are by appointment only (**Exhibit A2.2**). As conditioned, the hours of operation are limited to Monday – Friday, 7 am – 7 pm, Saturday and Sunday 8 am – 5 pm (**Exhibit A2**), 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). .
- During staff's meeting with the applicant on May 28, 2025, the applicant advised they were planning to build a fence on the west side of the property once the property boundary adjustment is finalized and to plant taller trees along the fence line. The applicant was acceptable to building a sight-obscuring fence (**Exhibit A2.2**). Canyon County Comprehensive Plan 2030 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 west, improve the visual aesthetic, and to obscure the business operations, a sight-obscuring fence shall be installed on the west property line.

- The proposed use may increase the dust levels in the immediate vicinity. The access to the subject property and parking areas are gravel. 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) requirements. To mitigate the potential for dust, the applicant shall submit a dust mitigation plan for staff's review and approval prior to commencement. The approach to the site shall be paved in order to reduce the tracking of debris and mud to and from the site unless otherwise waived by the highway district.
- The applicant has not indicated that they plan to install lighting for the associated use. There was one light observed during a site visit conducted on May 23, 2025. All exterior lighting, if installed, shall be downward facing and directed away from surrounding properties. The current light is meeting these requirements. 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) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0020.

(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:** The retail/wholesale nursery will rely on the existing use of an individual well. There are no additional wells proposed for the staging area and contractor shop. The existing water uses are anticipated to provide adequate water for the proposed use and are ready to be used at the commencement of the operations.
- (2) **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 (**Exhibit D1**).
- (3) **Irrigation:** The applicant has gravity irrigation from the existing ditch on the west side of the property (**Exhibits A3 and C**). It's not anticipated that the irrigation systems will be impacted by the proposed use. As conditioned, the applicant shall not impede, disrupt, or disturb the existing irrigation structure without approval from the irrigation district.
- (4) **Stormwater Drainage:** According to the land use worksheet, the applicant noted that stormwater will be retained onsite (**Exhibit A3**).
- (5) **Utilities:** Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on April 9, 2025, and June 2, 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. .

- (6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0020.
- (7) 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 has legal access for the development and it will exist at the time of the development.

Findings:

- (1) The subject parcel has approximately 80 feet of frontage on Wagontier Drive along the northern boundary. The subject property is served by a gravel driveway approach at the end of the cul-de-sac on Wagontier Drive. Wagontier Drive is classified as a local road.
- (2) According to the comment received from Highway District No. 4, as seen in **Exhibit D5**, the approach is suitable for the proposed use provided that it is improved with a paved apron to meet ACCHD Standard Drawing SD-106. An access permit from HD4 is required for these improvements to the approach and to document the change in use for the property.
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0020.
- (4) Evidence includes associated findings and evidence supported within this document.

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

Conclusion: Undue interference with the existing or future traffic patterns is not anticipated. Any potential impact will be reviewed by the local highway district jurisdiction.

Findings:

- (1) It's anticipated that seven (7) employees will be coming to pick up materials and leave. Of those seven employees, two (2) will be coming on and off-site during the hours of operation. According to the applicant (**Exhibit A2.2**), the average number of times those two employees will come on and off-site is twice daily.
- (2) According to the comment from Highway District No. 4, using the ITE Code 818 for trip generation estimates for the proposed use will generate approximately 4 peak-hour trips. The additional trip generation is not considered due to the uncertainties of the expansion. Highway District No. 4 stated that they do not oppose the proposed use, subject to the proposed conditions.
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0020.
- (4) Evidence includes associated findings and evidence supported within this document.

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

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

Findings:

- (1) **School:** Parcel R35479011 is serviced by the Caldwell School District, it is not anticipated that any impacts or accommodations will be needed for the proposed use. Agency comments were sent out on April 9, 2025 and June 2, 2025. No comments were received by the school district.
- (2) **Fire Protection:** Parcel R35479011 is under the jurisdiction of the Caldwell Rural Fire District. Caldwell 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 activities on the site. All development shall comply with the 2018 International Fire Code and codes set forth by Canyon County. Agency notice was sent on April 4, 2025 and June 2, 2025. The Caldwell Rural Fire District provided comments as seen in **Exhibit D2**. The Caldwell Rural Fire District advised that they can approve the application, subject to compliance with all the following code requirements and conditions of approval. The nearest fire station is CFD Station 1, approximately 2.4 miles away from the subject property, with an estimated response time of 7 minutes. No comment was received from the Canyon County Sheriff's Department.
- (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 April 9, 2025 and June 2, 2025. 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:** The proposed use is not anticipated to impact the irrigation facilities. Agency notice was sent out to Pioneer Irrigation District on April 4, 2025, and June 2, 2025. No comments were received. As conditioned, the applicant shall not impede, disrupt, or disturb the existing irrigation structure without approval from the irrigation district.
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0020.
- (6) Evidence includes associated findings and evidence supported within this document.

9. **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, the office work shall be contained within the residence. General maintenance on the equipment is conducted within the shop. Parking of equipment and employee parking is placed behind the shop, there will be a sight-obscuring fence that all use shall be contained behind. All other work is done off-site..
- (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0020.
- (3) Evidence includes associated findings and evidence supported within this document.

10. 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 staging area per CCCO §07-14-29.

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 with loading and unloading of materials on-site (**Exhibits A2 and A3**).
- (2) **Business vehicles shall be operable and parked on site, not on a public or private road.** Per the applicant's site plan, business parking will be on-site (**Exhibit A4**). As conditioned, no parking will take place on a public or private road. Based on Planning Staff's site visit on May 23, 2025, there does not appear to be any inoperable business vehicles on the property (**Exhibit C**).
- (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 seven (7) employees total who will visit the premises to pick up equipment to be used elsewhere, including trucks and trailers (**Exhibits A2 and A3**).
- (4) **Employees may meet on the premises to share rides to and from job sites.** This is allowed to occur.
- (5) **Employees' vehicles shall be parked on-site and not on a public or private road.** There are ample parking spaces for employee vehicles as seen during the site visit (**Exhibit C**). There is space for more parking if needed. Parking is located on the west boundary of the property located behind the shop. See **Exhibit C** 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 and A4**).
- (6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0020.
- (7) Evidence includes associated findings and evidence supported within this document

Canyon County Code §09-03 (Area of City Impact Agreement) - AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The subject parcel is located within the City of Caldwell's Area of City Impact.

Findings:

- (1) The subject parcel is in the City of Caldwell's area of impact. An agency notice was sent out to the City of Caldwell on April 4, 2025, and comments were received on April 21, 2025 (**Exhibit D4**). The City of Caldwell submitted comments stating that due to the location of the project and the relative minimal impact, the City of Caldwell has no comments on this project request at this time.
- (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0020.
- (3) Evidence includes associated findings and evidence supported within this document.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Canyon County Hearing Examiner **approves** Case # CU2024-0020, a conditional use permit for a retail/wholesale nursery, 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 and shop. All appropriate building permits shall be obtained within **180 days from the approval of the Conditional Use Permit**.
3. The property boundary adjustment application (AD2024-0024) shall be approved within **90 days from the approval of the Conditional Use Permit**.
 - a. An Ag Exempt permit shall be obtained on the greenhouse **180 days from the approval of the Conditional Use Permit**.
4. The applicant shall comply with applicable Highway District No. 4 access requirements. The applicant shall obtain a permit to be provided at the time of building permit submittal.
 - a. Prior to commencement, the applicant shall coordinate with the Highway District No. 4 and obtain the necessary approvals for the intended use, including but not limited to the improved paved apron to meet ACCHD standard Drawing 106, unless waived by the City of Caldwell granting an approach permit. Evidence 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 Pioneer Irrigation District and shall be obtained prior to commencement.
7. Signage shall meet CCZO §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.
8. The proposed development shall be in general conformance with the applicant's site plan and letter of intent (**Exhibits A2 and A4**).

- a. The hours of operation shall be Monday – Friday, 7am -7pm, Saturday and Sunday, 8am – 5pm, as proposed in the applicant’s letter of intent (**Exhibit A2**).
 - 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.
9. 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 signature date of the Findings of Fact, Conclusions of Law, and Order of Decision by the Hearing Examiner.
10. A dust mitigation plan shall be submitted prior to commencement to the Development Services Department. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations including but not limited to nuisance regulations (Canyon County Code of Ordinances Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) requirements.
11. A sight-obscuring fence shall be constructed on the western boundary as to obscure the business operations and storage of tools, equipment, etc. The placement of fencing shall take into consideration any easements that may be in place. Proof shall be submitted to the Development Services Department for review and approval prior to commencement.
12. 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.

DATED this 22nd day of July, 2025.

HEARING EXAMINER
CANYON COUNTY, IDAHO

Leon Letson

Leon Letson

State of Idaho)

SS

County of Canyon County)

On this 22nd day of July, in the year 2025, before me Caitlin Ross, 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: Caitlin Ross

My Commission Expires: 5/7/2031