



HEARING EXAMINER
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

Steady Earthworks LLC – CU2024-0019

The Canyon County Examiner considers the following:

- 1) A conditional use permit for a staging area and contractor shop. The subject property (parcel R34474012) is located at 0 Toft Ln, Middleton, ID 83607, also known as a portion of the Northeast quarter of Section 3, T4N, R3W, BM, Canyon County, Idaho. (CU2024-0019).

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 CU2024-0019.

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 CU2024-0019, was presented at a public hearing before the Canyon County Hearing Examiner on June 2, 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 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” and a staging area as “An area where equipment and/or materials are stored for use conducted entirely off site.”
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0019.
- (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 staging area and contractor shop.

Findings:

- (1) The conditional use permit application for a complete application was submitted on May 29, 2024 (**Exhibit A**).
- (2) The nature of the request consists of using the subject property to store and park business trucks and equipment for the applicant's excavation and contracting business. There will also be a shop located on site for a place to maintain, repair, and store equipment, trucks, and materials (**Exhibits A2 and A3**). Examples of equipment that will be stored on site are pick-up trucks, excavators, trailers, skid steers, and dump trucks.

- (3) Depending on the time of the year, the business will have approximately two-to-four (2-4) employees.
- (4) There may be leftover usable material from job sites on the subject property but trash/debris will not be stored on site (**Exhibits A2 and A10**).
- (5) The hours of operation proposed are 7:00 a.m. to 5:00 p.m. Monday through Friday, but these may vary some depending on the time of year and the project. The applicant states, a typical work day consists of employees meeting on the property to park their personal vehicles, gather tools and equipment for various jobs, go to job sites, and then return later in the day to park and drop off equipment (such as trucks and trailers). Occasionally, employees may come back during the day to return tools, maintain equipment or drop off a trailer.
- (6) The applicant further estimates there will be three-to-four (3-4) pick-up trucks and trailers entering and exiting the premises per day (**Exhibits A2, A3, and A4**).
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0019.
- (6) 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 (**Exhibits B1 and B2.4**). There is residential development in this area of the county as well as some agricultural uses.
- (2) The parcel is located in the City of Middleton's Impact Area. The City of Middleton Comprehensive Plan designates the future land use of the parcel and area as "Residential" (**Exhibit B2.5**).
- (3) The request aligns 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."
- Policy No. 1.1.1: "No person shall be deprived of private property without due process of law."
- Policy No. 1.1.3: "Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures in development approvals."
- Goal No. 1.2: "Acknowledge the responsibilities of each applicant 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."

Population Component Goals:

- 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."

Economic Development Goals and Policy:

- Goal No. 3.1: “Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.”
- Policy No. 3.1.2: ““Support 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.”

Land Use & Community Design Goals:

- 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. 4.3.3: “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 some instances may require conditions of approval to promote compatibility.”

Agriculture:

- Policy No. 12.1.2: “Encourage non-agricultural related development to the cities, areas of city impact, and other clearly defined and planned development areas.”

(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0019.

(5) 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 as the proposed conditions of approval will mitigate the negative effects to the character of the area.

Findings:

(1) The surrounding area is primarily zoned “A” (Agricultural) and “RR” and is used as such.

Adjacent Existing Parcels:			
Direction	Existing Use	Primary Zone	Other Zones
N	The properties to the north are primarily agricultural and agricultural residential.	RR	A, CR-R1, R1
S	The properties to the south are primarily agricultural, residential, and agricultural residential.	A	RR, CR-C1, CR-R1
E	The properties to the east	A	RR

	are primarily agricultural, residential, and agricultural residential.		
W	The properties to the west are primarily residential and agricultural residential with some agricultural uses.	A	R1, RR
“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 in the past 5 Years) (Exhibit B2.7):

- SD2019-0004: Boulder Creek Subdivision (Approved)
- SD2018-0019: Green Hills Landing Subdivision (Approved)
- RZ2021-0016: (Guijaro) Rezone from Agricultural to R-1 (Approved)
- SD2022-0003: Hidden Legends Estates Subdivision (Approved)
- CU2022-0032: (Jones) Conditional Use Permit for a School (Approved)
- CR2022-0007: (Payne) Rezone from CR-C1 to CR-C2 (Approved)
- RZ2022-0006: (Phoenix) Rezone from AG to CR-R1 (Approved)
- SD2020-0026: Plat Purple Sage Estates No. 5 (Approved)
- SD2019-0043: Purple Sage Estates No. 4 (Approved)
- CU2021-0009: (Sage Gate Storage and Business Park) Planned Unit Development (Denied)
- SD2023-0011: Sage Gate Storage Preliminary Plat (Approved)
- SD2023-0008: Sleepy Hollow No. 2 Plat (Approved)
- SD2020-0010: Spring Hills Ranch Subdivision (Approved)
- CU2022-0031: RV Storage (Approved)
- Trison Estates Subdivision (Approved)
- RZ2019-0040: (Wangsgard) Rezone from AG to R1 (Approved)
- R2022-0026: (Woodruff) Rezone from AG to CR-R1 (Approved)

(3) Character of the Area:

- The property is currently zoned “A” (Agricultural) (Exhibit B1) and the average lot size within a 1-mile radius is 12.62 acres (Exhibit B2.8). The general character of the area is mainly agricultural (there are parcels in the immediate vicinity in agricultural production), agricultural residential parcels (meaning they are zoned agricultural but have residential uses) and residential (mainly parcels are rezoned or conditionally rezoned RR or R1) (Exhibits B2.2 and B2.6).
- There are a number of agricultural residential parcels in the area due to subdivision plats that were approved in the early and mid-1900s (such as Fruitdale Farms and Ranchette Estates) and conditional use permits that were approved in the past (Exhibit B2.8).
- The property consists of Soil Capability Classes 2, 3, 4, and 6. Class 2 makes up 6.08% of the property and is prime farmland if irrigated, Class 3 makes up 10.89% of the property and is prime farmland if irrigated, Class 4 makes up 20.88% of the property and is farmland of statewide of importance if irrigated,

and Class 6 is not prime farmland and makes up 62.15% of the property (**Exhibit B2.9**).

- The City of Middleton is located approximately 1.3 miles to the east. The City of Middleton designates the future land use of the parcel as “Residential” (**Exhibit B2.5**). The City of Middleton did not comment on this application.
- There are forty-five (45) subdivisions located within 1-mile of the subject property and eight (8) subdivisions in platting. There are 652 lots within platted subdivisions and 119 lots in subdivisions that are in platting also within 1-mile of the subject property (**Exhibit B2.8**).
- The recent surrounding land use cases in the last five-years demonstrate that the character of the area is trending towards residential (**Exhibits B2.6 and B2.7**).

(4) Potential Impacts:

- As proposed, the staging area will not significantly increase the sound levels in the immediate vicinity. Per the applicant, the property will primarily be used as storage area for the excavation and contracting company’s equipment and materials, and the employees generally take an average of two (2) trips to the property per day. Customers may come to the site but this would be a rare occurrence (**Exhibits A2, A3, and A10**). Also, the applicant states he plans “...to build a berm and install a fence at the top of the berm. The fence will be [approximately] 6’ tall so with the berm and the fence will obscure anywhere from 8’-10’ high” (**Exhibit A10**). There are mature trees located on the western boundary of the property which will obscure the operations, so a berm and fence is not proposed or conditioned to be at this location (**Exhibits A2, A5, and C**). As conditioned, the hours of operation are limited to 7 a.m. to 5 p.m. Monday through Friday, as proposed in the applicant’s letter of intent and land use worksheet (**Exhibits A2 and A4**). Additionally, a berm with perma-bark and a site-obscuring fence with a combined total height of at least 8 feet shall be constructed on the southern, northern, and eastern boundaries of Parcel R34474012 as to obscure the business operations and storage of tools, equipment, etc. The placement of the berm and fence shall take into consideration any easements that may be in place and shall not be placed where the entrance is located (See **Exhibit A10** for the applicant’s plan for the berm and fence).
- The staging area will not significantly increase the dust levels in the immediate vicinity, as 60% or more of the property will be graveled (**Exhibits A2 and A10**). As conditioned, dust shall be controlled per applicable federal and states 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.
- There is no lighting proposed for the staging area (**Exhibits A1-A10**). 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

(5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0019.

(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: As conditioned, 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:** Per email correspondence with the applicant, there is not a domestic well on site, but the applicant plans to drill a domestic well (**Exhibit A10**).
- (2) **Sewer:** According to Southwest District Health (SWDH), the subject property is in a Nitrate Priority Area but may not meet the criteria for completing a Nutrient Pathogen Study. Additionally, SWDH states "Test holes have been conducted on site; if a contractor shop with a bathroom is proposed, the applicant must apply for a subsurface sewage disposal permit and submit a letter of intended use if the project [is approved]" (**Exhibit 1**). Further, Southwest District Health's Pre-Development Meeting Notes from September 2024 state, "There may be an existing drain field on the parcel but [the property owner] could not confirm or verify its location." As conditioned, the applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property (**Exhibits 1 and 1.1**).
- (3) **Irrigation:** The subject property is located within Black Canyon Irrigation District's (BCID) service area boundary and receives water from the district. Per BCID's comment letter dated April 25, 2025, "There are currently no requirements from the District for development on this parcel. All items have been satisfied or removed. The District's initial response on September 23, 2024, informed the applicant that the District's C.E. 10.2 pipeline alignment ran adjacent to the southeast corner of Parcel R34474012, as well as a historic 50-foot-side easement per Bureau of Reclamation's mapping. However, upon further field verification, it has been confirmed by the District that the C.E. 10.2 pipeline was relocated and is no longer within the boundaries of Parcel R34474012. The applicant is not required to submit any additional information for Parcel R34474012 as previously requested. Please note that while all development requirements have been removed by the District, the applicant's property will continue to be assessed for irrigation water" (**Exhibit D6**). As conditioned, the applicant shall comply with all Black Canyon Irrigation District requirements and 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.
- (4) **Stormwater Drainage:** It appears the use does not require or affect drainage on the property (**Exhibit A4**).
- (5) **Proposed Building:** Per the letter of intent, the applicant plans to build a shop to maintain, repair and store equipment and materials (**Exhibit A2**). Per Canyon County's Building Department, this new shop will require a commercial building permit (**Exhibit D5**). As conditioned, the applicant shall obtain the appropriate building permits for any future structures/improvements. Evidence shall be an approval document from the Canyon County Building Department and Middleton Rural Fire Protection District.

- (6) **Utilities:** Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply were notified of the application on April 1, 2025 and April 28, 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.
- (7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0019.
- (8) 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: Legal access to the subject property exists for the proposed development (**Exhibit A.2**).

Findings:

- (1) The subject property has legal access via Toft Lane (a private road) for the development and will exist at the time of the development. See **Exhibit A9** for the recorded Road User's Maintenance Agreement (RUMA) and ingress/egress easement for the private road.
- (2) Per Highway District No. 4 (HD#4), the subject property "...has approximately 280 feet of frontage on Willis Road along the northerly boundary. Willis is classified as a major collector on the functional classification maps adopted by Canyon County and Highway District No. 4. Existing right of way width along the subject property is a 25' prescriptive right-of-way measured from the roadway centerline. The ultimate ROW width for a major collector is 40-feet (half-width) measured from the section line." HD#4 further states that the conditions of the 2021 administrative land division required that the subject property use Toft Lane for access, which is also shared with Parcel R34474, R34474010, and R34474011. HD#4 further states Toft Lane is suitable for the proposed contractor yard and staging area subject to an approved access permit to document the change in land use and the approach to Willis Road being improved to meet ACCHD Standard Drawing 106, a paved apron, and a 24' minimum throat width (**Exhibit D4**). As conditioned, the applicant shall comply with applicable Highway District No. 4 requirements, including paying any applicable impact fees. The applicant shall obtain an access permit within 90-days of approval of this application as evidenced by the applicant providing Development Services with an approved highway district document indicating the completion of improvements (**Exhibit D4**).
- (3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0019.
- (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 may not be undue interference with the existing or future traffic patterns.

Findings:

- (1) There will not be undue interference with the existing or future traffic patterns per Highway District No. 4 due to the collection of impact fees to mitigate any effects on traffic patterns. At the time of issuance of an access permit, actual impact fees will be determined with accurate

information (**Exhibit D4**). The applicant shall obtain an access permit within 90-days of approval of this application as evidenced by the applicant providing Development Services with an approved highway district document indicating the completion of improvements (**Exhibit D4**).

- (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0019.
- (3) 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 request is not anticipated to negatively impact services that would require additional public funding in order to meet the needs created by the requested use.

Findings:

- (1) **School:** The subject property is serviced by Middleton School District and it is not anticipated that any impacts or accommodations will be needed for the staging area. Agency notice was sent out on April 1, 2025 and April 28, 2025 and no comments were received by the school district.
- (2) **Fire Protection:** The subject property is under the jurisdiction of Middleton Rural Fire District. Middleton Rural Fire District is required to provide services to the parcel. As conditioned, the applicant shall comply with all Fire District requirements per State adopted IFC and as evidenced by review and approval documentation from the applicable fire district prior to issuance of a certificate of occupancy for any future structures. Agency notice was sent out on April 1, 2025 and April 28, 2025 and no comments were received by the fire district.
- (3) **Emergency 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 1, 2025 and April 28, 2025 and 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 subject property is under Black Canyon Irrigation District's (BCID) jurisdiction. See CCCO 07-07-05(5) and Exhibit D5 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. CU2024-0019.
- (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, 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.
- (2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0019.
- (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 §07-14-09.

Findings:

- (1) **All work shall be conducted off-site.** Per the applicant's letter of intent, the site will only be used for employees to meet on site and to park and store equipment associated with the excavation and contracting business (**Exhibit A2**). Customers may come to the site on a rare occasion, which would be allowed with a contractor shop (**Exhibit A10**).
- (2) **Business vehicles shall be operable and parked on site, not on a public or private road.** Per the applicant's letter of intent, business vehicles will be parked on site in operational condition (**Exhibit A2**). As conditioned, employees' and business vehicles shall be parked on site (not on a public or private road) and shall be in operable condition.
- (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 letter of intent and operations plan, employees will visit the site to pick up and transfer vehicles, equipment, and materials (**Exhibits A2 and A3**).
- (4) **Employees may meet on the premises to share rides to and from job sites.** Per the applicant's letter of intent and operations plan, employees will meet on site with their personal vehicles and obtain equipment and materials needed for job sites (**Exhibit A2 and A3**).
- (5) **Employees' vehicles shall be parked on-site and not on a public or private road.** Per the applicant's letter of intent, employees' vehicles will be parked on site in operational condition (**Exhibit A2**). As conditioned, employees' and business vehicles shall be parked on site (not on a public or private road) and shall be in operable condition.
- (6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0019.
- (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 Middleton Area of City Impact.

Findings:

- (1) The subject parcel is located within the City of Middleton Area of City Impact.
- (2) The City of Middleton is located approximately 1.3 miles to the east.
- (3) The City of Middleton designates the future land use of the subject property as “Residential” (**Exhibit B2.5**).
- (4) The City of Middleton was noticed on April 1, 2025 and April 28, 2025 but did not comment on this application.
- (5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2024-0019.
- (6) 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 # CU2024-0019, 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. Any violations of any applicable federal, state, and local requirements shall be considered a violation of this conditional use permit.
2. Comply with all Fire District requirements per State adopted IFC and as evidenced by review and approval documentation from the applicable fire district prior to issuance of a certificate of occupancy for future structures.
3. The applicant shall comply with applicable Highway District No. 4 requirements, including paying any applicable impact fees. The applicant shall obtain an access permit within 90-days of approval of this application as evidenced by the applicant providing Development Services with an approved highway district document indicating the completion of improvements (**Exhibit D4**).
4. The applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property (**Exhibits D1 and D1.1**).
5. All exterior lighting, if installed, shall be downward facing and directed away from surrounding properties. Compliance shall be demonstrated in the building plans submitted as part of the building permit submittal. Review and approval by DSD shall be completed before building permit issuance.
6. The applicant shall not impede, disrupt, or otherwise disturb the existing irrigation structures on and adjacent to the subject property without written approval from the irrigation district with jurisdiction
7. The applicant shall comply with all Black Canyon Irrigation District requirements (**Exhibit D6**).
8. A berm with perma-bark and a site-obscuring fence with a combined total height of at least 8 feet shall be constructed on the southern, northern, and eastern boundaries of Parcel R34474012 as to obscure the business operations and storage of tools, equipment, etc. The placement of the berm and fence shall take into consideration any easements that may be in place and shall not be placed where the entrance is located (**Exhibit A10**).

9. The applicant shall obtain the appropriate building permits for any future structures/improvements. Evidence shall be an approval document from the Canyon County Building Department and Middleton Rural Fire Protection District.
10. Signage shall meet CCCO §07-10-13 requirements, and shall not exceed 32 sq. feet and 10 ft in height unless an additional sign permit is applied for and approved by the Director. If it exceeds 6 ft in height, a building permit is required.
11. The staging area and contractor shop shall be maintained in compliance with CCCO Chapter 2 Article 1: Public Nuisances.
12. Dust shall be controlled per applicable federal, state 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.
13. The proposed development shall be in general conformance with the applicant's site plan and letter of intent (**Exhibits A2 and A5**).
14. The hours of operation shall be 7 a.m. to 5 p.m. Monday through Friday, as proposed in the applicant's letter of intent and land use worksheet (**Exhibits A2 and A4**).
15. Employees' and business vehicles shall be parked on site (not on a public or private road) and shall be in operable condition.
16. Any materials removed from a job site may only be stored on the property for five (5) business days.
17. 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.

DATED this 17th day of June, 2025.

HEARING EXAMINER
CANYON COUNTY, IDAHO

Leon Letson

Leon Letson

State of Idaho)

SS

County of Canyon County)

On this 17th day of June, 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.

CAITLIN ROSS
COMMISSION #20251885
NOTARY PUBLIC
STATE OF IDAHO

MY COMMISSION EXPIRES 05/07/2031

Notary: CAITLIN ROSS

My Commission Expires: 5/7/2031