



CANYON COUNTY HEARING EXAMINER
MINUTES OF REGULAR MEETING HELD
Monday, August 10, 2026
1:30 P.M.

1ST FLOOR PUBLIC MEETING ROOM SUITE 130, CANYON COUNTY ADMINISTRATION BUILDING

Hearing Examiner Present: Jerome Mapp

Staff Members Present: Josh Johnson, Assistant Director of Development Services
Arbay Mberwa, Associate Planner
Caitlin Ross, Hearing Specialist
Pam Dilbeck, Sr. Administrative Specialist

Hearing Examiner Jerome Mapp called the meeting to order at 1:30 p.m. and reviewed the testimony guidelines.

Hearing Specialist Caitlin Ross called the roll for the Hearing Examiner and Development Services staff.

Hearing Specialist Caitlin Ross administered the oath of affirmation to staff and witnesses signed up on the witness list.

Hearing Examiner Jerome Mapp proceeded to the first business item on the agenda.

Item 1: Consent agenda – Action Items

Hearing Examiner Jerome Mapp approved both the July 20, 2026 Hearing Examiner Minutes and the FCOs for Case CU2026-0008 – High Quality Utilities LLC.

Item 2A:

Case No. CU2025-0025 - Toll: The applicant, Rick and Wendy Toll, are requesting a Conditional Use Permit for a staging area for Toll Excavation & Septic LLC, an excavation business on approximately 1 acre out of 2.48 acres in an "A" (Agricultural) zone. The proposed use consists of a staging area for a business vehicle and equipment (excavator, skid steers and pipes) with four (4) employees. The hours of operation are 7 a.m. to 5 p.m. Monday to Friday. The subject property is located at 13944 Raymond Drive, Caldwell, Idaho, 83607 also referenced as Parcel R34457011, a portion of the SW quarter of Section 02, T4N, R3W, BM, Canyon County, Idaho.

Hearing Examiner Jerome Mapp called the applicant to testify.

Rick Toll – (Applicant) IN FAVOR – 13944 Raymond Drive, Caldwell, ID 83607

Mr. Toll stated that they are applying for this permit due to the fact they had a neighbor complain about their property when he decided to sell his property and he didn't care for the fact they were using the subject property as a staging area for their business. They bought the property about five years ago, not knowing that a Conditional Use permit was required.

Mr. Toll indicated that one of the conditions of approval suggested by Development Services was to put up a fence around the property. He indicated that their property is on an adjacent hill and most of their neighbors are way up above them anyway. He also stated that if he did put a fence around the staging

area, it would impede the traffic that goes down their private road for their neighbors. The neighbors wouldn't be able to see when coming in or out and asked for that to be considered as a hinderance to fencing being a condition of approval.

Hearing Examiner Mapp confirmed with the applicant that the business started on the property about three years ago and that the property had originally been purchased to build the family home. When starting the business, they had no idea that parking their skid steer on their own property was not allowed without a Conditional Use permit. Mr. Toll confirmed that he has one company truck, an excavator, a skid steer and materials, mostly pipes, along with personal items on the property that have nothing to do with the business. This includes camp trailers.

When asked about the one complaint lodged with Development Services against them, Mr. Toll confirmed he was aware of the complaint from his neighbor. The complaint was expressing concern about movement of equipment during the day and early in the morning. Mr. Toll explained that the only movement on the property would be loading up a skid steer and then going off site for work. Occasionally, he comes home for lunch and puts fuel in his company truck. He stated that 90% of the equipment isn't on the property. The four employees he has have no reason to be on the property, as they always come directly to the job site for the day.

Hearing Examiner Mapp asked about the potential for weekend activity on the property related to the business. Mr. Toll confirmed that the same pattern of working applied if the company happened to have Saturday work. Equipment might be loaded up and moved to a job site on a Saturday, but that is the extent of activity on the property.

Hearing Examiner Mapp inquired with Mr. Toll about his suggestions for setting conditions of approval that would be enforceable in relation to the volume of equipment and materials on the property. He anticipates that the business will grow and expansion will naturally happen and that would be of concern in approving enforceable conditions. It was suggested by Mr. Toll that putting a limit of 10 pieces of equipment on the property would be the threshold for approval. Any more than 10 pieces of equipment would necessitate filing for another permit or moving the expanding business to a different, larger property.

Planner Arbay Mberwa reviewed the Staff Report for the record. Hearing Examiner Mapp had a couple of questions for Ms. Mberwa.

Hearing Examiner Mapp asked Ms. Mberwa if she had visited the subject property and could confirm what specific equipment was on site. Ms. Mberwa confirmed that she had visited and made a record of the equipment for the business located on the site. Additionally, she stated that the property does sit above most of the other surrounding areas on a hill with a slope downwards where the equipment is being stored. The reason for the fence is to screen the equipment so that it's not visible to all the property owners in the neighborhood. Alternate ideas for locations to store the business equipment were talked about with Mr. and Mrs. Toll. They indicated that they would like to utilize two areas for storage, which makes a fencing plan more difficult. The ideal solution would be to have just one area that could be enclosed within a fence. This would balance both the property owner's rights and the neighbors as well.

Hearing Examiner Mapp asked for an area map to be brought up on the screen and Exhibit C5 and C5A were used to confirm the surrounding area's zoning, with a subdivision and commercial property adjacent to the subject property. Within a one-mile radius, there are 28 subdivisions and closer to Highway 44 is the commercial use.

Hearing Examiner Mapp asked the applicant to return to the lectern. He stated that Mr. Toll can work with DSD Staff to find a location to store the business equipment and materials to make fencing the staging area something that won't be necessary. Mr. Toll was agreeable to that idea.

Hearing Examiner Mapp called up the next witness.

Wendy Toll – IN FAVOR – 13944 Raymond Drive, Caldwell, Idaho 83607

Ms. Toll stated that there are subdivisions all around the subject property, but pointed out Silver Creek Road, which is the closest to their property, has just six houses on it, so only six residents would be passing by their property regularly. Additionally, the area where the equipment and materials are stored has several straight trees standing where you can not even see the highway. They park the equipment down the slope in a big pit of sorts where a fence would make no difference. Anyone up on top of the slope would still be able to see the equipment whether there was a fence or not due to the slope.

Hearing Examiner Mapp stated that he was satisfied with the answers provided by Mr. & Ms. Toll regarding visual impacts and the need for fencing. He confirmed that Mr. Toll is willing to work with staff on an appropriate location for equipment versus building a fence around the property.

Hearing Examiner Map closed public testimony on Case No. CU2026-0008.

Deliberation:

Hearing Examiner Mapp concluded that he was confident in the solutions that the applicant and staff have come up with to meet everyone's needs. His concerns are that the movement of equipment on the property does not expand as the business expands and wanted to put it on record that Mr. Toll is the main person that will be coming to the site and taking equipment to a job site. Other staff members will rarely come to the site. If that were to change, that would be a substantial change to what is present today. Secondly, his concern is that the volume of equipment would remain at 10 or below. If that were to expand, a new permit would need to be applied for. Lastly, the fencing would not be necessary as the applicant and DSD staff work together to determine what is the best way to mitigate any visual impact on site.

MOTION: Hearing Examiner Mapp **approved** Case No. CU2026-0006 for conditions one through six as written in the staff report draft FCOs. Condition seven will be modified by stating that the applicant shall work with staff to determine the appropriate location of equipment in lieu of a fence surrounding the property. Conditions eight through twelve are accepted as written. Condition thirteen is that staff conduct an inventory of existing equipment to determine a base in regard to any expansion of the business equipment.

2. DIRECTOR, PLANNER, COMMISSION COMMENTS:

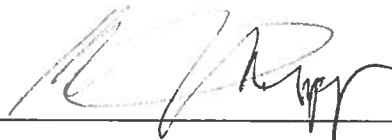
Assistant Director of Development Services Josh Johnson suggested that to make the fence condition more enforceable, DSD staff would return with modified FCOs for Hearing Examiner Mapp to adopt at the next meeting with annotated aerial maps that show the location of the fence for enforcement at a later date if needed. Mr. Johnson also confirmed that Condition thirteen would be a new condition for staff to conduct an inventory of existing equipment to determine the base number of equipment on site. As Mr. Toll has stated on the record he has ten pieces of equipment, that can be used as the base number. This did not include personal RVs and things of that nature that are not part of the business equipment. This was agreed upon verbally by Hearing Examiner Mapp. The amended FCOs will be signed at the next scheduled meeting on September 24, 2026.

3. ADJOURNMENT:

Hearing Examiner Mapp adjourned the hearing at 2:14 P.M.

An audio recording is on file in the Development Services Departments' office.

Approved this 24th day of September 2026

A handwritten signature in black ink, appearing to read "J. Mapp", is written over a horizontal line.

Jerome Mapp, Hearing Examiner

ATTEST 

A handwritten signature in blue ink, appearing to read "Pam Dilbeck", is written over a horizontal line.

Pam Dilbeck, Sr. Administrative Specialist