



PLANNING AND ZONING COMMISSION
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:

Torrez – CU2026-0012

The Canyon County Planning and Zoning Commission considers the following:

- 1) Conditional Use Permit for a staging area, contractor shop, and nursery (retail/wholesale). The applicant is proposing the hours of operation be 6:00 a.m. to 7:00 p.m. Monday through Saturday, to have 15-20 employees on site, and a site-obscuring fence and landscaping to aid in screening the business operations.
- 2) Location: The subject property is located at 0 N Robinson Blvd, Nampa, ID, also referenced as Parcel R30590011, a portion of the NW quarter of Section 20, T3N, R1W, 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 CU2026-0012.
1. All exhibits are located in the case staff report dated June 18, 2026.

Applicable Law

1. The following laws and ordinances apply to this decision: Canyon County Code of Ordinances (CCCO) §01-17 (Land Use/Land Division Hearing Procedures), CCCO §07-05 (Notice, Hearing and Appeal Procedures), CCCO §07-07 (Conditional Use Permits), CCCO §07-02-03 (Definitions), CCCO §07-10-27 (Land Use Regulations (Matrix)), CCCO §07-14 (Use Standards), and Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures).
 - a. Notice of the public hearing was provided pursuant to CCCO §07-05-01, Idaho Code §67-6509 and 67-6512.
 - b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
 - c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCCO §07-07-01.
 - d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development; (6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school

	districts, providing services within the planning jurisdiction. <i>See</i> Idaho Code §67-6512, CCCO §07-07-17, and 07-07-19.
e.	Use Standards – Contractor’s Shop: The use shall be contained within a building or behind a sight obscuring fence. <i>See</i> CCCO §07-14-09.
f.	Use Standards – Staging Area: (1) All work shall be conducted off site. (2) Business vehicles shall be operable and parked on site, not on a public or private road. (3) Persons not employed on the premises may visit the premises for the purpose of picking up equipment and materials to be used elsewhere, including trucks offloading or transferring equipment and/or materials to other vehicles. (4) Employees may meet on the premises to share rides to and from job sites. (5) Employees’ vehicles shall be parked on site and not on a public or private road. <i>See</i> CCCO §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. CCCO §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. <u>Chambers v. Kootenai Cnty. Bd. of Comm’rs</u> , 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
4.	The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.
5.	Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
6.	The County’s hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCCO 07-05-03(1)(I).

The application, CU2026-0012, was presented at a public hearing before the Canyon County Planning and Zoning Commission on June 18th, 2026. 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:

Table 1. Conditional Use Permit Standards of Evaluation Analysis

Standards of Evaluation – CCCO §07-07-05: The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:		
County Ordinance and Review		
Criteria Met?	Code Section	Criteria
Yes	1	Is the proposed use permitted in the zone by conditional use permit?
Analysis	A staging area, contractor shop, and nursery (retail/wholesale) are permitted in the “A” (Agricultural) zone by conditional use permit, pursuant to Canyon County Code of Ordinances (CCCO) §7-10-27. 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,” a staging area as “An area where equipment and/or materials are stored for use conducted entirely off site,” and a nursery (retail/wholesale) as “The selling of products and plants at retail and/or wholesale.” See project description analysis contained in Section 07-07-05(2) detailing the nature of the request.	
Criteria Met?	2	What is the nature of the request?
Yes		
Analysis	The nature of the request includes utilizing the subject property as a contractor’s shop, staging area, and nursery (retail/wholesale) for the applicant’s landscaping construction business. Per the applicant’s letter of	

	intent and site plan, the applicant plans to use the property to store equipment, trucks, and living plant and bulk landscaping materials, to have approximately 15-20 employees on site, and the hours of operations to be 6:00 a.m. to 7:00 p.m. Monday – Saturday (Staff Report Exhibits A4 and A8). The applicant also plans to build a shop with an office for the business, have display areas that showcase the business’ work and materials, and have retail sales of nursery stock, landscape materials, plants, trees, bulk materials, and boulders. The applicant also states he is interested in rehabilitating the barn on site for possible retail or office use (Staff Report Exhibits A2 and A3). Per Canyon County’s Building Department, the use of the barn for commercial purposes requires a change of occupancy permit (Staff Report Exhibit D3). <i>See conditions of approval #18 and #19 to address building requirements.</i>	
Criteria Met?	3	Is the proposed use consistent with the comprehensive plan?
Yes		
Analysis	The proposed use is consistent with the Comprehensive Plan. The 2030 Canyon County Comprehensive Plan designates the subject parcel as Agricultural (Staff Report Exhibits B1 and B2.10). This area consists of agricultural and residential uses. The parcel is not located in an Area of City Impact. The request aligns with the following goals and policies of the 2030 Comprehensive Plan: • <u>Property Rights Goals and Policies:</u> ○ Goal No. 1: <i>“Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.”</i> ○ Policy No. 1: <i>“No person shall be deprived of private property without due process of law.”</i> ○ Policy No. 3: <i>“Ordinances and land-use decisions should avoid imposing unnecessary conditions or procedures in development approvals.”</i> ○ Goal No. 2: <i>“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.”</i> Canyon County values private property rights and supports the applicant’s project and surrounding property owners’ rights by adding mitigating conditions to the proposed conditional use permit. • <u>Population Component Policy and Goal:</u> ○ Policy No. 1: <i>“Plan for anticipated population and households that the community can support with adequate services and amenities.”</i> ○ Goal No. 2: <i>“Promote housing, business, and service types needed to meet the demand of the future and existing population.”</i> Canyon County promotes business and service types that the community can support with adequate services and amenities. To address impacts to the surrounding area, the Planning and Zoning Commission has added conditions of approval to mitigate negative impacts on surrounding properties. • <u>Economic Development Goal and Policy:</u> ○ Goal No. 1: <i>“Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.”</i> ○ Policy No. 2: <i>“Supportive suitable sites for economic growth and expansion compatible with the surrounding area.”</i> Canyon County supports retaining, expanding, and recruiting businesses and economic growth and expansion but must be done in a way that is compatible with the surrounding area, which includes adding mitigating conditions to this conditional use permit that addresses the community’s concerns (noise, traffic, dust, etc.). • <u>Land Use Policy and Goals:</u>	

	○ Policy No. 2: “Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses. ○ Goal No. 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.” ○ Goal No. 4: “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 in some instances may require conditions of approval to promote compatibility.” Canyon County supports growth and development as long as it is compatible with the surrounding area and appropriate conditions are added to mitigate adverse impacts that affect other land uses and the surrounding community.																						
Criteria Met?	4	Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?																					
Yes																							
Analysis	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.																						
	Character of the Area The predominant land uses in the vicinity of the subject property consist of agricultural and residential activities. Parcels to the north, east, and south are used for agriculture—mainly pastureland with limited crop production. Residential properties of varying lot sizes are located to the west, east, north, and south Within a 1-mile radius, there are 47 subdivisions, averaging 1.15 acres per lot. The 600-foot notification area contains parcels with an average size of 3.05 acres and a median size of 1.06 acres (Staff Report Exhibit B2.1, B2.3, and B2.6). There are legal nonconforming industrial operations and some gravel extraction sites to the northeast and east along Airport Road, but these uses cannot be clearly identified/seen from the subject property.																						
	Existing Conditions within 1-Mile of the Subject Property (Staff Report Exhibits B2.1 and B2.3):																						
	<table><tr><th>Direction</th><th>Existing Use</th><th>Primary Zone</th><th>Other Zone</th></tr><tr><td>N</td><td>Agricultural, Residential Uses, and Legal Nonconforming Gravel Pit and Industrial Uses</td><td>RR</td><td>CR-R1</td></tr><tr><td>S</td><td>Agricultural and Residential Uses</td><td>A</td><td></td></tr><tr><td>E</td><td>Agricultural and Residential Uses with some Gravel Pits</td><td>A</td><td>RR, CR-R-1</td></tr><tr><td>W</td><td>Residential Uses</td><td>RR</td><td>R-1, CR-M-1</td></tr></table>	Direction	Existing Use	Primary Zone	Other Zone	N	Agricultural, Residential Uses, and Legal Nonconforming Gravel Pit and Industrial Uses	RR	CR-R1	S	Agricultural and Residential Uses	A		E	Agricultural and Residential Uses with some Gravel Pits	A	RR, CR-R-1	W	Residential Uses	RR	R-1, CR-M-1		
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“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)																							
	Surrounding Land Use Cases within a 1-Mile Radius and in the past 5 Years (Staff Report Exhibit B2.12): 1. CU2025-0002 – Conditional Use Permit for Staging Area/Contractor Shop – Denied 2. RZ2021-0059 – Rezone from A to CR-R1 - Approved 3. CR2023-0005 – Rezone from RR to C1 – Denied 4. RZ2020-0018 – Rezone from A to RR – Approved 5. RZ2022-0008 – Rezone from A to CR-R1 – Approved 6. SD2018-0013 – Preliminary Plat for DTH Subdivision – Approved 7. CR2022-0013 – Rezone from RR to CR-R1 – Approved 8. SD2021-0040 – Short Plat for Red Cow Fold Subdivision - Approved																						

9. SD2019-0030 – Short Plat for Ryslanchik Subdivision – Approved
 10. SD2021-0024 – Preliminary and Final Plat Approval for Windmill Ranch Subdivision - Approved

Land-use approvals issued over the past five years indicate a trend toward continued residential development.

Potential Impacts and Proposed Conditions

As proposed, the staging area, contractor shop, and nursery (retail/wholesale) are not anticipated to increase the sound levels in the immediate vicinity. The day-to-day operations will mainly consist of employees meeting at the property in the morning, picking up equipment, and then coming back in the evening to drop equipment off. The applicant states he will have one driver coming back throughout the day to drop off and pick up equipment/supplies for the crews. Once the nursery (retail/wholesale) use is added, there will be customers coming onto the site during the hours of operation. To aid in sound mitigation, the applicant stated he is going to construct a six (6) foot high fence along the majority of the property boundaries with landscaping and is also planning to limit the hours of operation from 6:00 a.m. to 7:00 p.m. Monday through Saturday (see **Staff Report Exhibits A2, A4, A8 and A8.1**). (see *conditions of approval #12 and #17*). The property is also along two arterial roads, so the traffic along the road will likely aid in masking the sound created by the business operations.

The proposed uses may increase the dust levels in the immediate vicinity. To aid in dust mitigation, the property owner is planning to gravel the traffic areas. There will be an area that will not be graveled to allow the trees to be heeled to the ground (**Staff Report Exhibit A2**). Per CCCO §07-13-01(8), every open off-street parking area having more than four (4) parking spaces shall be hard-surfaced (such as gravel) (see *condition of approval #9 to address hard-surfaced parking areas*). As conditioned, a dust mitigation plan shall be provided within 90-days of approval of the conditional use permit to the Development Services Department. Dust shall be controlled in accordance with applicable federal and state laws, ordinances, rules, and regulations pertaining to operations and shall be consistent with Idaho Department of Environmental Quality (DEQ) requirements (see *condition of approval #16*).

There is no lighting proposed at this time for the subject property. 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 (see *condition of approval #13*).

The proposed uses have the potential to change the character of the area, as no similar conditional use permits have been approved in the vicinity in recent years. To mitigate the effects to the area, the applicant is planning to construct a six-foot (6') site-obscuring fence with landscaping along the majority of the property boundaries. The applicant is also proposing to limit the bulk materials that will be found in piles to 12 feet in height and to limit the hours of operation to 6:00 a.m. to 7:00 p.m. Monday through Saturday (**Staff Report Exhibits A4, A8, and A8.1**) (see *conditions of approval #10, #12, and #17*). The Planning and Zoning Commission also has added the following condition to address potential visual impact to the area from debris and excess materials from job sites: *Any debris or excess material (which includes, but is not limited to: tree trimmings, grass clippings, waste materials, unclean fill, and crushed concrete) removed from a job site may only be stored on the property for fifteen (15) business days (see condition of approval # 11).*

See CCCO §07-07-05(7) for traffic impacts.

Criteria Met? Yes	5	Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?
Analysis	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. Water: Per the applicant's letter of intent and land use worksheet, water is proposed to be provided via a domestic well (Staff Report Exhibits A2 and A3). An individual well is anticipated to adequately provide services for the potential development. Future development shall comply with IDWR standards at the time of building permit submittal.	

Sewer: Per the applicant’s letter of intent and land use worksheet, an individual septic system is proposed to be used for the development (Staff Report Exhibit A4). Currently, the applicant is utilizing portable restrooms on site (Staff Report Exhibit A8). Per Southwest District Health (SWDH), a nutrient pathogen study may be required if the total wastewater flows are 600 gallons per day or greater which will be determined based on the submitted letter of intended use. SWDH test holes have not been excavated on site to determine site suitability, but there are no concerns with the uses if the applicant meets all SWDH requirements (Staff Report Exhibit D2). <i>See conditions of approval #3 and #3a to address SWDH requirements.</i> Irrigation: Per the applicant’s land use worksheet and email correspondence, there are both surface irrigation water rights available through Nampa-Meridian Irrigation District and irrigation water available through a well (Staff Report Exhibits A4 and A8). Idaho Department of Water Resources (IDWR) sent a comment letter which stated there is an active water right permit for irrigation from a well that was constructed on the property at the end of 2025, but there was a condition which stated: <i>“The right holder shall make full beneficial use of all surface water available to the right holder for irrigation of lands within the authorized place of use for this right. The right holder may divert ground water under this right to irrigate land with appurtenant surface water rights when the surface water supply is not reasonably sufficient to irrigate the place of use for this water right or is not available due to drought, curtailment by priority, or the seasonal startup and shutoff or maintenance schedule for canal company or irrigation district deliveries. The right holder shall not divert ground water for irrigation purposes under this right if use of the surface water supply is intentionally discontinued or reduced (for example abandoned, forfeited, sold, disallowed by court decree, or leased to the Water Supply Bank), or is not deliverable due to non-payment of annual assessments, without an approved transfer pursuant to Idaho Code § 42-222 or other Department approval”</i> (Staff Report Exhibit D11). The Planning and Zoning Commission has added <i>condition of approval #5a</i> to address IDWR’s requirements on surface water. Nampa-Meridian Irrigation District sent a comment letter in which stated they do not have any concerns with the application as long as no facilities are impacted and stormwater is retained on site. Their letter also states, “All private laterals and waste ways <u>must be protected</u>. All municipal surface drainage <u>must be retained</u> on-site. If any surface drainage leaves the site, NMID will need to review drainage plans. The developer must comply with Idaho Code 31-3805” (Staff Report Exhibit D8). Stormwater Drainage: Per the applicant’s land use worksheet, stormwater drainage is retained on site (Staff Report Exhibit A4). Utility Systems: Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on April 21, 2026 and May 14, 2026. 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 utilities needed.		
Criteria Met?	6	Does legal access to the subject property for the development exist or will it exist at the time of development?
Yes		
Analysis	The subject property does have legal access for the conditional rezone off of Airport Road and Robinson Boulevard. See review and analysis detailed below.	
	The subject property has paved accesses on Airport Road and Robinson Blvd. Per the applicant’s letter of intent, both paved accesses are to be used for the proposed uses (Staff Report Exhibit A2). Per Nampa Highway District No. 1’s (NHD#1) comment letter, NHD#1 “...has no objection to the proposed conditional use permit...as the approaches to the property have been paved to accommodate a commercial use for the subject property” (Staff Report Exhibit D10).	
Criteria Met?	7	Will there be undue interference with existing or future traffic patterns?
Yes		

Analysis	There will not be undue interference with the existing and future traffic patterns. Nampa Highway District No. 1 does not have any concerns over traffic patterns at this time (Staff Report Exhibit D10). Idaho Transportation Department found the application does not meet thresholds for a Traffic Impact Study, nor does it pose any safety concern (Staff Report Exhibit D6).	
	Criteria Met?	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?
Yes	8	
Analysis	Essential services will be provided to accommodate the use including, but not limited to school facilities, police and fire protection, emergency medical services, 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. School Facilities: The subject property is serviced by Nampa School District #139. It is not anticipated that any impacts or accommodations will be needed for this request. Agency comments were sent out on April 21, 2026 and May 14, 2026, and no comments were received by the school district. Police: The subject property is under the jurisdiction of the Canyon County Sheriff's Office. The Canyon County Sheriff's Office is required to provide services to the parcel. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding. Agency comments were sent out April 21, 2026 and May 14, 2026, and no comments were received by the Sheriff's Office. Fire Protection: The subject property is under the jurisdiction of Nampa Fire Protection District (NFPD). A comment letter was received from Nampa Fire on May 18, 2026, which stated the fire district's comments were the same as the conditional rezone application (CR2024-0009) and attached the comment letter for the conditional rezone case from November 24, 2025 (Staff Report Exhibits D9 and D9.1). The comment letter stated the fire district does not oppose the application subject to compliance with conditions of approval and fire code requirements listed in their comment letter. NFPD also stated in their comment letter that the project is approximately 0.9 miles from the nearest fire station and will have an estimated response time of 1 minute (See Staff Report Exhibit D9.1 to review NFPD's full comment letter). Emergency Medical Services: Emergency Medical Services are provided to the property. Canyon County Paramedics provided estimated response times from three (3) different stations – Station M44 would be approximately 6.38 minutes, Station M42 would be approximately 8.99 minutes, and Station M41 would be approximately 11.33 minutes (Staff Report Exhibit D1). Irrigation Facilities: The subject property is under Boise Project Board of Control/Nampa Meridian Irrigation District's (NMID) jurisdiction. See CCCO 07-07-05(5) and Staff Report Exhibit D8 for information related to NMID's comments on this conditional use permit.	

Table 2. Use Standards – Contractor Shop CCCO §07-14-09

Per CCCO §07-14-03(1): The provisions of this article apply to all properties where a use is listed as an allowed use, a conditional use, or a director's decision in section 07-10-27 of this chapter (land use matrix).		
County Ordinance and Review		
Criteria Met?	Code Section	Criteria
Yes	1	The use shall be contained within a building or behind a sight obscuring fence.
Analysis	Per the applicant's letter of intent and site plan, a shop with an office is planned to be built on the property and the existing barn may be rehabilitated for possible office use or nursery (retail/wholesale) use (Staff Report	

	Exhibits A2 and A3). If the barn is used for commercial purposes, this will require an approved change of occupancy permit from Canyon County's Building Department (Staff Report Exhibit D3).
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Table 3. Use Standards – Staging Area: CCCO §07-14-29

Per CCCO §07-14-03(1): The provisions of this article apply to all properties where a use is listed as an allowed use, a conditional use, or a director's decision in section 07-10-27 of this chapter (land use matrix).

County Ordinance and Review		
Criteria Met?	Code Section	Criteria
Yes	1	All work shall be conducted off site.
Analysis	Per the applicant's letter of intent, the proposed uses include a nursery (retail/wholesale), contractor's shop, and staging area for the equipment and supplies on the property associated with the applicant's landscaping construction business. The majority of the landscaping and construction business will be conducted off site. (Staff Report Exhibit A2).	
Criteria Met?	2	Business vehicles shall be operable and parked on site, not on a public or private road.
Yes		
Analysis	Per the applicant's site plan, business parking will be on site, not on a public or private road (Staff Report Exhibit A3).	
Criteria Met?	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.
Yes		
Analysis	Per email correspondence with the applicant, the day-to-day operations will mainly consist of employees meeting at the property in the morning, picking up equipment, and then coming back in the evening to drop equipment off. The applicant states he will have one driver coming back throughout the day to drop off and pick up equipment/supplies for the crews (Staff Report Exhibit A8).	
Criteria Met?	4	Employees may meet on the premises to share rides to and from job sites.
Yes		
Analysis	Per the applicant's letter of intent and land use worksheet, employees typically arrive between 6:00 a.m.-7:00 a.m. and return between 6:00 p.m. and 7:00 p.m. from job sites (Staff Report Exhibits A2 and A4).	
Criteria Met?	5	Employees' vehicles shall be parked on site and not on a public or private road.
Yes		
Analysis	Per the applicant's site plan, business parking will be on site, not on a public or private road (Staff Report Exhibit A3).	

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case #CU2026-0012, a conditional use permit for a staging area, contractor shop, and nursery (retail/wholesale), subject to the following conditions as enumerated:

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. 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 the existing barn (if the occupancy is changed) and future structures (**Staff Report Exhibit D9**).
3. The applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property. The applicant shall coordinate with Southwest District Health and obtain the necessary approvals for the intended use prior to certificate of occupancy (**Staff Report Exhibits D2 and D2.1**).
 - a. Adequate facilities must be provided on site for employees and customers. If portable restrooms are utilized, the number of portable restrooms and maintenance shall be as recommended by Southwest District Health.
4. The applicant shall comply with applicable Nampa Highway District No. 1 requirements. Provided at the time of the change of occupancy permit for the barn or at the time of building permit for the proposed shop, the applicant

- shall coordinate with Nampa Highway District No. 1 and obtain the necessary approvals for the intended use. Evidence shall be an approved approach permit from the subject highway district. (**Staff Report Exhibit D10**).
5. The applicant shall not impede, disrupt, or otherwise disturb the existing irrigation structures on and adjacent to the subject property without written approval from the irrigation district with jurisdiction.
 - a. The applicant shall comply with Idaho Department of Water Resources surface water requirements (**Staff Report Exhibit D11**).
 6. 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.
 7. The proposed development shall be in general conformance with the applicant's site plan and letter of intent (**Staff Report Exhibits A2 and A3**).
 - a. The storage of diesel fuel, petroleum products, and any other hazardous materials, and stormwater pollution prevention shall comply with all standards and requirements of the Idaho Department of Environmental Quality and other applicable agencies (IDOT, OSHA, DEQ, EPA, and MSHA).
 - b. The approval does not allow vehicle services on-site except for equipment maintenance and minor repairs.
 8. Business and employee vehicles shall be parked on site (not on a public or private road) and shall be in operable condition.
 9. Within 90-days of the approval of the Conditional Use Permit, the parking areas on site must be hard-surfaced per CCCO §07-13-01.
 10. Stockpiling of materials on site shall not exceed 12-feet in height (**Staff Report Exhibit A8**).
 11. Any debris or excess material (which includes, but is not limited to: tree trimmings, grass clippings, waste materials, unclean fill, and crushed concrete) removed from a job site may only be stored on the property for fifteen (15) business days.
 12. HOURS OF OPERATION: The hours of operation shall be 6:00 a.m. to 7:00 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday (**Staff Report Exhibit A4**).
 13. LIGHTING: All exterior lighting, if installed, shall be downward facing, shielded, 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.
 14. The nursery (retail/wholesale), staging area, and contractor shop shall be maintained in compliance with CCCO Chapter 2 Article 1: Public Nuisances.
 15. The applicant shall retain stormwater drainage onsite.
 16. Within 90-days of approval of the Conditional Use Permit, a dust mitigation plan shall be provided to the Development Services Department. Dust shall be controlled in accordance with applicable federal and state laws, ordinances, rules, and regulations pertaining to operations and shall be consistent with Idaho Department of Environmental Quality (DEQ) requirements.
 17. A 6-foot-high site-obscuring fence and landscaping shall be constructed on the northern, southern, western, and eastern boundaries in substantial compliance with the landscaping and fencing plan described in **Staff Report Exhibit A8.1** to obscure the business operations and storage of tools, and equipment by February 28, 2027.
 18. 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 Nampa Fire Protection District.
 19. If the barn on site (as identified in **Staff Report Exhibit A3**) is to be used for the business operations, a commercial change of occupancy shall be submitted and receive certificate of occupancy prior to using the barn for business operations (**Staff Report Exhibit D2**).
 20. This conditional use permit must follow land use time limitation as stated in CCCO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date."
 - a. Commencement shall be the date when the Findings of Fact, Conclusions of Law, and Order of Decision are signed by the Planning and Zoning Commission.
 21. Should ownership of Parcel R30590011 change from Carlos Torrez or an immediate family member, the new property owner shall provide Canyon County's Development Services Department with notarized consent that acknowledges the conditions for this contractor shop, staging area, and nursery (retail/wholesale).

DATED this 18 day of June, 2026.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO


Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 18 day of June, in the year 2026, before me CAITLIN ROSS, a notary public, personally appeared Robert Sturgill, 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