Hearing Examiner
Hearing Date: August 10, 2026
Canyon County Development Services Department

PLANNING DIVISION STAFF REPORT

CASE NUMBER: **CU2025-0025**

APPLICANT/ OWNER: **Rick and Wendy Toll**

APPLICATION: **Conditional Use Permit: Staging Area**

LOCATION: **13944 Raymond Drive, Caldwell, Idaho, 83607**
Approx. 1 acre of Parcel R34457011 (2.48 acres)

ANALYST: **Arbay Mberwa, Associate Planner**

STAFF RECOMMENDATION: **Approval with conditions**

REQUEST:
The applicants, Rick and Wendy Toll, are requesting a Conditional Use Permit for a staging area for an excavation company on approximately 1 acre out of 2.48 acres in an "A" (Agricultural) zone. The proposed use consists of a staging area for business equipment and material (excavator and skid steer) with four (4) employees. The hours of operation are 7 a.m. to 5 p.m. Monday to Friday with occasional overtime and weekend hours. 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.

PARCEL INFORMATION REPORT: *See **Exhibit C1** for information.*

APPLICABLE CODE:
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), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures) and CCCO §09-09-17 (Area of City Impact Agreement).

BACKGROUND:
The subject property (R34457011) was originally a 6.5-acre parcel. The original parcel was divided in 1981 to create the subject property in its current configuration (**Exhibit C2**). The applicant received a code enforcement violation for operating a staging area on the property without a conditional use permit on August 12, 2025 (**Exhibit C3**). The applicant submitted a conditional use permit application for a staging area on October 7, 2025, to remedy the violation.

HEARING CRITERIA:

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**	**Analysis**
Met	**1**	**Is the proposed use permitted in the zone by conditional use permit?**
Analysis	The proposed use of a staging area is permitted in an "A" (Agricultural) zone by conditional use permit, pursuant to County Ordinance (CCCO §07-10-27). The proposed use consists of a staging area for Toll	

	Excavation and Septic LLC on Parcel R34457011 to park equipment such as excavators and skid steers when not in use. The applicant submitted a conditional use permit application to establish a staging area on October 7, 2025. *See **Exhibit B** for the application and submitted materials.* A staging area is defined as "an area where equipment and/or materials are stored for use conducted entirely off site" per CCCO §07-02-03. *See project description analysis contained in Section 07-070-05(2) detailing the nature of the request.*	
Criteria Met? **Met**	**2**	**What is the nature of the request?**
Analysis	The nature of the request consists of a conditional use permit to establish a staging area for Toll Excavation and Septic LLC on Parcel R34457011. • Toll Excavation and Septic LLC is a small excavation company, according to the letter of intent. All excavation work is completed off-site. • The applicant requests one (1) acre of the 2.48-acre subject property be utilized for the staging area (**Exhibit B3 & B7**). • Hours of operation are 7 a.m. to 5 p.m. Monday through Friday with occasional overtime hours until 6 p.m. Moving and washing of equipment may take place during the weekends. • There are four (4) employees, of whom one (1) works from home. Employees meet at the job site, and the property owner will bring the required equipment to the job site, eliminating the number of trips generated to and from the subject property. • The applicant requests a staging area for business equipment and materials, which include, but are not limited to, skid steers, an excavator, trailers, dump trucks, piping, attachments for the equipment, etc. (**Exhibit B7 & D**). The equipment and materials will be parked on the subject property when not in use on job sites. The majority of the equipment will be staged during the winter season. • *See **Exhibit B** for details on the request.*	
Criteria Met? **Met**	**3**	**Is the proposed use consistent with the comprehensive plan?**
Analysis	The proposed use is consistent with the Canyon County 2030 Comprehensive Plan with proposed conditions. The subject parcel is zoned Agricultural with a future land use designation of Commercial. Within Middleton's future land use, the subject parcel and surrounding area are zoned Residential. <u>Property Rights:</u> • *G1.01.00 Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.* • *A1.01.00a Require properties to conform to the zoning code before receiving additional zoning approvals.* • *A1.01.00b Canyon County will take appropriate measures to enforce all nuisance ordinances to protect the quality of life and private property rights.* • *G1.02.00 Acknowledge the responsibilities of each property owner 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.* o The property owner's rights include the right to possession, control, exclusion, enjoyment, and disposition. The applicant submitted a conditional use permit to remedy the nuisance on the subject property (**Exhibit B**). The applicant has designated the eastern area of the property, parallel with Hill Canal and the northeast corner on the property for the staging area.	

Economic Development:

- *G3.01.00 Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.*
- *G3.05.00 Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.*
    - The proposed staging area is near Highway 44, where commercial activity is designated along the principal arterial according to the zoning map (**Exhibit C5.2-3**). The requested use is for a small excavation company that has been operating for two (2) years. The use is anticipated to match the character of the area with proposed conditions of approval. *See code section 4 for details regarding the character of the area and code section 7 for transportation impacts.*

Land Use and Community Design:

- *P4.01.02 Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.*
- *P4.02.01 Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.*
- *P4.04.02 Align planning efforts in areas of city impact.*
    - The subject property is adjacent to a subdivision and a conditional rezone commercial parcel. The subject parcel was located in Middleton's area of impact at the time of application submittal. Middleton's area of impact has been reconfigured, and the subject parcel is now located outside of the area of impact. The site is capable of accommodating business equipment and materials on site within an approximate one-acre area. The location of the site is appropriate as it balances surrounding residential and commercial uses.
    - The request for a staging area for equipment on the subject property is not anticipated to negatively impact the surrounding residential and agricultural land uses. The future land use designation is commercial in the surrounding area; therefore, the comprehensive plan may support the requested use of a staging area with proposed conditions of approval.

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?**
Met		

Analysis

The proposed use will not be injurious to other property in the immediate vicinity and/or will not negatively change the essential character of the area.

Adjacent Existing Conditions with a 600' radius:

Direction	Existing Use	Primary Zone	Other Zone
N	**Residential**	**Agricultural**	**R-R (Rural Residential)**
E	**Agriculture**	**CR-C-1 (Conditional Rezone Neighborhood Commercial)**	**CR-C-2 (Conditional Rezon Service Commercial)**
S	**Residential**	**Agricultural**	**C-1 (Neighborhood Commercial)**
W	**Residential**	**Agricultural**	**-**
"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)			

The surrounding uses and zones indicate the area is zoned Agriculture with residential uses and Commercial zoning and uses along Highway 44 (**Exhibit C5.2**).

Surrounding Land Use Cases: Surrounding land use cases within a 600' radius include a conditional use permit for a school and a conditional rezone from CR-C-1 (Conditional Rezone Neighborhood Commercial) to CR-C-2 (Conditional Rezone Service Commercial) (**Exhibits C4.5**). Within a one (1) mile radius, there

	are many cases ranging from mini storage, mineral extractions conditional use permits, conditional rezones, and subdivisions (**Exhibit C4.1-2**). The surrounding land use cases indicate the area is trending towards commercial uses, mainly on Highway 44. The residential uses are prominent in the area within the Agricultural zone. **Character of the Area:** The character of the area is agricultural and residential uses. There are 28 subdivisions within a one (1) mile radius (**Exhibit C5.5**). To the north of the subject property is Agricultural zoning with residential uses, as the Northslope Estate 2 consists of 27 lots. To the east, the parcel is zoned CR-C-2 (Conditional Rezone Service Commercial) and CR-C-1 (Conditional Rezone Neighborhood Commercial) towards Highway 44; however, the parcel appears to be in agricultural use. South of the subject property are agricultural zone parcels with residential use. Highway 44 is located approximately 600' south of the subject property. Highway 44 is a principal arterial serving major regional centers and is a higher-volume traffic corridor per the Canyon County 2030 Comprehensive Plan. To the west of the subject property is the Whittle Subdivision, a 10-lot subdivision platted in 1971, and Sleepy Hollow Subdivision, consisting of 9 lots platted in 2005 and phase 2 platted in 2024. The subject property has minimal slopes at or above 15 percent (**Exhibit C5.10**). According to the contour map, the property is located on a hill and gradually slopes down towards the southeast. There are moderately suited soils (class 4) on the subject property, with poor soils to the north (**Exhibits C5.7**). Middleton city limits are approximately a mile to the east. A site visit was completed on July 1, 2026, and site photos can be viewed in **Exhibit D**. There is a mix of land uses and zoning in the area; the requested use is not anticipated to negatively impact the character of the area with the proposed conditions of approval. **Compatibility:** The requested use of a staging area on the subject property is not anticipated to directly or indirectly interfere with or conflict with the surrounding land uses. The applicant proposes to stage business equipment on the subject property without interfering with surrounding parcels. Hill Canal on the eastern boundary of the property shall not be obstructed. *See proposed condition of approval No. 9.* Raymond Drive provides access to the subject property. There is an easement to access Parcel R34457010 on the subject property according to the applicant. The use is not anticipated to diminish another use of public and private services; there are adequate services to the subject property, as evidenced in criteria 5 and 6 of this report. The interactions between the proposed use and surrounding land uses are anticipated to be minimal. The applicant anticipates noise levels to be minimal without the use of a loading and unloading area. Generated traffic associated with the use is of one similar to a single family residence, as the property owner will primarily be the only employee accessing the site to bring equipment to and from job sites when needed. Lighting is anticipated to be minimal, and dust shall be controlled as proposed in the conditions of approval. To ensure compatibility between the uses, conditions have been proposed to mitigate concerns that may arise. **Potential Impacts:** One (1) public comment was received in opposition, due to the character of the area primarily a quiet rural neighborhood open to wildlife. The neighbor is concerned the staging area will introduce commercial activity to the area and cause an increase in noise and traffic which may pose unsafe conditions for neighbors. Conditions of approval are proposed to mitigate neighbor concerns such as limiting the hours of operations, number of equipment on site and enclosing the equipment with a sight obscuring fence.
Criteria Met? **Met**	**5**	**Will adequate water, sewer, irrigation, drainage, 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:** The applicant has an individual domestic well. The applicant does not anticipate the need for water for the requested use. The proposed use is anticipated to have an adequate water system for the proposed use if required.	

	Sewer: The applicant does not anticipate the need for sewer services for the requested use. The subject property has an existing septic system and drainfield located in the northeast area. According to Southwest District Health (SWDH) on March 25, 2026, a nutrient pathogen study is not required, and a sewage disposal system is not proposed for the requested use. SWDH does not have concerns with the requested use on the subject property as the staging area does not encroach on the primary or replacement drainfield (**Exhibit E1**). The proposed use is expected to have adequate sewer facilities for the proposed use if required. *See proposed condition of approval No. 1.* **Irrigation:** According to the applicant, the property is "dry ground". Hill Canal runs parallel to the eastern boundary of the parcel. Irrigation Districts were notified of the request on March 25, 2026. There is not a Black Canyon Irrigation District easement on the subject property for the canal. However, The Ditch Companies have a 25 foot easement on each side of the canal from the top of the bank (**Exhibit E7**). A license agreement may be required if the applicant encroaches on the facilities. According to the applicant the proposed staging area is located outside of the 25 foot easement. Irrigation facilities are not anticipated to be impacted by the proposed use. *See proposed condition of approval No. 9.* **Drainage/Stormwater drainage facilities:** According to the applicant, stormwater will be retained on site. The subject property lies in Middelton Ditch Company and Drain Ditch No. 2 jurisdiction; comments were received on July 16, 2026 stating approval is required from the Ditch Companies if drainage is discharged into the Ditch Companies' irrigation facilities. **Utility Systems:** The proposed use is anticipated to have adequate utilities to operate the proposed use. The applicant may contact utility companies if additional utilities are required for the use. **Slopes:** The subject property contains slopes at 15% or greater in grade (**Exhibit C5.10**). According to the Development Services Engineering Department, the applicant shall submit a site plan showing the staging area, and any development of 15% slopes or greater shall be subject to the hillside development. The applicant submitted the requested site plan on April 4, 2026 (**Exhibit B3**). The staging area is located in areas without slopes greater than 15 percent (**Exhibit B4.1**). *See proposed condition of approval No. 12.* Additional right-of-way width may be required by Highway District No. 4 to better maintain slopes (**Exhibit E4**).	
Criteria Met? **Met**	**6**	**Does legal access to the subject property for the development exist or will it exist at the time of development?**
Analysis	The subject property does have legal access for the development and will exist at the time of the development. The subject property is located on Raymond Drive and Silverridge Road. The subject parcel is served by an approach on Silverridge Road, a private road according to Highway District No. 4. Raymond Drive is classified as a local road located in Whittle Subdivision. According to the applicant, there is a 30'-40' access easement on the subject property serving Parcel R34457010 (**Exhibit B7**). *See proposed condition of approval No. 4c to ensure staged material is located outside of any right-of-way.* Comments provided by Highway District No. 4 indicate the use will need an access permit and shall be restricted to a single employee unless otherwise expanded through a modified access permit and impact fee assessments (**Exhibit E4**). *See proposed condition of approval No. 6 to address HD4 comments.*	
Criteria Met? **Met**	**7**	**Will there be undue interference with existing or future traffic patterns?**
Analysis	There will not be undue interference with the existing and/or future traffic patterns. The applicant will utilize Raymond Drive and Shannon Circle, local roads in Whittle Subdivision, to access Highway 44, a principal arterial roadway. The estimated trip generation is equivalent to that of a residential	

	use. There are four (4) employees at Tolls Excavation and Septic LLC. However, only the property owner will bring required equipment to and from the job site, therefore generating one (1) peak hour trip during the morning and evening commute. Highway District No. 4 does not anticipate additional traffic impacts to the traffic patterns (**Exhibit E4**). Idaho Transportation Department provided comments on March 31, 2026, stating there are no comments or concerns as the requested use will not meet the threshold for a traffic impact study. The operation of a staging area has commenced on the subject property. There will be approximately one (1) acre of space to store equipment on site. There will not be a loading and unloading area. *See **Exhibit D** for the types of equipment that may be parked on-site.* The minimal operation of a staging area is not expected to interfere with the existing and/or future traffic patterns.	
Criteria Met? **Met**	**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?**
Analysis	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. **School Facilities:** Agency notice was provided to Middleton School District on March 25 and July 6, 2026; no comments were received. The proposed use is not anticipated to negatively impact school facilities. **Police and Fire protection:** Agency notice was provided to Canyon County Sheriff and Middleton Fire District on March 25 and July 6, 2026; no comments were received. The proposed use is not anticipated to negatively impact police and fire protection services. **Emergency Medical Services:** Agency notice was provided to Canyon County's Emergency Management Coordinator and Canyon County Paramedics on March 25 and July 6, 2026; no comments were received. The proposed use is not anticipated to negatively impact emergency medical services. **Irrigation Facilities:** Black Canyon Irrigation District, Middelton Mill Ditch and Drain District No. 2 were notified of the request, and Black Canyon Irrigation District provided comments on June 26, 2026, stating there is not a Black Canyon easement on Hill Canal that runs along the eastern boundary of the subject parcel (**Exhibit E5**). The Ditch Companies have a 25 foot easement from the top of the bank of Hill Canal. The proposed use is not anticipated to negatively impact irrigation facilities.	

Table 2. 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**	**Analysis**
Met	**1**	**All work shall be conducted off-site.**
Analysis	According to the letter of intent, all work is completed off-site, occasional cleaning of equipment may take place on site during weekends. The proposed use is strictly for storing equipment and materials for the business on site.	
Criteria Met? **Met**	**2**	**Business vehicles shall be operable and parked on site, not on a public or private road.**
Analysis	All equipment shall be operable and stored on site, not on a public or private road. *See proposed condition of approval No. 4c.*	

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.**
Met		
Analysis	The property owner will bring required material and equipment to and from the subject property to the job sites. If needed, 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; however, this use is not anticipated to take place on site due to the nature of the business.	
Criteria Met?	**4**	**Employees may meet on the premises to share rides to and from job sites.**
Met		
Analysis	Employees may meet on the premises to share rides to and from job sites if needed. According to the letter of intent, employees will meet at job sites and occasionally may park on site.	
Criteria Met?	**5**	**Employees' vehicles shall be parked on site and not on a public or private road.**
Met		
Analysis	According to the letter of intent, employees will meet at job sites. Two to three (2-3) times a year, employees may meet on the premises and park employee vehicles on site. The employee parking is located in front of the garage outside of a public or private road (**Exhibit B3.1 and D**).	

Table 3. Area of City Impact

CCCO §09-09-17: Middleton Area of Impact – Application Procedures		
County Ordinance and Review		
Criteria Met?	**Code Section**	**Analysis**
Met	**09-09-17(1)**	**Processing Applications: The following procedures shall be adhered to in processing applications within the area of city impact:** **A. Land Use Applications: All land use applications submitted to the county, including, but not limited to, conditional use permits, variances and land divisions requiring notification of a public hearing, shall be referred to the city in the same manner as provided for in subsection 09-09-11(3) of this article.**
Analysis	**Area of City Impact:** The Area of City Impact shall be defined considering the trade area of the city, geographic factors, and areas that can be reasonably expected to be annexed to the city in the future per CCCO §07-02-03. The subject parcel was in the City of Middleton's area of impact at the time of application submittal in October of 2025. The subject parcel is no longer located within Middleton's area of impact. Agency notice was sent to the City of Middleton on March 25, 2026, and July 6, 2026 comments were not received. The subject property is located in Canyon County and is zoned Agricultural with a future land use designation of Commercial. The City of Middleton designates the area as Residential.	

NOTIFICATION AND COMMENTS:

Notice of the public hearing was provided as per CCCO §07-05-01. Agencies were notified on July 6, 2026. Property owners within 600 feet of the subject property boundaries were notified on July 6, 2026. Full political notice was completed on July 6, 2026. A newspaper notice was published on July 10, 2026. The subject property was posted with a notice on July 10, 2026.

Pursuant to CCCO §01-17-07B - Materials Deadline, the submission of late documents or other materials does not allow all parties time to address the materials or allow sufficient time for public review. After the materials deadline, any input may be verbally provided at the public hearing to become part of the record.

AGENCY COMMENTS

All agency comments received by the aforementioned materials deadline are located in **Exhibit E**.

PUBLIC COMMENTS

Staff received one (1) written public comments by the materials deadline of July 31, 2026. Generally, of the comments received, zero (0) were in favor, zero (0) were neutral, and one (1) was opposed. All public comments received by the aforementioned materials deadline is located in **Exhibit F**.

RECOMMENDATION AND DECISION OPTIONS:

In consideration of the application and supporting materials, staff concludes that the proposed conditional use permit is compliant with Canyon County Ordinance 07-07-05. A full analysis is detailed within the staff report.

Should the Hearing Examiner wish to approve the subject application, staff recommends the following conditions be attached:

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. 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 an approved zoning compliance is issued.
3. The staging area conditional use permit shall be limited to parcel R34457011 and the property owners, Wendy and Rick Toll. This permit is not transferable to any other property or individual and is not valid for any business or use other than the property owner or that specifically approved by the Hearing Examiner.
4. The proposed development shall be in substantial conformance with the applicant's site plan and Letter of Intent (**Exhibits B1 & B3**).
    a. The staging area shall be limited to 1 acre of the subject property in accordance with the site plan (**Exhibit B3**).
    b. 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 (**Exhibit B1**). Occasional after-hour work may occur but no later than 6 p.m. There may be occasional weekend hours of operations.
    c. Staging Area: Business equipment such as skid steers, excavators, trailers, dump trucks, piping, attachments for the equipment, etc. shall be located on site (not on a public road or right of way) and vehicles and machinery shall be in operable condition (**Exhibit D**).
    d. Number of Employees: No more than five (5) employees shall access the subject property for the proposed use.
5. The applicant shall comply with applicable Middleton Fire District requirements.
6. The applicant shall comply with applicable Highway District No. 4 access requirements. The applicant shall obtain an access permit prior to the commencement of use. A copy of the permit shall be provided to DSD.
7. The staging area shall be enclosed by a minimum six-foot sight-obscuring fence. All exterior lighting, if installed, shall be downward facing and directed away from surrounding properties.

8. The staging area site and fencing shall be maintained and kept in good repair. The lease area and surrounding fence line shall be kept weed-free and/or maintained with weeds being 6" in height or less.
9. The applicant shall comply with applicable Ditch Companies' requirements (**Exhibit E7**). The applicant shall not impede, disrupt, or otherwise disturb the existing irrigation structures on and adjacent to the subject property. Stormwater shall be retained on site.
10. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations, including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances), and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) requirements.
11. The applicant shall install a concreate containment field for the propane tank consisting of a concreate pad with a minimum 6 inch concrete containment curb. Photo evidence shall be provided to DSD within 120 days of the signed Findings of Fact, Conclusion of Law and Order.
12. Development on slopes greater than 15% is prohibited. Any disturbance of slopes greater than 15% shall require an engineered grading and drainage plan per CCCO §07-17-33(1)C (**Exhibit E3**).

DECISION OPTIONS

- **Approval of the Application**: "I move to approve CU2025-0025, Toll, finding the application **does** meet the criteria for approval under Article 07-07-05 of the Canyon County Zoning Ordinance, **with the conditions listed in the staff report, finding that**: [*Cite reasons for approval & insert any additional conditions of approval*].
- **Denial of the Application**: "I move to deny CU2025-0025, Toll, finding the application **does not** meet the criteria for approval under Article 07-07-05 of Canyon County Zoning Ordinance, **finding that** [*cite findings for denial based on the express standards outlined in the criteria & the actions, if any, the applicant could take to obtain approval (ref.ID.67-6519(5)*].
- **Table the Application:** "I move to continue CU2025-0025, Toll, to a [*date certain or uncertain*].

EXHIBITS:

A. Draft FCOS

B. Application Packet & Supporting Materials

1. Letter of Intent
2. Land Use Worksheet
3. Site Plan (parking location)
4. Engineering Email Correspondence
   - 4.1. Site Plan
5. Neighborhood Meeting
6. Agency Acknowledgement form
7. Warranty Deed
8. Email Communication

C. Supplemental Documents

1. Parcel Information Report
2. PI2018-0237
3. CDEF2025-0185
4. Neighboring Cases
   - 4.1. Case Map
   - 4.2. Case Summary Report
   - 4.3. CU2022-0032
   - 4.4. CU2022-0031
   - 4.5. C2022-0007

4.6. CU2025-0018

5. Cases Maps/Reports
    5.1. Aerial
    5.2. Zoning Map
    5.3. Future Land Use Map
    5.4. Middleton Future Land Use Map
    5.5. Subdivision Plat
        a. Lot Report
    5.6. Dairy, Feedlot and Gravel Pit Map
    5.7. Soil Map
        a. Prime Farmland Map
        b. Soil and Prima Farm Land Report
    5.8. Nitrate Priority and Wells Map
    5.9. Contour Map
    5.10. Slope Map

D. Site Visit Photos: July 1, 2026

E. Agency Comments Received by: July 31, 2026

1. Southwest District Health; Received: March 25, 2026
    1.1. Pre-Development Meeting Notes from September 12, 2025
2. Idaho Transportation Department; Received: March 31, 2026
3. DSD Engineering Division; Received: April 2, 2026
4. Highway District No. 4; Received: April 14, 2026
5. Black Canyon Irrigation District; Received: June 26, 2026
6. DSD Building Department; Received: July 13, 2026
7. Ditch Companies; Received: July 16, 2026

F. Public Comments Received by: July 31, 2026

1. Bob and Jo Jones; Received: July 27, 2026

EXHIBIT A

DRAFT – Findings of Fact, Conclusions of Law & Order (FCOs)

Hearing Examiner

Case# CU2025-0025

Hearing date: August 10, 2026

In the matter of the application of:
Toll – CU2025-0025

The Canyon County Hearing Examiner considers the following:

The applicants, Rick and Wendy Toll, are requesting a Conditional Use Permit for a staging area for an excavation company on approximately 1 acre out of 2.48 acres in an "A" (Agricultural) zone. The proposed use consists of a staging area for business equipment and material (excavator and skid steer) with four (4) employees. The hours of operation are 7 a.m. to 5 p.m. Monday to Friday with occasional overtime and weekend hours. 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.

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 CU2025-0025.
      1. All exhibits are located in the case staff report dated August 10, 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), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and CCCO §09-09-17, (Area of City Impact Agreement).

   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. *See* Idaho Code §67-6512, CCCO §07-07-17, and 07-07-19.

DRAFT

e. Use Standards – Staging Area: (1) All work shall be conducted off site. (2) Business vehicles shall be operable and parked on site, not on a public or private road. (3) Persons not employed on the premises may visit the premises for the purpose of picking up equipment and materials to be used elsewhere, including trucks offloading or transferring equipment and/or materials to other vehicles. (4) Employees may meet on the premises to share rides to and from job sites. (5) Employees' vehicles shall be parked on site and not on a public or private road. *See* CCCO §07-14-29.

2. Any hearing examiner appointed by the board shall perform such duties as assigned by the board pursuant to Idaho Code section 67-6520. See CCCO §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. 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, CU2025-0025, was presented at a public hearing before the Hearing Examiner on August 10, 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 Hearing Examiner 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**	**Analysis**
Met	**1**	**Is the proposed use permitted in the zone by conditional use permit?**
Analysis	The p use of a staging area is permitted in an "A" (Agricultural) zone by conditional use permit, pursuant to County Ordinance (CCCO §07-10-27). The use consists of a staging area for Toll Excavation and Septic LLC on Parcel R34457011 to park equipment such as excavators and skid steers when not in use. The applicant submitted a conditional use permit application to establish a staging area on October 7, 2025. See **Exhibit B** of the Staff Report for the application and submitted materials. A staging area is defined as "*an area where equipment and/or materials are stored for use conducted entirely off site" per CCCO §07-02-03.* See project description analysis contained in Section 07-070-05(2) detailing the nature of the request.	
Criteria Met? **Met**	**2**	**What is the nature of the request?**
Analysis	The nature of the request consists of a conditional use permit to establish a staging area for Toll Excavation and Septic LLC on Parcel R34457011. • Toll Excavation and Septic LLC is a small excavation company, according to the letter of intent. All excavation work is completed off-site. • The applicant requests one (1) acre of the 2.48-acre subject property be utilized for the staging area (**Exhibit B3 & B7** of the Staff Report).	

	• Hours of operation are 7 a.m. to 5 p.m. Monday through Friday with occasional overtime hours until 6 p.m. Moving and washing of equipment may take place during the weekends. • There are four (4) employees, of whom one (1) works from home. Employees meet at the job site, and the property owner will bring the required equipment to the job site, eliminating the number of trips generated to and from the subject property. • The applicant requests a staging area for business equipment and materials, which include, but are not limited to, skid steers, an excavator, trailers, dump trucks, piping, attachments for the equipment, etc. (**Exhibit B7 & D** of the Staff Report). The equipment and materials will be parked on the subject property when not in use on job sites. The majority of the equipment will be staged during the winter season. • *See **Exhibit B** of the Staff Report for details on the request.*	
Criteria Met? **Met**	**3**	**Is the proposed use consistent with the comprehensive plan?**
Analysis	The use is consistent with the Canyon County 2030 Comprehensive Plan with conditions. The subject parcel is zoned Agricultural with a future land use designation of Commercial. Within Middleton's future land use, the subject parcel and surrounding area are zoned Residential. <u>Property Rights:</u> • *G1.01.00 Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.* • *A1.01.00a Require properties to conform to the zoning code before receiving additional zoning approvals.* • *A1.01.00b Canyon County will take appropriate measures to enforce all nuisance ordinances to protect the quality of life and private property rights.* • *G1.02.00 Acknowledge the responsibilities of each property owner 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.* o The property owner's rights include the right to possession, control, exclusion, enjoyment, and disposition. The applicant submitted a conditional use permit to remedy the nuisance on the subject property (**Exhibit B** of the Staff Report). The applicant has designated the eastern area of the property, parallel with Hill Canal and the northeast corner on the property for the staging area. <u>Economic Development:</u> • *G3.01.00 Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.* • *G3.05.00 Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.* o The staging area is near Highway 44, where commercial activity is designated along the principal arterial according to the zoning map (**Exhibit C5.2-3** of the Staff Report). The requested use is for a small excavation company that has been operating for two (2) years. The use is anticipated to match the character of the area with conditions of approval. *See code section 4 for details regarding the character of the area and code section 7 for transportation impacts.* <u>Land Use and Community Design:</u> • *P4.01.02 Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.* • *P4.02.01 Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.* • *P4.04.02 Align planning efforts in areas of city impact.* o The subject property is adjacent to a subdivision and a conditional rezone commercial parcel. The subject parcel was located in Middleton's area of impact at the time of application submittal. Middleton's area of impact has been reconfigured, and the subject parcel is now located outside of	

	the area of impact. The site is capable of accommodating business equipment and materials on site within an approximate one-acre area. The location of the site is appropriate as it balances surrounding residential and commercial uses. o The request for a staging area for equipment on the subject property is not anticipated to negatively impact the surrounding residential and agricultural land uses. The future land use designation is commercial in the surrounding area; therefore, the comprehensive plan may support the requested use of a staging area with conditions of approval.
Criteria Met? **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?**
Analysis	The use will not be injurious to other property in the immediate vicinity and/or will not negatively change the essential character of the area. **Adjacent Existing Conditions with a 600' radius:**

Direction	Existing Use	Primary Zone	Other Zone
N	Residential	Agricultural	R-R (Rural Residential)
E	Agriculture	CR-C-1 (Conditional Rezone Neighborhood Commercial)	CR-C-2 (Conditional Rezon Service Commercial)
S	Residential	Agricultural	C-1 (Neighborhood Commercial)
W	Residential	Agricultural	-

"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)

The surrounding uses and zones indicate the area is zoned Agriculture with residential uses and Commercial zoning and uses along Highway 44 (**Exhibit C5.2** of the Staff Report).

Surrounding Land Use Cases: Surrounding land use cases within a 600' radius include a conditional use permit for a school and a conditional rezone from CR-C-1 (Conditional Rezone Neighborhood Commercial) to CR-C-2 (Conditional Rezone Service Commercial) (**Exhibits C4.5** of the Staff Report). Within a one (1) mile radius, there are many cases ranging from mini storage, mineral extractions conditional use permits, conditional rezones, and subdivisions (**Exhibit C4.1-2** of the Staff Report). The surrounding land use cases indicate the area is trending towards commercial uses, mainly on Highway 44. The residential uses are prominent in the area within the Agricultural zone.

Character of the Area: The character of the area is agricultural and residential uses. There are 28 subdivisions within a one (1) mile radius (**Exhibit C5.5** of the Staff Report). To the north of the subject property is Agricultural zoning with residential uses, as the Northslope Estate 2 consists of 27 lots. To the east, the parcel is zoned CR-C-2 (Conditional Rezone Service Commercial) and CR-C-1 (Conditional Rezone Neighborhood Commercial) towards Highway 44; however, the parcel appears to be in agricultural use. South of the subject property are agricultural zone parcels with residential use. Highway 44 is located approximately 600' south of the subject property. Highway 44 is a principal arterial serving major regional centers and is a higher-volume traffic corridor per the Canyon County 2030 Comprehensive Plan. To the west of the subject property is the Whittle Subdivision, a 10-lot subdivision platted in 1971, and Sleepy Hollow Subdivision, consisting of 9 lots platted in 2005 and phase 2 platted in 2024. The subject property has minimal slopes at or above 15 percent (**Exhibit C5.10** of the Staff Report). According to the contour map, the property is located on a hill and gradually slopes down towards the southeast. There are moderately suited soils (class 4) on the subject property, with poor soils to the north (**Exhibits C5.7** of the Staff Report). Middleton city limits are approximately a mile to the east. A site visit was completed on July 1, 2026, and site photos can be viewed in **Exhibit D** of the Staff Report. There is a mix of land uses and zoning in the area; the requested use is not anticipated to negatively impact the character of the area with the conditions of approval.

Compatibility: The requested use of a staging area on the subject property is not anticipated to directly or indirectly interfere with or conflict with the surrounding land uses. The applicant proposes to stage business equipment on the subject property without interfering with surrounding parcels. Hill Canal on the eastern boundary of the property shall not be obstructed. *See condition of approval No. 9.* Raymond Drive provides

	access to the subject property. There is an easement to access Parcel R34457010 on the subject property according to the applicant. The use is not anticipated to diminish another use of public and private services; there are adequate services to the subject property, as evidenced in criteria 5 and 6 of this report. The interactions between the requested use and surrounding land uses are anticipated to be minimal. The applicant anticipates noise levels to be minimal without the use of a loading and unloading area. Generated traffic associated with the use is of one similar to a single family residence, as the property owner will primarily be the only employee accessing the site to bring equipment to and from job sites when needed. Lighting is anticipated to be minimal, and dust shall be controlled per the conditions of approval. To ensure compatibility between the uses, conditions have been included to mitigate concerns that may arise. **Potential Impacts:** One (1) public comment was received in opposition, due to the character of the area primarily a quiet rural neighborhood open to wildlife. The neighbor is concerned the staging area will introduce commercial activity to the area and cause an increase in noise and traffic which may pose unsafe conditions for neighbors. Conditions of approval are included to mitigate neighbor concerns such as limiting the hours of operations, number of equipment on site and enclosing the equipment with a sight obscuring fence.	
Criteria Met? **Met**	**5**	**Will adequate water, sewer, irrigation, drainage, 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 use based on the analysis contained herein. **Water:** The applicant has an individual domestic well. The applicant does not anticipate the need for water for the requested use. The use is anticipated to have an adequate water system for the use if required. **Sewer:** The applicant does not anticipate the need for sewer services for the requested use. The subject property has an existing septic system and drainfield located in the northeast area. According to Southwest District Health (SWDH) on March 25, 2026, a nutrient pathogen study is not required, and a sewage disposal system is not proposed for the requested use. SWDH does not have concerns with the requested use on the subject property as the staging area does not encroach on the primary or replacement drainfield (**Exhibit E1** of the Staff Report). The use is expected to have adequate sewer facilities for the use if required. *See condition of approval No. 1.* **Irrigation:** According to the applicant, the property is "dry ground". Hill Canal runs parallel to the eastern boundary of the parcel. Irrigation Districts were notified of the request on March 25, 2026. There is not a Black Canyon Irrigation District easement on the subject property for the canal. However, The Ditch Companies have a 25 foot easement on each side of the canal from the top of the bank (**Exhibit E7** of the Staff Report). A license agreement may be required if the applicant encroaches on the facilities. According to the applicant the staging area is located outside of the 25 foot easement. Irrigation facilities are not anticipated to be impacted by the use. *See condition of approval No. 9.* **Drainage/Stormwater drainage facilities:** According to the applicant, stormwater will be retained on site. The subject property lies in Middelton Ditch Company and Drain Ditch No. 2 jurisdiction; comments were received on July 16, 2026 stating approval is required from the Ditch Companies if drainage is discharged into the Ditch Companies' irrigation facilities. **Utility Systems:** The use is anticipated to have adequate utilities to operate the use. The applicant may contact utility companies if additional utilities are required for the use. **Slopes:** The subject property contains slopes at 15% or greater in grade (**Exhibit C5.10** of the Staff Report). According to the Development Services Engineering Department, the applicant shall submit a site plan showing the staging area, and any development of 15% slopes or greater shall be subject to the hillside development. The applicant submitted the requested site plan on April 4, 2026 (**Exhibit B3** of the Staff Report). The staging area is located in areas without slopes greater than 15 percent (**Exhibit B4.1** of the Staff Report). *See condition of approval No. 12.* Additional right-of-way width may be required by Highway District No. 4 to better maintain slopes (**Exhibit E4** of the Staff Report).	
Criteria Met? **Met**	**6**	**Does legal access to the subject property for the development exist or will it exist at the time of development?**

Analysis	The subject property does have legal access for the development and will exist at the time of the development. The subject property is located on Raymond Drive and Silverridge Road. The subject parcel is served by an approach on Silverridge Road, a private road according to Highway District No. 4. Raymond Drive is classified as a local road located in Whittle Subdivision. According to the applicant, there is a 30'-40' access easement on the subject property serving Parcel R34457010 (**Exhibit B7** of the Staff Report). *See condition of approval No. 4c to ensure staged material is located outside of any right-of-way.* Comments provided by Highway District No. 4 indicate the use will need an access permit and shall be restricted to a single employee unless otherwise expanded through a modified access permit and impact fee assessments (**Exhibit E4**). *See condition of approval No. 6 to address HD4 comments.*	
Criteria Met? **Met**	**7**	**Will there be undue interference with existing or future traffic patterns?**
Analysis	There will not be undue interference with the existing and/or future traffic patterns. The applicant will utilize Raymond Drive and Shannon Circle, local roads in Whittle Subdivision, to access Highway 44, a principal arterial roadway. The estimated trip generation is equivalent to that of a residential use. There are four (4) employees at Tolls Excavation and Septic LLC. However, only the property owner will bring required equipment to and from the job site, therefore generating one (1) peak hour trip during the morning and evening commute. Highway District No. 4 does not anticipate additional traffic impacts to the traffic patterns (**Exhibit E4**). Idaho Transportation Department provided comments on March 31, 2026, stating there are no comments or concerns as the requested use will not meet the threshold for a traffic impact study. The operation of a staging area has commenced on the subject property. There will be approximately one (1) acre of space to store equipment on site. There will not be a loading and unloading area. *See **Exhibit D*** of the *Staff Report for the types of equipment that may be parked on-site.* The minimal operation of a staging area is not expected to interfere with the existing and/or future traffic patterns.	
Criteria Met? **Met**	**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?**
Analysis	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. **School Facilities:** Agency notice was provided to Middleton School District on March 25 and July 6, 2026; no comments were received. The use is not anticipated to negatively impact school facilities. **Police and Fire protection:** Agency notice was provided to Canyon County Sheriff and Middleton Fire District on March 25 and July 6, 2026; no comments were received. The use is not anticipated to negatively impact police and fire protection services. **Emergency Medical Services:** Agency notice was provided to Canyon County's Emergency Management Coordinator and Canyon County Paramedics on March 25 and July 6, 2026; no comments were received. The use is not anticipated to negatively impact emergency medical services. **Irrigation Facilities:** Black Canyon Irrigation District, Middelton Mill Ditch and Drain District No. 2 were notified of the request, and Black Canyon Irrigation District provided comments on June 26, 2026, stating there is not a Black Canyon easement on Hill Canal that runs along the eastern boundary of the subject parcel (**Exhibit E5** of the Staff Report). The Ditch Companies have a 25 foot easement from the top of the bank of Hill Canal. The use is not anticipated to negatively impact irrigation facilities.	

Table 2. 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**	**Analysis**
Met	**1**	**All work shall be conducted off-site.**
Analysis	According to the letter of intent, all work is completed off-site, occasional cleaning of equipment may take place on site during weekends. The use is strictly for storing equipment and materials for the business on site.	
Criteria Met? **Met**	**2**	**Business vehicles shall be operable and parked on site, not on a public or private road.**
Analysis	All equipment shall be operable and stored on site, not on a public or private road. *See condition of approval No. 4c.*	
Criteria Met? **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.**
Analysis	The property owner will bring required material and equipment to and from the subject property to the job sites. If needed, 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; however, this use is not anticipated to take place on site due to the nature of the business.	
Criteria Met? **Met**	**4**	**Employees may meet on the premises to share rides to and from job sites.**
Analysis	Employees may meet on the premises to share rides to and from job sites if needed. According to the letter of intent, employees will meet at job sites and occasionally may park on site.	
Criteria Met? **Met**	**5**	**Employees' vehicles shall be parked on site and not on a public or private road.**
Analysis	According to the letter of intent, employees will meet at job sites. Two to three (2-3) times a year, employees may meet on the premises and park employee vehicles on site. The employee parking is located in front of the garage outside of a public or private road (**Exhibit B3.1 and D** of the Staff Report).	

Table 3. Area of City Impact

CCCO §09-09-17: Middleton Area of Impact – Application Procedures		
County Ordinance and Review		
Criteria Met?	**Code Section**	**Analysis**
Met	**09-09-17(1)**	**Processing Applications: The following procedures shall be adhered to in processing applications within the area of city impact:** **A. Land Use Applications: All land use applications submitted to the county, including, but not limited to, conditional use permits, variances and land divisions requiring notification of a public hearing, shall be referred to the city in the same manner as provided for in subsection 09-09-11(3) of this article.**
Analysis	**Area of City Impact:** The Area of City Impact shall be defined considering the trade area of the city, geographic factors, and areas that can be reasonably expected to be annexed to the city in the future per CCCO §07-02-03. The subject parcel was in the City of Middleton's area of impact at the time of application submittal in October of 2025. The subject parcel is no longer located within Middleton's area of impact. Agency notice was sent to the City of Middleton on March 25, 2026, and July 6, 2026 comments were not received. The subject property is located in Canyon County and is zoned Agricultural with a future land use designation of Commercial. The City of Middleton designates the area as Residential.	

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, Hearing Examiner **approves** Case # CU2025-0025, a conditional use permit for a staging area 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 requested use.
2. 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 an approved zoning compliance is issued.
3. The staging area conditional use permit shall be limited to parcel R34457011 and the property owners, Wendy and Rick Toll. This permit is not transferable to any other property or individual and is not valid for any business or use other than the property owner or that specifically approved by the Hearing Examiner.
4. The requested development shall be in substantial conformance with the applicant's site plan and Letter of Intent (**Exhibits B1 & B3** of the Staff Report).
    a. The staging area shall be limited to 1 acre of the subject property in accordance with the site plan (**Exhibit B3** of the Staff Report).
    b. The hours of operation shall be 7 a.m. to 5 p.m. Monday through Friday, as requested in the applicant's letter of intent (**Exhibit B1** of the Staff Report). Occasional after-hour work may occur but no later than 6 p.m. There may be occasional weekend hours of operations.
    c. Staging Area: Business equipment such as skid steers, excavators, trailers, dump trucks, piping, attachments for the equipment, etc. shall be located on site (not on a public road or right of way) and vehicles and machinery shall be in operable condition (**Exhibit D** of the Staff Report).
    d. Number of Employees: No more than five (5) employees shall access the subject property for the requested use.
5. The applicant shall comply with applicable Middleton Fire District requirements.
6. The applicant shall comply with applicable Highway District No. 4 access requirements. The applicant shall obtain an access permit prior to the commencement of use. A copy of the permit shall be provided to DSD.
7. The staging area shall be enclosed by a minimum six-foot sight-obscuring fence. All exterior lighting, if installed, shall be downward facing and directed away from surrounding properties.
8. The staging area site and fencing shall be maintained and kept in good repair. The lease area and surrounding fence line shall be kept weed-free and/or maintained with weeds being 6" in height or less.
9. The applicant shall comply with applicable Ditch Companies' requirements (**Exhibit E7** of the Staff Report). The applicant shall not impede, disrupt, or otherwise disturb the existing irrigation structures on and adjacent to the subject property. Stormwater shall be retained on site.
10. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations, including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances), and shall be consistent with Idaho Department of Environmental Quality (DEQ) and Environmental Protection Agency (EPA) requirements.
11. The applicant shall install a concreate containment field for the propane tank consisting of a concreate pad with a minimum 6 inch concrete containment curb. Photo evidence shall be provided to DSD within 120 days of the signed Findings of Fact, Conclusion of Law and Order.
12. Development on slopes greater than 15% is prohibited. Any disturbance of slopes greater than 15% shall require an engineered grading and drainage plan per CCCO §07-17-33(1)C (**Exhibit E3** of the Staff Report).

DATED this _____ day of _____, 2026.

HEARING EXAMINER
CANYON COUNTY, IDAHO

_____
Jerome Mapp, Hearing Examiner;

State of Idaho)

SS

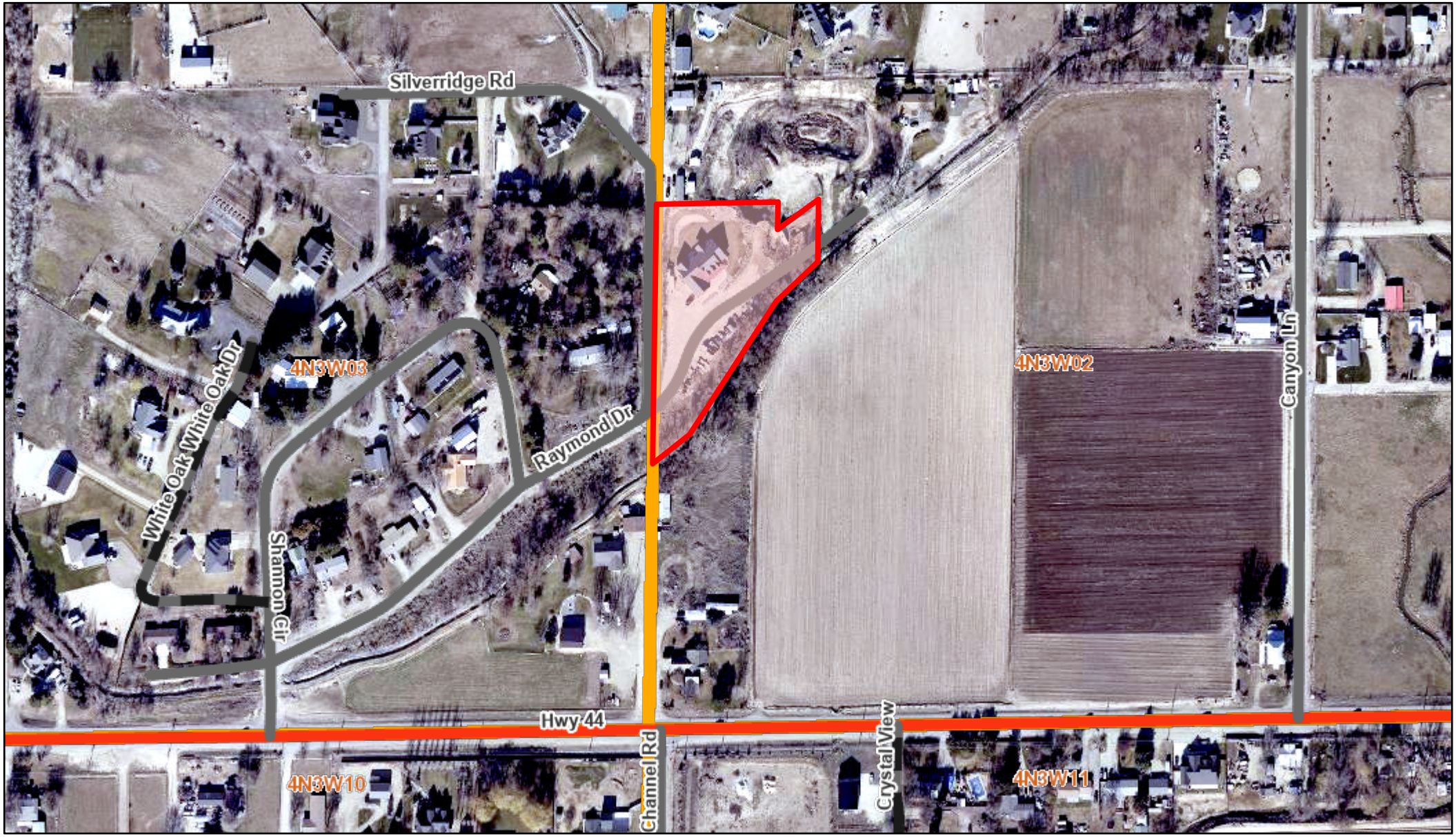
County of Canyon County)

On this _____day of _____, in the year 2026, before me_____, a notary public, personally appeared _____, 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: _____

My Commission Expires: _____

Canyon County, ID Web Map



10/7/2025, 12:10:13 PM

Multiple Parcel Search _Query result

CanyonCountyRoads

Hwy

Roads

CC_PrivateRoads

County Boundary

Current Impact Area

City Limits

Sections

Imagery_2025_3in

Red: Band_1

Green: Band_2

1:4,514

0 0.03 0.06 0.11 mi

0 0.04 0.09 0.17 km

Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Canyon County, ID

Bureau of Land Management, State of Oregon, State of Oregon DOT, State of Oregon GEO, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | City of Nampa |

CONDITIONAL USE PERMIT
PUBLIC HEARING - APPLICATION

PROPERTY OWNER	OWNER NAME: Rick/Wendy Toll	
	MAILING ADDRESS: 13944 Raymond Dr, Caldwell, ID 83607	
	PHONE: [redacted]	EMAIL: [redacted]

I consent to this application and allow DSD staff / Commissioners to enter the property for site inspections. If the owner(s) is a business entity, please include business documents, including those that indicate the person(s) who are eligible to sign.

Signature: Wendy Toll *Date:* 10/7/25

APPLICANT: IF DIFFERING FROM THE PROPERTY OWNER	APPLICANT NAME:	
	COMPANY NAME:	
	MAILING ADDRESS:	
	PHONE:	EMAIL:

SITE INFO	STREET ADDRESS: 13944 Raymond Dr, Caldwell, ID 83607	
	PARCEL NUMBER: 34457011 0	
	PARCEL SIZE: 2.48 acres	
	REQUESTED USE: Conditional Use	
	FLOOD ZONE (YES/NO) No	ZONING DISTRICT:

FOR DSD STAFF COMPLETION ONLY:

CASE NUMBER	CU2025-0025	DATE RECEIVED:	10/7/25
RECEIVED BY:	tt	APPLICATION FEE: 1600.00	(CK) MO CC CASH

CONDITIONAL USE PERMIT
PUBLIC HEARING - CHECKLIST

RECEIVED
OCT 07 2025
BY:

CONDITIONAL USE PERMIT - CCZO Section 07-07-05

THE FOLLOWING ITEMS MUST BE SUBMITTED WITH THIS APPLICATION TO BE DEEMED COMPLETE (PLEASE CHECK OFF THE ITEMS REQUIRED):

Description	Applicant	Staff
Master Application completed and signed		
Letter of Intent (see standards on next page)		
Site Plan (see standards on next page)		
Land Use Worksheet		
Neighborhood Meeting sheet/letter completed and signed		
Proof of application/communication with (varies per application):		
Southwest District Health		
Irrigation District		
Fire District		
Highway District/ Idaho Transportation Dept.		
Area of City Impact		
Deed or evidence of property interest to the subject property		
Fee: ~~$860.00~~ ~~$680.00~~ (CUP Modification)		
Fees are non-refundable		

An application that requires additional Use Standards per Chapter 7, Article 14 of the Canyon County Code:

☐Contractor Shop

☐Mineral Extraction (Long Term)

☐Wind Farm

☐Staging Area

☐Manufacturing or processing of hazardous chemicals or gases

☐Ministorage Facility

**If applicable, review the Additional Use Standards Below, if not applicable, please disregard them.*

*DISCLAIMER: The subject property shall be in compliance with the public nuisance ordinance, the building code and the zoning code before the Director can accept the application.

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT
111 North 11th Avenue, #310. Caldwell, ID 83605
zoninginfo@canyoncounty.id.gov • Phone: 208-454-7458

old

Exhibit B1

Rick/Wendy Toll
Toll Excavation & Septic LLC
13944 Raymond Dr
Caldwell, ID 83607
[redacted]

September 10, 2025

Canyon County Development Services
111 North 11th Ave #310
Caldwell, ID 83605

Subject: Letter of Intent and Justification for Conditional Use Permit
Dwelling Unit at 13944 Raymond Dr, Caldwell, ID 83607

Dear Canyon County Development Services,

This letter is submitted as a required component of my Conditional Use Permit application to have a staging area at my property located at 13944 Raymond Dr, Caldwell, ID, legally described as 02-4N-3W SW TX 18689 IN SWSW- Parcel #R34457011.

1. Project Purpose and Proposed Use
We have a small excavation company that has been in business for 2 years. We have 4 employees who work from 7 am-5 pm (not including overtime), the employees do not come to our house to pick up equipment, we meet at the job site. One of the employees is Rick Toll who is the owner of the property and owner of the business, if a piece of equipment is needed, he will bring it when he goes to work. Very rarely do employees come to our property. We do not have delivery, shipping, products or marketing. The purpose of this project is to park our excavation equipment on our property when they are not at a job site.

2. Consistency with the Comprehensive Plan
We currently have 3 employees and are open from 7 am to 5 pm. The noise level will be minimal, loading/unloading of equipment. We will not impact the air or water quality, nor

will we have deliveries made to this address. We do not need to do any site improvements, nor will we need public or private facilities or public amenities.

3. Impact on the Immediate Vicinity

- Privacy and View: The parking will be at the bottom of a short hill or across the dirt (Private road) from our home. People driving on Silver Ridge will be able to see the equipment if parked across from our house.
- Traffic and Parking: We will have no impact on neighborhood traffic or parking.
- Density: We will not add to the density of the neighborhood. Only putting a few pieces of equipment on our property when not in use.
- Landscaping: We have always kept our property clean and free of weeds and debris.

4. Utility and Infrastructure needs
We will not use, nor will we need, water, sewage, irrigation, stormwater drainage.

5. Our legal access will be from Raymond Dr onto our private dirt road, shared by one other home.

6. There will not be an impact to existing or future traffic patterns, schools, irrigation facilities, emergency services.

7. All excavation work will be conducted off site. Business vehicles will be operable and parked on site, and employees/persons on the premises for parking and business vehicle pickup all will be maintained on site.

We believe this project is a responsible and appropriate use of our property that will have no negative impact on the surrounding neighborhood. We are committed to adhering to all building codes and zoning regulations to ensure the staging area is a safe and beneficial addition to our community.

Sincerely,
Rick/Wendy Toll

LAND USE WORKSHEET

Exhibit B2

PLEASE CHECK ALL THAT APPLY TO YOUR REQUEST:

GENERAL INFORMATION

1. **DOMESTIC WATER:** ☐ Individual Domestic Well ☐ Centralized Public Water System ☐ City

☒ N/A – Explain why this is not applicable: Just applying for conditional use to park construction equipment

☐ How many Individual Domestic Wells are proposed? _____

2. **SEWER (Wastewater)** ☐ Individual Septic ☐ Centralized Sewer system

☒ N/A – Explain why this is not applicable: Just applying for conditional use to park construction equipment

3. **IRRIGATION WATER PROVIDED VIA:**

☐ Surface ☐ Irrigation Well ☐ None

4. **IF IRRIGATED, PROPOSED IRRIGATION:**

☐ Pressurized ☐ Gravity

5. **ACCESS:**

☒ Frontage ☐ Easement Easement width_____Inst. # _____

6. **INTERNAL ROADS:**

☐ Public ☒ Private Road User's Maintenance Agreement Inst #_____

7. **FENCING** ☐ Fencing will be provided (Please show location on site plan)

Type: _____ Height: _____

8. **STORMWATER:** ☐ Retained on site ☐ Swales ☐ Ponds ☐ Borrow Ditches

☐ Other: _____

9. **SOURCES OF SURFACE WATER ON OR NEARBY PROPERTY:** (i.e. creeks, ditches, canals, lake)

Irrigation ditch

RESIDENTIAL USES

1. **NUMBER OF LOTS REQUESTED**:

☐ Residential _____ ☐ Commercial _____ ☐ Industrial _____

☐ Common _____ ☐ Non-Buildable _____

2. **FIRE SUPPRESSION:**

☐ Water supply source: _____

3. **INCLUDED IN YOUR PROPOSED PLAN?**

☐ Sidewalks ☐ Curbs ☐ Gutters ☐ Street Lights ☐ None

NON-RESIDENTIAL USES

1. **SPECIFIC USE**: Park Construction Equipment

2. **DAYS AND HOURS OF OPERATION**:

☐ Monday _____ to _____

☐ Tuesday _____ to _____

☐ Wednesday _____ to _____

☐ Thursday _____ to _____

☐ Friday _____ to _____

☐ Saturday _____ to _____

☐ Sunday _____ to _____

3. **WILL YOU HAVE EMPLOYEES?** ☐ Yes If so, how many? _____ ☐ No

4. **WILL YOU HAVE A SIGN?** ☐ Yes ☒ No ☐ Lighted ☐ Non-Lighted

Height: _____ ft Width: _____ ft. Height above ground: _____ ft

What type of sign: _____Wall _____ Freestanding _____ Other

5. **PARKING AND LOADING:**

How many parking spaces? _____

Is there is a loading or unloading area? _____

ANIMAL CARE-RELATED USES

1. **MAXIMUM NUMBER OF ANIMALS:** _____

2. **HOW WILL ANIMALS BE HOUSED AT THE LOCATION?**

☐ Building ☐ Kennel ☐ Individual Housing ☐ Other _____

3. **HOW DO YOU PROPOSE TO MITIGATE NOISE?**

☐ Building ☐ Enclosure ☐ Barrier/Berm ☐ Bark Collars

4. **ANIMAL WASTE DISPOSAL**

☐ Individual Domestic Septic System ☐ Animal Waste Only Septic System

☐ Other: _____

Google Maps

Exhibit B3



Imagery ©2025 Vexcel Imaging US, Inc., Imagery ©2025 Airbus, Maxar Technologies, Vexcel Imaging US, Inc., Map data ©2025 50 ft

Some trailers & equipment will be parked here

This area will be equipment will be parked -

Arbay Mberwa

Exhibit B4

From: Rick Toll <[redacted]>
Sent: Monday, April 6, 2026 10:16 AM
To: Arbay Mberwa
Subject: [External] Re: Agency Notice CU2025-0025 / Toll
Attachments: House photo April 2026.jpg

Arbay,
Here is our reply to the Development Services. I have attached a Site plan, the major equipment parking will be on the northeast side of our property as shown on the map. We park some of our trailers on the south side of our property shown in the map. Employees park up by our garage when they leave their vehicles here, but they are only at our house once or twice a year. They usually meet at the job site. As shown on the map there is ample access to driveway and circulation. No grading areas. Pipes will also be stowed on the northeast side of our property where equipment is parked.
There is no future plans for slopes.
Thank you
Wendy Toll
Toll Excavation

On Friday, April 3, 2026 at 08:07:30 AM MDT, Arbay Mberwa <arbay.mberwa@canyoncounty.id.gov> wrote:

Hello,

Please see comments received from Development Services Engineering and Floodplain Division.

Please reach out and let me know if you have questions,

Arbay Mberwa
Associate Planner
Canyon County Development Services Department
Direct Line: 208-455-6039
Email: Arbay.Mberwa@canyoncounty.id.gov
111 N. 11th Ave., #310, Caldwell, ID 83605
Website: www.canyoncounty.id.gov
Public office hours:

From: Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>
Sent: Thursday, April 2, 2026 5:47 PM
To: Arbay Mberwa <Arbay.Mberwa@canyoncounty.id.gov>
Subject: RE: Agency Notice CU2025-0025 / Toll

Good evening Arbay,

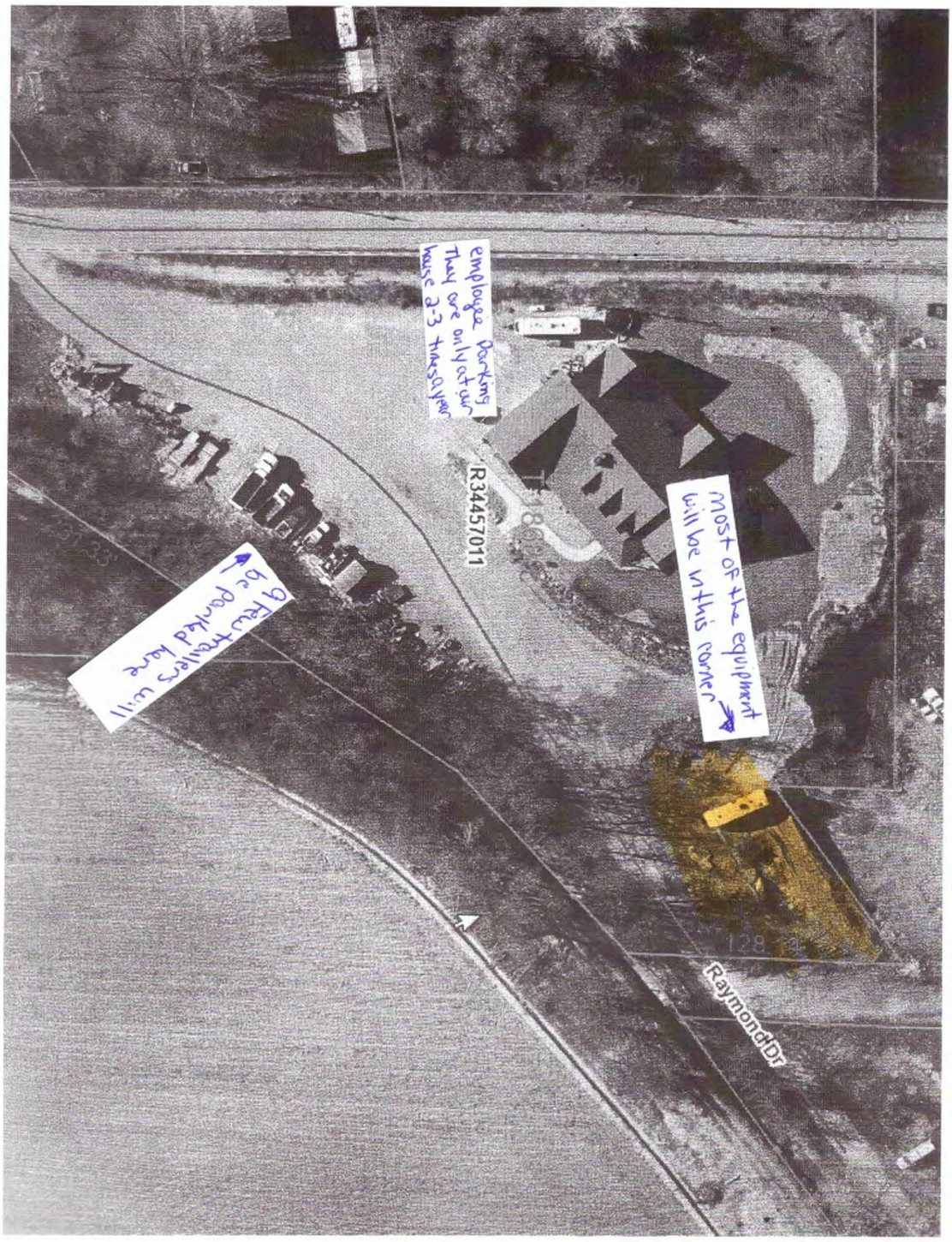
I have attached my reviewed. Please, Let me know if you have any question.

Thank you,

Dalia Alnajjar
Engineering Supervisor
Floodplain Manager
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-454-7459
Cell: 208-718-8944
Fax: 208-454-6633
Email: dalia.alnajjar@canyoncounty.id.gov
Website: www.canyoncounty.id.gov
Development Services Department (DSD)
Floodplain Questions by Appointment Only (Monday & Wednesday)

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Wednesday, March 25, 2026 8:15 AM
To: lpennington@msd134.org; mgee@msd134.org; permits@starfirerescue.org; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; chopper@hwydistrict4.org; brandy.walker@ForgedFiber37.com; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'arobins@idahopower.com' <arobins@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; developmentreview@blackcanyonirrigation.com; irrigation.mm.mi@gmail.com; mitch.kiester@phd3.idaho.gov; anthony.lee@phd3.idaho.gov; D3Development.Services@itd.idaho.gov; Kendra.Conder@itd.idaho.gov; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; 'makline2@marathonpetroleum.com' <makline2@marathonpetroleum.com>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Lucy Ostyn <lucy.ostyn@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Code Enforcement <CodeEnforcement@canyoncounty.id.gov>; GIS and Addressing Division <GISAddressing@canyoncounty.id.gov>
Subject: Agency Notice CU2025-0025 / Toll

Exhibit B4.1



Site plan provided on April 6, 2026, in response to Exhibit E3.

Exhibit B5

September 11, 2025

Dear Neighbor,

We are in the process of submitting an application for a Conditional Use Permit to Canyon County Development Services (DSD). One of the requirements necessary prior to submitting the application is to hold a "neighborhood meeting" and provide information to our surrounding neighbors (Canyon County Zoning Ordinance 07-01-15).

This meeting is for informational purposes and to receive feedback from you as we move through the application process. This is **not** a Public Hearing before a governing body of the County. Once our application has been submitted and processed, a public hearing date will be scheduled. Prior to the scheduled date you will receive an official notification from Canyon County DSD regarding the Public Hearing via postal mail, newspaper publication, and/or a display on the property for which the Conditional Use Permit is applied.

The Neighborhood Meeting details are as follows:

Date: Friday September 26th, 2025
Time: 6-7:00 pm
Location: 13944 Raymond Dr, Caldwell
Property description: Corner of Raymond Dr and Silver Ridge Road

The project is summarized below:

Site Location: 13944 Raymond Dr, Caldwell
Proposed access: Raymond Dr
Total Acreage: 2.48 Acres
Proposed lots: 0

We look forward to the neighborhood meeting and encourage you to attend. At that time, we will answer any questions you may have. The reason for this conditional use permit is, that we are requesting to be able to park some of our construction equipment on our property when it is not in use at a jobsite.

Please do not call Canyon County Development Services regarding this meeting. This is a PREAPPLICATION requirement, and we have not submitted the application for consideration at this time. The County currently has no information on this project.

If you have any questions prior to the meeting, please contact us at [redacted]

Sincerely

Rick/Wendy Toll

NEIGHBORHOOD MEETING SIGN-UP

CANYON COUNTY DEVELOPMENT SERVICES DEPARTMENT
111 North 11th Avenue, #310, Caldwell, ID 83605
zoninginfo@canyoncounty.id.gov Phone: 208-454-7458 Fax: 208-454-6633

NEIGHBORHOOD MEETING SIGN UP SHEET

CANYON COUNTY ZONING ORDINANCE §07-01-15

Applicants shall conduct a neighborhood meeting for any proposed comprehensive plan amendment, zoning map amendment (rezone), subdivision, variance, conditional use, zoning ordinance map amendment, or other requests requiring a public hearing.

SITE INFORMATION

Site Address: 13944 Raymond Dr	Parcel Number: 34457011 0	
City: Caldwell	State: ID	ZIP Code: 83607
Notices Mailed Date:	Number of Acres: 2.48	Current Zoning: A
Description of the Request: Just applying for conditional use to park construction equipment		

APPLICANT / REPRESENTATIVE INFORMATION

Contact Name: Rick/Wendy Toll		
Company Name:		
Current address: 13944 Raymond Dr		
City: Caldwell	State: ID	ZIP Code: 83607
Phone:	Cell: [redacted]	Fax:
Email: [redacted]		

MEETING INFORMATION

DATE OF MEETING: 9/26/25	MEETING LOCATION: 13944 Raymond Dr, Caldwell
MEETING START TIME: 6:00 PM	MEETING END TIME: 7:00 PM

ATTENDEES:

NAME (PLEASE PRINT)	SIGNATURE:	ADDRESS:
1. Matt Bergquist	Matt	13846 Raymond Dr
2. Wes Jones		14031 Silver Ridge Road
3. Jo & Bob Jones		14038 Shannon Cir
4.		
5.		
6.		
7.		
8.		
9.		

10.
11.

12.
13.
14.
15.
16.
17.
18.
19.
20.

NEIGHBORHOOD MEETING CERTIFICATION:

I certify that a neighborhood meeting was conducted at the time and location noted on this form and in accordance with Canyon County Zoning Ordinance § 07-01-15.

APPLICANT/REPRESENTATIVE (Please print): Wendy Toll

APPLICANT/REPRESENTATIVE (Signature): _____

DATE: 9/26/25

Exhibit B6

AGENCY ACKNOWLEDGMENT

Date: 9/9/25

Applicant: Toll Excavation

Parcel Number: 34457011 0

Site Address: 13944 Raymond Dr, Caldwell, ID 83607

OFFICIAL USE ONLY BELOW THIS LINE – ACKNOWLEDGMENT ACTION:

✓ **Southwest District Health:**

☒ Applicant submitted/met for official review.

Date: 09/12/2025 Signed: Anthony Lee

Authorized Southwest District Health Representative
(This signature does not guarantee project or permit approval)

✓ **Fire District:** District: _____

☒ Applicant submitted/met for official review.

Date: 9/11/25 Signed: _____

Authorized Fire District Representative
(This signature does not guarantee project or permit approval)

✓ **Highway District:** District: HD4

☒ Applicant submitted/met for official review.

Date: 9/11/25 Signed: _____

Authorized Highway District Representative
(This signature does not guarantee project or permit approval)

✓ **Irrigation District:** District: _____

☐ Applicant submitted/met for official review.

Date: _____ Signed: _____

Authorized Irrigation Representative
(This signature does not guarantee project or permit approval)

Area of City Impact: City: Middleton

☒ Applicant submitted/met for official review.

Date: 9/9/2025 Signed: _____

Authorized AOCI Representative
(This signature does not guarantee project or permit approval)

Received by Canyon County Development Services:

Date: _____ Signed: _____

Canyon County Development Services Staff

DISCLAIMER: THIS ACKNOWLEDGMENT IS ONLY VALID SIX MONTHS FROM THE DATE ISSUED

AGENCY ACKNOWLEDGMENT

Date:
Applicant: Toll Excavation
Parcel Number: 34457011 0
Site Address: 13944 Raymond Dr, Caldwell, ID 83607

OFFICIAL USE ONLY BELOW THIS LINE – ACKNOWLEDGMENT ACTION.

Southwest District Health:
☒ Applicant submitted/met for official review.

Date: _____ Signed: _____
Authorized Southwest District Health Representative
(This signature does not guarantee project approval)

Fire District: District: _____
☐ Applicant submitted/met for official review.

Date: _____ Signed: _____
Authorized Fire District Representative
(This signature does not guarantee project approval)

Highway District: District: _____
☐ Applicant submitted/met for official review.

Date: _____ Signed: _____
Authorized Highway District Representative
(This signature does not guarantee project approval)

Irrigation District: District: Black Canyon Irrigation
☒ Applicant submitted/met for official review.

Date: 9-12-25 Signed: _____
Authorized Irrigation Representative
(This signature does not guarantee project approval)

Area of City Impact: City: Middleton
☒ Applicant submitted/met for official review.

Date: 9/9/2025 Signed: _____
Authorized AOCI Representative
(This signature does not guarantee project approval)

Received by Canyon County Development Services

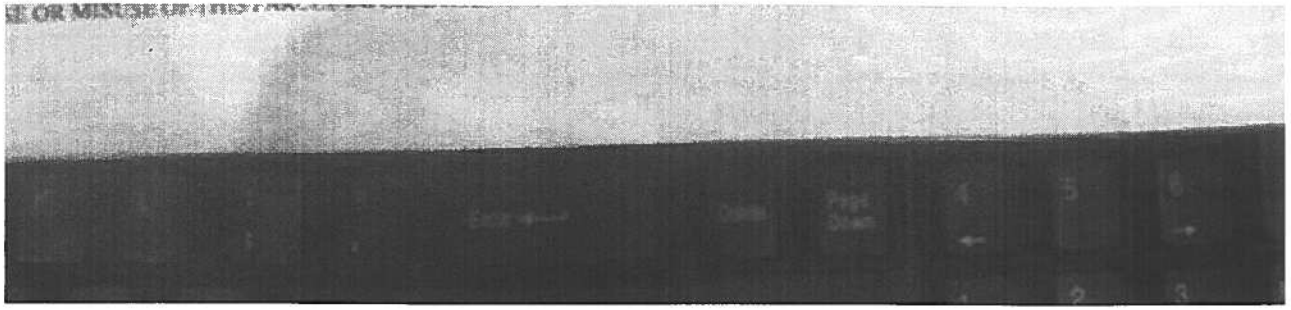
Date: _____ Signed: _____
Canyon County Development Services

DISCLAIMER: THIS ACKNOWLEDGMENT IS ONLY VALID SIX MONTHS FROM DATE SIGNED

Middleton Mill Ditch Co.
P.O. Box 848
Middleton, ID 83644
PH: 986-229-1710
Tammy.middletonirrigation@gmail.com

On Tue, Sep 9, 2025, 3:45 PM Rick Toll <[redacted] wrote:

> Hello,
> I am applying for a conditional use permit with Canyon County and it requires a signature from Middleton Irrigation Assn/Middleton Mill Ditch Co. How do I go about getting this signature? Do I need to fill out paperwork or do I need to come into there and fill something out?
> All we are doing is getting a conditional use permit so we can park our excavator and skid steer on our property when they are not at a job site.
> Our address is 13944 Raymond Dr, Caldwell.
> Thank you.
> Wendy Toll
> 208-941-0644



Wendy.

Sent from my iPhone

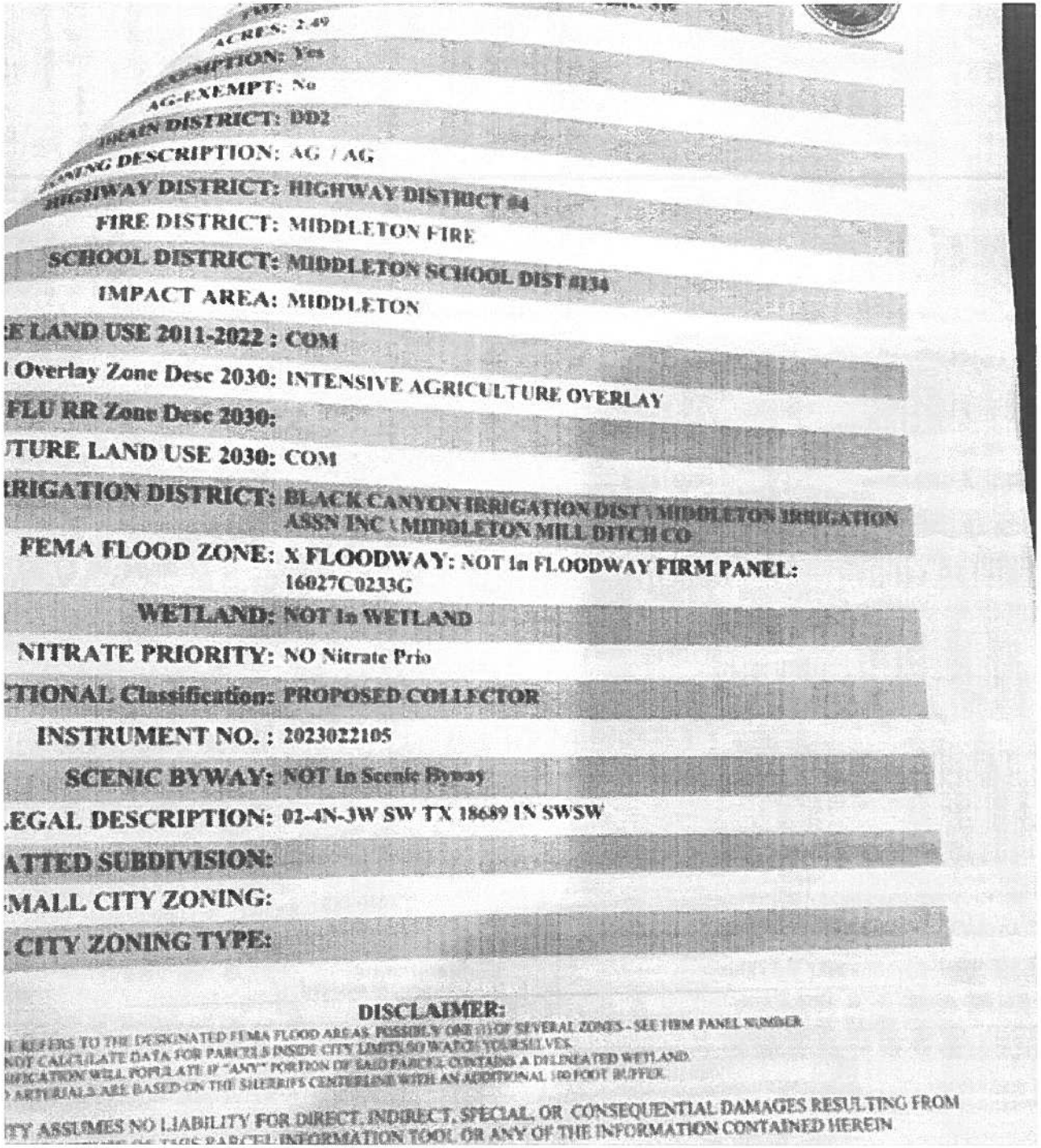
On Sep 11, 2025, at 9:08 AM, Tammy Erskine <tammy.middletonirrigation@gmail.com> wrote:

This is under Black Canyon Irrigation, not ours.

Secretary, Tammy Erskine
Middleton Irrigation Association, Inc.
Middleton Mill Ditch Co.
P.O. Box 848
Middleton, ID 83644
PH: 986-229-1710
Tammy.middletonirrigation@gmail.com

On Wed, Sep 10, 2025 at 12:05 PM Tammy Erskine <tammy.middletonirrigation@gmail.com> wrote:

> I will look into this and get back to you.
>
> Secretary, Tammy Erskine
> Middleton Irrigation Association, Inc.



ACRES: 2.49
EXEMPTION: Yes
AG-EXEMPT: No
DRAIN DISTRICT: DD2
ZONING DESCRIPTION: AG / AG
HIGHWAY DISTRICT: HIGHWAY DISTRICT #4
FIRE DISTRICT: MIDDLETON FIRE
SCHOOL DISTRICT: MIDDLETON SCHOOL DIST #134
IMPACT AREA: MIDDLETON
E LAND USE 2011-2022 : COM
Overlay Zone Desc 2030: INTENSIVE AGRICULTURE OVERLAY
FLU RR Zone Desc 2030:
TURE LAND USE 2030: COM
RRIGATION DISTRICT: BLACK CANYON IRRIGATION DIST \ MIDDLETON IRRIGATION ASSN INC \ MIDDLETON MILL DITCH CO
FEMA FLOOD ZONE: X FLOODWAY: NOT In FLOODWAY FIRM PANEL: 16027C0233G
WETLAND: NOT In WETLAND
NITRATE PRIORITY: NO Nitrate Prio
CTIONAL Classification: PROPOSED COLLECTOR
INSTRUMENT NO. : 2023022105
SCENIC BYWAY: NOT In Scenic Byway
EGAL DESCRIPTION: 02-4N-3W SW TX 18689 IN SWSW
ATTED SUBDIVISION:
MALL CITY ZONING:
CITY ZONING TYPE:

DISCLAIMER:

E REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS, SO WATCH YOURSELVES.
IFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
) ARTERIALS ARE BASED ON THE SHERRIFS CENTERLINE WITH AN ADDITIONAL 180 FOOT BUFFER.

TY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM
INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN

Re: Conditional Use permit

From: Rick Toll [redacted]

To: tammy.middletonirrigation@gmail.com

Date: Thursday, September 11, 2025 at 09:43 AM MDT

Ok thanks. They gave me this attached paper and said I need approval from everyone on this list. You were listed under irrigation district.
I will give them this email stating we are not under your jurisdiction
Thanks for getting back to me
Wendy Toll

HIGHWAY DISTRICT No.4
15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208.454.8135
FAX 208.454.2008

Pre- Development Meeting Minutes

Project Name: Raymond Drive—Staging Area
Project Owner/Representative: Wendy and Ricky Toll
Phone: [redacted]
Email: [redacted]

Project Location: R34457011

Proposal: Conditional Use Permit

Jurisdiction:

Public Roads

Name	Classification	Exist. R/W	Ultimate R/W	Notes
Raymond Drive	Local Road	56'		Addtl ROW width desired to better maintain slopes

Access:

- Existing approach onto Silverridge Road (private)

Improvement Requirements:

Other Comments:

- Prior to Building Permit
  - Access permit from HD4
  - Impact fee assessed and paid prior to access permit issuance from HD4

The above represents the District's current policies to which the parcels may be subject to at time of development. These standards are subject to change and the standards/policies in effect at the time of approach permit application or improvement drawings shall apply. This is not an exhaustive list please see further details within the ACCHD: HSDP 2022.

CANYON COUNTY DEVELOPMENT SERVICES MAKES NO WARRANTY WITH RESPECT TO THE ACCURACY, COMPLETENESS, OR USEFULNESS OF THIS PARCEL INFORMATION TOOL.

R34457011 PARCEL INFORMATION REPORT

9/9/2025 11:27:04 AM

PARCEL NUMBER: R34457011
OWNER NAME: TOLL WENDY
CO-OWNER: TOLL RICKY C
MAILING ADDRESS: 13944 RAYMOND DR CALDWELL ID 83607
SITE ADDRESS: 13944 RAYMOND DR
TAX CODE: 0320000
TWP: 4N **RNG:** 3W **SEC:** 02 **QUARTER:** SW
ACRES: 2.49
HOME OWNERS EXEMPTION: Yes
AG-EXEMPT: No
DRAIN DISTRICT: DD2
ZONING DESCRIPTION: AG / AG
HIGHWAY DISTRICT: HIGHWAY DISTRICT #4
FIRE DISTRICT: MIDDLETON FIRE
SCHOOL DISTRICT: MIDDLETON SCHOOL DIST #134
IMPACT AREA: MIDDLETON
FUTURE LAND USE 2011-2022 : COM
FLU Overlay Zone Desc 2030: INTENSIVE AGRICULTURE OVERLAY
FLU RR Zone Desc 2030:
FUTURE LAND USE 2030: COM
IRRIGATION DISTRICT: BLACK CANYON IRRIGATION DIST \ MIDDLETON IRRIGATION ASSN INC \ MIDDLETON MILL DITCH CO
FEMA FLOOD ZONE: X **FLOODWAY:** NOT In FLOODWAY **FIRM PANEL:** 16027C0233G
WETLAND: NOT In WETLAND
NITRATE PRIORITY: NO Nitrate Prio
FUNCTIONAL Classification: PROPOSED COLLECTOR
INSTRUMENT NO. : 2023022105
SCENIC BYWAY: NOT In Scenic Byway
LEGAL DESCRIPTION: 02-4N-3W SW TX 18689 IN SWSW
PLATTED SUBDIVISION:
SMALL CITY ZONING:
SMALL CITY ZONING TYPE:

DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERRIFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

ELECTRONICALLY RECORDED
STAMPED FIRST PAGE NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT

Exhibit B7

TitleOne
a title & escrow co.

Order Number: 21436265

2022-008546
RECORDED
02/15/2022 02:13 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=3 SCARDENAS $15.00
TYPE: DEED
TITLEONE BOISE
ELECTRONICALLY RECORDED

Warranty Deed

For value received,

Matthew W. Bergquist and Chantel M. Bergquist, husband and wife

the grantor, does hereby grant, bargain, sell, and convey unto

Ricky C. Toll and Wendy M. Toll, husband and wife

whose current address is 9181 Hwy 44, Middleton, ID 83644

the grantee, the following described premises, in Canyon County, Idaho, to wit:

See Exhibit A, attached hereto and incorporated herein.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Remainder of page intentionally left blank.

ELECTRONICALLY RECORDED
STAMPED FIRST PAGE NOW
INCORPORATED AS PART OF
THE ORIGINAL DOCUMENT

TitleOne
a title & escrow co.

Order Number: 21436265

Warranty Deed

For value received,

Matthew W. Bergquist and Chantel M. Bergquist, husband and wife

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Ricky C. Toll and Wendy M. Toll, husband and wife

whose current address is 9181 Hwy 44, Middleton, ID 83644

the grantee, the following described premises, in Canyon County, Idaho, to wit:

See Exhibit A, attached hereto and incorporated herein.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Remainder of page intentionally left blank.

Dated: February 11, 2022

Matthew W. Bergquist

Chantel M. Bergquist

State of Idaho, County of Canyon, ss.

On this 15th day of February in the year of 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Matthew W. Bergquist and Chantel M. Bergquist, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Notary Public
Residing In:
My Commission Expires:
(seal)

STEPHANIE GARNER
COMMISSION #47723
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 07/31/2024

EXHIBIT A
LEGAL DESCRIPTION OF THE PREMISES

A parcel of land as shown on an Amended Record of Survey within the SW 1/4 of the SW 1/4 of Section 2, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, and being all of Grantor's parcels (granted under QUITCLAIM DEED Instrument No. 200641763 and QUITCLAIM DEED Instrument No. 200641764) and more particularly described as follows.

COMMENCING at the 1/4 corner of Sections 2 & 3 monumented by a found 2 1/2" brass cap as described in CP&F Instrument No. 2008019848, thence South 01°26'38" West, 1325.25 feet to the S 1/16th corner of Sections 2 & 3 monumented by a found 1 1/2" aluminum cap set by PLS 4108; thence along the Westerly boundary of the SW 1/4 of the SW 1/4, South 01°26'38" West, 253.03 feet (formerly South 00°11'10" East, 250.00 feet) to a set 5/8' rebar with cap (PLS 8575) and the POINT OF BEGINNING:

Thence North 89°44'58" East, 248.47 feet (formerly North 87°59'50" East, 250.00 feet) to a found 5/8" rebar;

Thence parallel with the Westerly boundary of the SW 1/4 of the SW 1/4, South 01°26'38" West, 55.91 feet (formerly South 00°11'10" West, 56.00 feet) to a found 1/2" rebar;

Thence North 54°31'48" East, 104.44 feet (formerly North 52°46'40" East, 104.526 feet) to a found 5/8" rebar;

Thence parallel with the Westerly boundary of the SW 1/4 of the SW 1/4, South 01°26'38" West, 128.14 feet (formerly South 00°11'10" East, 128.26 feet) to the centerline of the Canyon Hill Ditch, from which a set 5/8" rebar with cap (PLS 8575) Witness Corner bears, North 01°26'38" East, 20-feet;

Thence along the centerline of the Canyon Hill Ditch the following 4 courses and distances:
1) South 46°59'34" West, 116.98 feet (formerly South 45°28'05" West, 116.67 feet) from which a set 5/8" rebar with cap (PLS 8575) Witness Corner bears, North 01°26'38" East, 20-feet;
2) Continuing South 46°59'34" West, 0.60 feet (formerly South 45°28'05" West, 0.77 feet) from which a found 5/8" rebar with cap (PLS 972) bears South 59°57'20" East, 14.89 feet;
3) South 33°39'39" West, 324.92 feet (formerly South 32°08'10" West, 325.63 feet);
4) South 52°18'19" West, 96.32 feet (formerly South 50°46'50" West, 96.83 feet) to the Westerly boundary of the SW 1/4 of the SW 1/4, from which a set 5/8" rebar with cap (PLS 8575) Witness Corner bears North 01°26'38" East, 20-feet;

Thence along said boundary, North 01°26'38" East, 532.02 feet to the POINT OF BEGINNING.

Exhibit B7

Arbay Mberwa

From: Rick Toll <[redacted]>
Sent: Tuesday, June 23, 2026 3:47 PM
To: Arbay Mberwa
Subject: Re: [External] Conditional Use Permit

Arbay,
Here are our answers to your questions:

What's the number of equipment (skid steers/trailers/excavators) that will be staged on the property?
We have 2 skid steers, one mini skid steer, one excavator (not a big one), three work trailers, one semi dump truck and misc. attachments for the equipment and piping. Our equipment is usually not at our place unless it is in transition from one site to another. in the winter when we are not working is the only time it would all be here.

Is there an easement on the property providing access to the neighboring parcels to the east, if so how wide is the easement?
There is a private dirt road, the neighbors always have access, the road is very wide, my guess would be 30-40 ft. (some areas are wider than that)

What time intervals are over time hours ex: 5pm to 7pm after hours?
The latest one employee usually gets back is 6 pm. But employees are not at this house very often, the usually meet at the job site.

Yes, you have my permission to come take photos, please let me know when you are coming, we have a German Shepherd (she is friendly but usually scares people so I put her in the house).

Thanks
Wendy Toll

On Tuesday, June 23, 2026 at 12:38:57 PM MDT, Arbay Mberwa <arbay.mberwa@canyoncounty.id.gov> wrote:

Hello,

I have a few more questions regarding the staging area conditional use permit and a status update on the case.

What's the number of equipment (skid steers/trailers/excavators) that will be staged on the property?
Is there an easement on the property providing access to the neighboring parcels to the east, if so how wide is the easement?
What time intervals are over time hours ex: 5pm to 7pm after hours?

Based on my analysis the request meets the conditional use permit and staging area criterion but the final decision will be made by the Hearing Examiner. I would like to schedule the case for hearing, potential dates I'm targeting include August 13 or 27, 2026 before a Hearing Examiner at 1:30 p.m. I will send out an applicant schedule letter when the hearing date has been finalized.

I will be completing a site visit in the coming weeks (date to be determined, I can provide a date time later on) to take photos of the proposed staging area to include the staff report. Do I have consent to come on the property to take photos of the site?

As I progress in the case I will provide additional information or may reach out if I have further questions.
Please reach out and let me know if you have questions,

Arbay Mberwa
Associate Planner
Canyon County Development Services Department
Direct Line: 208-455-6039
Email: Arbay.Mberwa@canyoncounty.id.gov
111 N. 11th Ave., #310, Caldwell, ID 83605
Website: www.canyoncounty.id.gov
Public office hours:
Monday, Tuesday, Thursday and Friday

From: Arbay Mberwa
Sent: Tuesday, March 17, 2026 3:47 PM
To: Rick Toll <[redacted]>
Subject: RE: [External] Conditional Use Permit

Received, thank you.

Arbay Mberwa
Associate Planner
Canyon County Development Services Department
111 N. 11th Ave., #310, Caldwell, ID 83605
Direct Line: 208-455-6039
Email: Arbay.Mberwa@canyoncounty.id.gov
Website: www.canyoncounty.id.gov
Public office hours:
Monday, Tuesday, Thursday and Friday

From: Rick Toll <[redacted]>
Sent: Monday, March 16, 2026 10:07 AM
To: Arbay Mberwa <Arbay.Mberwa@canyoncounty.id.gov>
Subject: [External] Conditional Use Permit

You had sent us these questions last week, Here is our answers.

1. How does the property get water (surface, irrigation, none)? None-It is just our house which we use a well to get water.
2. If the property is irrigated is it gravity or pressurized? Dry Land
3. How will stormwater be retained (on site, swales, ponds borrow ditches)? We don't have stormwater, It soaks into the ground.

4. The letter of intent states that hours of operation are 7 am to 5 pm, what days will operation take place? Monday - Friday
5. The letter of intent states that there is 4 employees and in another it says 3, please provide clarity on the number of employees. We have 4 employees but one works from home.
6. What are the general/estimated over time hours of operation? Sometimes the employees work 5 or so hours overtime per month
7. How many parking spaces are you requesting? We don't need parking spaces, our employees meet us at the job site. Once in a great while we work out of town and the employees meet at our house and they park by our garage.
8. Will there be a loading area? No loading area
9. Please submit a parking and circulation plan. I'm not sure what kind of parking and circulation plan you would like. In the photo you attached is where everything is at, other than if an employee car was there it would be up by our garage. We use the huge area north of the road to turn around if we need to.
10. What is the approximate acreage the staging area will use? 1 Acre
11. According to Highway District No. 4, Raymond Drive a public road with an existing 56' right of way. The equipment parked along Raymond is just about in the right of way location. Canyon County Staging Area code (07-14-29(5)): Employees' vehicles shall be parked on site and not on a public or private road. I recommend selecting a different location to park the equipment and vehicles. As far as we know Raymond Dr in front of our house is a private road for us and two neighbors, it is a dirt road. The equipment parked on the south side of the road is within the 56 ft distance from the road, the whole area is a dirt/rock road so there is more than 56 ft distance for the road. The employees never park there.
12. Will you be using Raymond Drive or Silverridge Road to access the property/staging area? We use Raymond Dr to access which is at the corner of Raymond Dr and Silverridge Road.

EXHIBIT C

Supplemental Documents

Hearing Examiner

Case# CU2025-0025

Hearing date: August 10, 2026

CANYON COUNTY DEVELOPMENT SERVICES MAKES NO WARRANTY WITH RESPECT TO THE ACCURACY, COMPLETENESS, OR USEFULNESS OF THIS PARCEL INFORMATION TOOL.

Exhibit C1

R34457011 PARCEL INFORMATION REPORT

6/17/2026 9:01:53 AM

PARCEL NUMBER:	R34457011
OWNER NAME:	TOLL WENDY
CO-OWNER:	TOLL RICKY C
MAILING ADDRESS:	13944 RAYMOND DR CALDWELL ID 83607
SITE ADDRESS:	13944 RAYMOND DR
TAX CODE:	0320000
TWP:	4N **RNG:** 3W **SEC:** 02 **QUARTER:** SW
ACRES:	2.49
HOME OWNERS EXEMPTION:	Yes
AG-EXEMPT:	No
DRAIN DISTRICT:	DD2
ZONING DESCRIPTION:	AG / AGRICULTURE
HIGHWAY DISTRICT:	HIGHWAY DISTRICT #4
FIRE DISTRICT:	MIDDLETON FIRE
SCHOOL DISTRICT:	MIDDLETON SCHOOL DIST #134
IMPACT AREA:	NOT In Impact Area
FUTURE LAND USE 2011-2022 :	COM
FLU Overlay Zone Desc 2030:	INTENSIVE AGRICULTURE OVERLAY
FLU RR Zone Desc 2030:	
FUTURE LAND USE 2030:	COMMERCIAL
IRRIGATION DISTRICT:	BLACK CANYON IRRIGATION DIST / MIDDLETON IRRIGATION ASSN INC / MIDDLETON MILL DITCH CO
FEMA FLOOD ZONE:	X **FLOODWAY:** NOT In FLOODWAY **FIRM PANEL:** 16027C0233G
WETLAND:	NOT In WETLAND
NITRATE PRIORITY:	NO Nitrate Prio
FUNCTIONAL Classification:	PROPOSED COLLECTOR
INSTRUMENT NO. :	2023022105
SCENIC BYWAY:	NOT In Scenic Byway
LEGAL DESCRIPTION:	02-4N-3W SW TX 18689 IN SWSW
PLATTED SUBDIVISION:	
SMALL CITY ZONING:	
SMALL CITY ZONING TYPE:	

DISCLAIMER:

1. FEMA FLOOD ZONE REFERS TO THE DESIGNATED FEMA FLOOD AREAS. POSSIBLY ONE (1) OF SEVERAL ZONES - SEE FIRM PANEL NUMBER.
2. THIS FORM DOES NOT CALCULATE DATA FOR PARCELS INSIDE CITY LIMITS SO WATCH YOURSELVES.
3. WETLANDS CLASSIFICATION WILL POPULATE IF "ANY" PORTION OF SAID PARCEL CONTAINS A DELINEATED WETLAND.
4. COLLECTORS AND ARTERIALS ARE BASED ON THE SHERRIFS CENTERLINE WITH AN ADDITIONAL 100 FOOT BUFFER.

CANYON COUNTY ASSUMES NO LIABILITY FOR DIRECT, INDIRECT, SPECIAL, OR CONSEQUENTIAL DAMAGES RESULTING FROM THE USE OR MISUSE OF THIS PARCEL INFORMATION TOOL OR ANY OF THE INFORMATION CONTAINED HEREIN.

Parcel Inquiry
PI2018-0237

Canyon County Code of Ordinances 16-001

Development Services Department

Exhibit C2

Case Number: **PI2018-0237**

Parcel # (s): **R34457-011**

Property Owner/Applicant(s): Brett Wykert

Request: Brett Wykert is requesting information regarding building permit availability on parcel R34457-011.

Analysis: Pursuant to Canyon County Subdivision (7-17) and the Administrative Land Division Ordinance (7-18), original parcels dating back to September 6, 1979 are eligible for a one time administrative land division, regardless of ownership of the property involved. Parcels divided after 1979 must comply with 07-12-01: Provisions for a certificate of zoning compliance in order to receive a building permit: (3) Division Of Land: No certificate of zoning compliance for a new dwelling shall be issued until the subject property, if divided, has been divided according to county ordinances and has access as required in section 07-10-03 of this chapter.

Findings (R34457-011): Canyon County records indicate that this parcel was approved through a conditional use permit in 1981 (CU2004-106). The original parcel was once 6.5 acres and took its initial one time division in 1980 into two parcels. CU2004-106 was approved by the Planning and Zoning Commission on January 7, 1981. Therefore a building permit is available to this this property with parcel #R34457-011.

Thank you,

Kyle McCormick
208-455-5958
kmccormick@canyonco.org



Canyon County, 111 North 11th Avenue, Suite 310, Caldwell, ID 83605

Code Enforcement (208) 402-4165 ▪ CodeEnforcement@canyoncounty.id.gov ▪ www.canyoncounty.id.gov

COURTESY NOTICE

August 21, 2025

Sent US First ClassMail

Exhibit C3

Wendy and Ricky C. Toll
13944 Raymond Drive
Caldwell, ID 83607

Dear Property Owner:

Canyon County Development Services Department (DSD) is investigating a complaint that your property is being used as staging area for Toll Excavation and Septic, LLC. The subject property is located at 13944 Raymond Drive, Caldwell, ID; also identified as Assessor Parcel Number R34457011. This property is located in an area of Canyon County that is zoned "A" (Agricultural).

ZONING ORDINANCE: A staging area is not allowed in an area zoned "A" (Agricultural) unless you apply and are approved for a **Conditional Use Permit** (CCCO § 07-10-27):

07-10-27: LAND USE REGULATIONS (MATRIX): This section lists uses within each land use zone: allowed uses (A), permitted uses through a conditional use permit (C), Director administrative decision (D), not applicable because covered by different use/section (n/a), or prohibited (-).

Zoning Classification	A	R-R	R-1	R-2	C-1	C-2	M-1	M-2	MU-A
Staging area	C	-	-	-	A	A	A	A	A

Please meet with DSD-Planning and Zoning within the next 10 days or no later than September 4, 2025, to determine what options are available to you to continue on this property; otherwise, these activities will have to be moved off-site to a property zoned for this type of activity. DSD-Planning and Zoning can be reached at (208) 402-4164.

Development Services desires that property owners voluntarily correct all violations. Code Enforcement Officers are available to meet with you **by appointment only** – please contact our office at the email address shown below to schedule a meeting. To view the Canyon County Code, please visit our website at www.canyoncounty.id.gov.

Thank you for your cooperation in this matter.

Eric Arthur, Code Enforcement Supervisor
eric.arthur@canyoncounty.id.gov
cc: Case File CDEF2025-0185

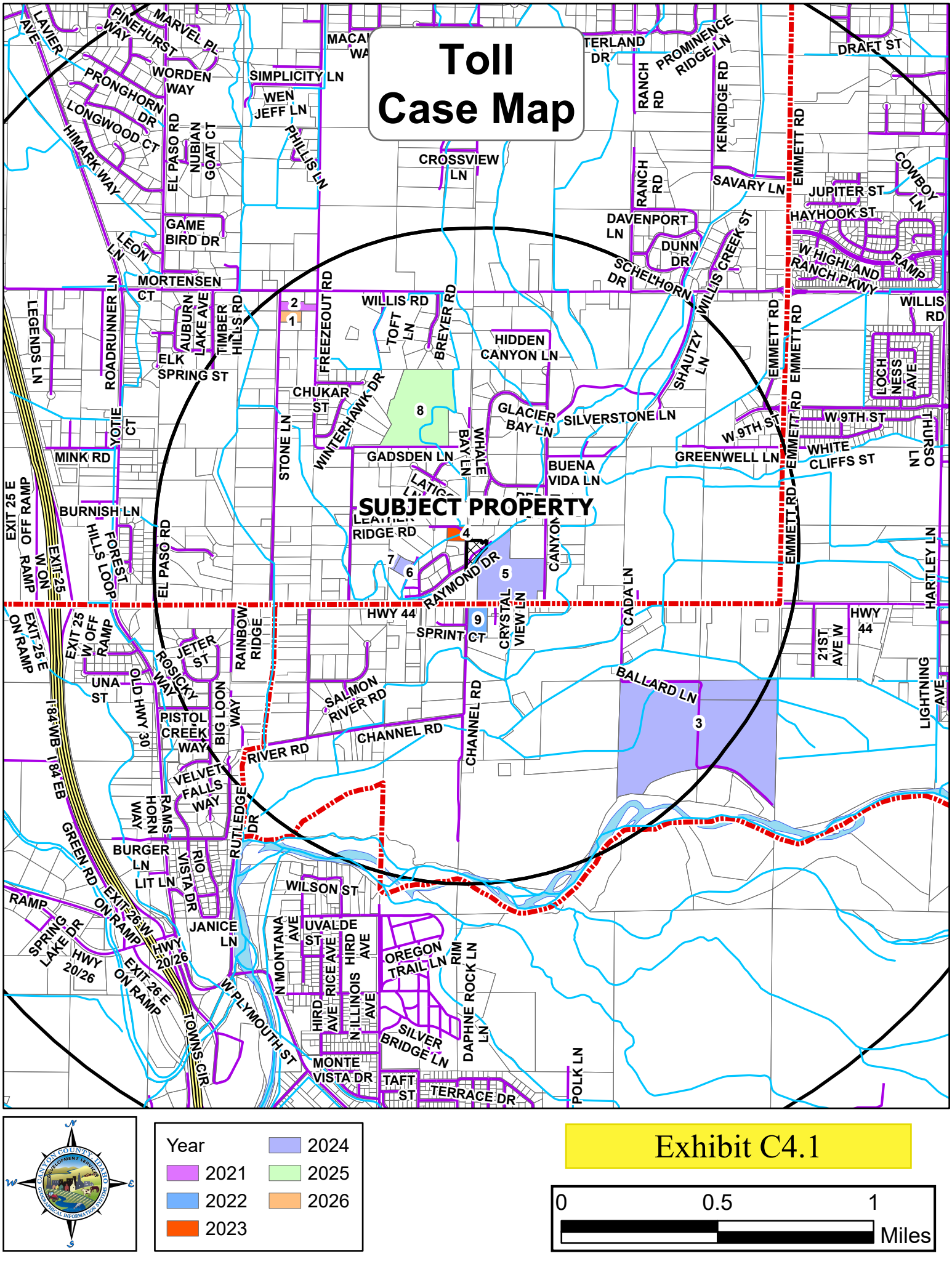

Toll
Case Map
SUBJECT PROPERTY
Year
2021
2022
2023
2024
2025
2026
Exhibit C4.1
0
0.5
1
Miles

Exhibit C4.2

CASE SUMMARY

ID	CASENUM	REQUEST	CASENAME	FINALDECIS
1	CU2025-0018	Staging Area/ Contractor Shop	A & A Tires	APPROVED
2	RZ2021-0016	Rezone AG to R 1	Guijaro	APPROVED
3	CU2021-0019	Gravel Pit	Idaho Materials and Construction	APPROVED
4	CU2022-0032	CUP for school	Jones	APPROVED
5	CR2022-0007	Rezone CR-C1 to CR-C2	Payne	APPROVED
6	RZ2022-0006	Rezone AG to CR-R1	Phoenix	APPROVED
7	SD2023-0008	Sleep Hollow Sub #2	Sleep Hollow Sub #2	APPROVED
8	RZ2021-0053	Rezone Ag to R-1	Thornton Gallup LLC	DENIED
9	CU2022-0031	RV Storage	Toups Tyler	APPROVED

Exhibit C4.3

In the matter of the application of:
Jones – CU2022-0032
The Canyon County Hearing Examiner considers the following:
1) Conditional Use Permit
CU2022-0032, 14031 Silverridge Rd (Parcel Number: R34484100), a portion of the SE¼ of Section 03, T4N, R3W, 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 CU2022-0032.

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 §09-09-17 (Area of City Impact Agreement).

   a. Notice of the public hearing was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512.

   b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.

   c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCZO §07-07-01.

   d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development;(6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCZO §07-07-17, and 07-07-19.

2. Any 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, including whether the proposed use is essential or desirable to the public welfare, 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 (CU2022-0032) was presented at a public hearing before the Canyon County Hearing Examiner on July 19, 2023. 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 decide as follows:

CONDITIONAL USE PERMIT HEARING CRITERIA – CCZO §07-07-05

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

Conclusion: Yes, the proposed use is permitted in the zone by conditional use permit.

Findings: (1) The subject parcel is zoned "A" (Agricultural) (Attachment 3a)

(2) The proposed use best fits the definition for "School (public or private) as defined in CCZO §07-02-03. "School (public or private)" is a permitted use through a conditional use permit per CCZO §07-10-27.

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0032.

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

2. What is the nature of the request?

Conclusion: The applicant is requesting a conditional use permit for a "School (public or private)".

Findings: (1) The school will have a maximum of 20 students. They will be divided into two studios, one located downstairs for ages 4-7 years old and one located upstairs for ages 8-12 years old. Outdoor space includes lawn area, a sport court, and playground. The parcel is fenced on the west side and has a tree line on the southern side.

(2) The letter of intent (Attachment 1) states that on-site parking will be provided on the west side of the parcel and the circle drive will be used for a drop-off/pick-up area. The school will operate August through May, Monday through Thursday, 8:30 am to 3 pm.

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0032.

(4) 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 2020 Canyon County Comprehensive Plan.

Findings: (1) The Future Lane Use Designation in the 2020 Canyon County Comprehensive Plan is Residential (Attachment 3b)

(2) The use is consistent with the following goals and policies of the 2020 Canyon County Comprehensive Plan:

Chapter 1. Property Rights
Policy 1. No person shall be deprived of private property without due process of law. **Policy 10.** Land use laws and decisions should avoid imposing unnecessary conditions or procedures on development approvals.
Chapter 2. Population
Goal 3. To guide future growth in order to enhance the quality and character of the county while providing and improving the amenities and services available to Canyon County residents.
Chapter 3. School Facilities
Policy 9. Ensure adequate school facilities and services that meet the educational, social and recreational needs of the community. **Policy 10.** Support schools as the social and cultural centers of neighborhoods.
Chapter 4. Economic Development
Policy 5. Canyon County should not overdevelop and should retain agricultural lands/uses and control environmental impacts through conditions placed on subdivision plats and conditional use permits. **Policy 6.** Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County. **Policy 7.** Canyon County should identify areas of the county suitable for commercial, industrial and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.
Chapter 5. Land Use
Goal 2. To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area. **Residential** This policy recognizes that population growth and the resulting residential development should occur where public infrastructure, services and facilities are available or where there is a development pattern already established. **Implementation Action:** Encourage commercial areas, zones or uses that are contiguous to existing county or city commercial areas, zones or uses but recognizing additional areas or zones, beyond those already existing, may be desirable and that some mixed uses are compatible.
Chapter 12. Community Design
Policy 2. Encourage development of self-sustaining communities that maintain the rural lifestyle and good quality of life of the county.
Chapter 13. Agriculture
Policy 4. Development shall not be allowed to disrupt or destroy irrigation canals, ditches, laterals, drains and associated irrigation works and rights-of-way.

The applicant is being given due process of law through the hearing process. The conditions of approval (Attachment 1) have been reviewed by the applicant and are determined to be necessary. The school will provide education, a vital service helping to meet the needs of the growing community. The subject parcel is within an existing subdivision and residential area. It will not fragment agricultural land or natural resources. Irrigation facilities and easements shall not be disturbed (Condition 5).

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0032.

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

4. **Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?**

Conclusion: The proposed use will not be injurious to other property in the immediate vicinity or negatively change the essential character of the area.

Findings: (1) According to the zoning map (Attachment 3b), the subject parcel and adjacent parcels are zoned "A" (Agricultural). Other parcels in the vicinity are zoned "R-R" (Rural Residential), "CR-R-1" (Conditional Rezone – Singe-Family Residential). Some parcels along Highway 44 are zoned "C-1" (Neighborhood Commercial).

(2) The character of the area is mainly rural residential with larger residential lot sizes (Attachment 2, 3c). There are some agricultural and light commercial uses along Highway 44.

(3) The potential impacts of the use include noise and traffic. These will be mitigated through conditions limiting the hours of operation and number of students.

(4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on March 1 and June 7, 2023. Newspaper notice was published on June 7, 2023. Property owners within 600' were notified by mail on June 7, 2023. The property was posted on June 15, 2023.

(5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0032.

(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: Adequate facilities and systems for the use will be provided prior to commencement of use.

Findings: (1) The letter of intent states that the property has an existing private well and irrigation which are adequate for the propose use.

(2) According to Southwest District Health, the existing septic system is not adequate for the proposed use (Attachment 4b). The septic system will need to be upgraded prior to commencement of use (Conditions 1a, 7).

(3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on March 1 and June 7, 2023. Newspaper notice was published on June 7, 2023. Property owners within 600' were notified by mail on June 7, 2023. The property was posted on June 15, 2023.

(4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0032.

(5) 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 for the development exists.

Findings: (1) The property has access to Highway 44 via Silverridge Road (private) and Raymond Drive (public). Both roads are paved.

(2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on March 1 and June 7, 2023. Newspaper notice was published on June 7, 2023.

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, including whether the proposed use is essential or desirable to the public welfare, 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 (CU2022-0031) was presented at a public hearing before the Canyon County Planning and Zoning Commission on July 7, 2023. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission decide as follows:

CONDITIONAL USE PERMIT HEARING CRITERIA – CCZO §07-07-05

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

Conclusion: Yes, the proposed use is permitted in the zone by conditional use permit.

Findings: (1) The northern approximately 310 feet of the parcel is zoned "C-1" (Neighborhood Commercial, Attachment 3b). The proposed use will be within this area. The remainder of the parcel is zoned "A" (Agricultural).

(2) A "Ministorage and/or RV storage facility" is permitted through a conditional use permit in the "C-1" (Neighborhood Commercial) zone (Canyon County Code §07-10-27).

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0031.

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

2. What is the nature of the request?

Conclusion: The applicant is requesting a conditional use permit for RV storage.

Findings: (1) The requested use includes a storage facility of up to 48 RVs, trailers, and boats. The site will be fenced, have a security gate, and have landscaping along the west, north, and east property lines (Attachment 1).

(2) This use will be only on the northern portion of the property. The property owner will continue to live in the house on the southern portion of the property (Attachment 1).

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0031.

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

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

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

Findings: (1) The property is designated as "Commercial" in the 2020 Canyon County Comprehensive Plan Future Land Use Map (Attachment 3c).

(2) The proposal aligns with the following goals, policies, and actions of the 2020 Canyon County Comprehensive Plan:

Chapter 1. Property Rights
Policy 1. No person shall be deprived of private property without due process of law.
Chapter 2. Population
Goal 1. Consider population growth trends when making land use decisions. **Goal 2.** To encourage economic expansion and population growth throughout the county plus increase economic diversity for continued enhancement of our quality of life to meet citizen needs. **Goal 3.** To guide future growth in order to enhance the quality and character of the county while providing and improving the amenities and services available to Canyon County residents.
Chapter 4. Economic Development
Goal 1. To diversify and improve the economy of Canyon County in ways that are compatible with community values. **Goal 4.** Provide an economically viable environment that builds and maintains a diverse base of business. **Policy 6.** Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County. **Policy 7.** Canyon County should identify areas of the county suitable for commercial, industrial and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.
Chapter 5. Land Use
Goal 2. To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area. **Goal 3.** Use appropriate techniques to mitigate incompatible land uses. **Goal 5.** Achieve a land use balance, which recognizes that existing agricultural uses and non-agricultural development may occur in the same area. **Commercial and Industrial Policy 1.** Encourage commercial and industrial development where there is adequate access to the following services, if applicable: a. sufficient water; b. a system to discharge used water; c. power; d. transportation. **Implementation Action:** Encourage commercial areas, zones or uses that are contiguous to existing county or city commercial areas, zones or uses but recognizing additional areas or zones, beyond those already existing, may be desirable and that some mixed uses are compatible.
Chapter 8. Public Services, Facilities and Utilities Component
Policy 3. Encourage the establishment of new development to be located within the boundaries of a rural fire protection district.
Chapter 10. Special Areas, Sites and Recreation
Goal 2. Encourage the development of recreational opportunities and facilities. **Policy 1.** Encourage the continuation of existing and encourage the creation of new recreational areas and the opportunity for outdoor public recreation areas and activities.

The applicant is being given due process of law through the hearing process. The conditions of approval have been reviewed by the applicant and are determined to be necessary.
The RV storage facility will provide a place to store their RVs for residents who do not have the space to do so on their property. The corridor along Highway 44 has been determined in the 2020 and 2030 Comprehensive Plans to be a good location for commercial development, and there is

Property owners within 600' were notified by mail on June 7, 2023. The property was posted on June 15, 2023.

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0032.

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

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

Conclusion: The use is not expected to cause undue interference with existing or future traffic patterns.

Findings: (1) The school will have a maximum of 20 students not including the applicant's children.

(2) The average number of trips per day is expected to increase by 5-7 twice per day for approximately 140 days of the year since students will likely be part of the same family or carpooling.

(3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on March 1 and June 7, 2023. Newspaper notice was published on June 7, 2023. Property owners within 600' were notified by mail on June 7, 2023. The property was posted on June 15, 2023.

(4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0032.

(5) 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. The use is not anticipated to negatively impact essential services or require public funding.

Findings: (1) All essential services which could be impacted were notified of the proposed use. One comment was received from Black Canyon Irrigation District regarding protection of their irrigation facilities. See Condition 8 for compliance.

(2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on March 1 and June 7, 2023. Newspaper notice was published on June 7, 2023. Property owners within 600' were notified by mail on June 7, 2023. The property was posted on June 15, 2023.

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0032.

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

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

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

Findings: (1) No comment was received from the City of Middleton

Exhibit C4.4

In the matter of the application of:
Toups – CU2022-0031
The Canyon County Planning and Zoning Commission considers the following:
1) Conditional Use Permit
CU2022-0031, 22906 Channel Road, Caldwell 83607 (Parcel Number: R34738010), a portion of the NW¼ of Section 11, T4N, R3W, 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 CU2022-0031.

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 §09-09-17 (Area of City Impact Agreement).

   a. Notice of the public hearing was provided pursuant to CCZO §07-05-01, Idaho Code §67-6509 and 67-6512.

   b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.

   c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCZO §07-07-01.

   d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development;(6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCZO §07-07-17, and 07-07-19.

2. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCZO §07-03-01, 07-07-01.

(2) Affected agencies were noticed on March 1 and June 7, 2023. Newspaper notice was published on June 7, 2023. Property owners within 600' were notified by mail on June 7, 2023. The property was posted on June 15, 2023.

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0032.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Hearing Examiner **approves** Case # CU2022-0032, a conditional use permit for a private school on parcel R34484100 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.
    a. The septic system must meet IDAPA 58.01.03 Individual Subsurface Sewage Disposal Rules and any other Southwest District Health requirements prior to commencement of use.
2. The number of students shall not exceed 20, not including the applicant's children.
3. The hours of operation during which students are dropped off, in school, and picked up shall be 7:30 a.m. to 3:30 p.m. Monday through Thursday.
4. The proposed use shall be in general conformance with the applicant's Letter of Intent (Attachment 1).
5. Signage shall meet CCZO §07-10-13 requirements, and shall not exceed 32 sq. feet as proposed by the applicant unless an additional sign permit is applied for and approved by the Director.
6. A change of occupancy for the house through Canyon County Building Division with all necessary approvals including Southwest District Health and Middleton Fire District is required prior to commencement of use.
7. The applicant shall not impede, disrupt, or otherwise disturb the existing irrigation structures on and adjacent to the subject property without written approval from Black Canyon Irrigation District.
8. This conditional use permit must follow land use time limitation as stated in CCZO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date."
9. Applicant shall submit a detailed site plan to scale prior to commencement of use to be approved by Canyon County DSD Director or Planning Official showing/including the following: property boundaries, the residence, parking areas, ingress/egress, potential yurt location, play area, potential sign location, and other locations of significance to the proposal including dimension and scale.

DATED this 19 day of July, 2023.

HEARING EXAMINER
CANYON COUNTY, IDAHO

Bruce Eggelston, Hearing Examiner;

BONNIE C PULEO
COMMISSION #20215954
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 12/10/2027

State of Idaho)

SS

County of Canyon County)

On this 19th day of July, in the year 2023, before me Bonnie Puleo, a notary public, personally appeared Bruce Eggleston, 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: Bonnie Puleo

My Commission Expires: 12/10/2027

other commercial development in the area. The subject parcel is within a fire protection district. Allowing more RV storage allows for more recreational opportunities.

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0031.

(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: No, the proposed use will not be injurious to other property in the immediate vicinity or negatively change the essential character of the area.

Findings: (1) The area is a mix of agriculture, some commercial uses, and rural residential lots (Attachments 2 and 3a). Most parcels are zoned "A" (Agricultural), with some "C-1" (Neighborhood Commercial) and some residential zoning (Attachment 3b). The parcel is located along a state highway which already has traffic and noise impacts.

(2) No evidence has been provided showing that the proposed use would be injurious to other property in the vicinity or that it would negatively change the essential character of the area. Conditions of approval are included to mitigate potential impacts.

(3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 28 and May 26, 2023. Newspaper notice was published on May 26, 2023. Property owners within 600' were notified by mail on May 26, 2023. The property was posted on June 2, 2023.

(4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0031.

(5) 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: Yes, adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems will be provided to accommodate the use.

Findings: (1) According to the letter of intent, the facility will be developed with appropriate irrigation and stormwater facilities but does not require water or sewer (Attachment 1).

(2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 28 and May 26, 2023. Newspaper notice was published on May 26, 2023. Property owners within 600' were notified by mail on May 26, 2023. The property was posted on June 2, 2023.

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0031.

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

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

Conclusion: Yes, legal access to the subject property for the development will exist at the time of development.

Findings: (1) The subject parcel has frontage along Channel Road, a collector, and State Highway 44. An existing approach located on Channel Road at the halfway point of the parcel will be used for

the facility. Canyon Highway District commented that they will require a new access permit, paved apron, and impact fee to change the approach to commercial (Attachment 4c, Condition 2).

(2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 28 and May 26, 2023. Newspaper notice was published on May 26, 2023. Property owners within 600' were notified by mail on May 26, 2023. The property was posted on June 2, 2023.

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0031.

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

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

Conclusion: No, there will not be undue interference with existing or future traffic patterns.

Findings: (1) The subject parcel has frontage along Channel Road, a collector, and State Highway 44. An existing approach located on Channel Road at the halfway point of the parcel will be used for the facility.

(2) Canyon Highway District commented that they will require a new access permit, paved apron, and impact fee to change the approach to commercial (Attachment 4c, Condition 2). Idaho Transportation Department stated that due to the limit of 48 RV spaces and the "Long unobstructed sigh distance for both westbound and eastbound travel", no mitigation is necessary, although an acceleration and center turn lane would be optimal (Attachments 4d and 4e).

(3) According to Canyon Highway District calculations, the use is estimated to generate 0.48 trips for the evening peak hour assuming a maximum of 48 RV spaces. Storage uses typically generate a low amount of traffic compared to other uses.

(4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 28 and May 26, 2023. Newspaper notice was published on May 26, 2023. Property owners within 600' were notified by mail on May 26, 2023. The property was posted on June 2, 2023.

(5) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0031.

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

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

Conclusion: Yes, any necessary essential services will be provided to accommodate the use. No, the services will not be negatively impacted by the use or require additional public funding to meet needs created by the use.

Findings: (1) No comments from essential services were received.

(2) The proposed use is for storage; therefore, it is not anticipated to significantly impact essential services or require funding.

(3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 28 and May 26, 2023. Newspaper notice was published on May 26, 2023.

Property owners within 600' were notified by mail on May 26, 2023. The property was posted on June 2, 2023.

(4) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0031.

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

Canyon County Code §09-09-17 - AREA OF CITY IMPACT AGREEMENT ORDINANCE

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

Findings: (1) The City of Middleton was notified pursuant to §09-09-17. No comment was received.

(2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on February 28 and May 26, 2023. Newspaper notice was published on May 26, 2023. Property owners within 600' were notified by mail on May 26, 2023. The property was posted on June 2, 2023.

(3) Evidence includes the application, support materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2022-0031.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2022-0031, a conditional use permit for RV storage on parcel R34738010 subject to the following conditions as enumerated:

Conditions of Approval

Development of the Property:

1. The RV Storage Facility shall be in substantial compliance with the applicant's letter of intent and site plan (Attachment 1).
2. An approach permit from Canyon Highway District No. 4 is required prior to commencement of use.
3. Fencing, landscaping, and parking area on the property shall be installed prior to commencement of use. Off street parking shall be in accordance with Canyon County Zoning Ordinance (CCZO) §07-13-01 and §07-13-03.
4. Any exterior lighting shall be directed away from adjacent residential properties.
5. Signage shall comply with CCZO §07-10-13. Signage may require approval from Idaho Transportation Department, a sign permit from Canyon County Planning & Zoning, and/or a building permit.
6. This conditional use permit must follow land use time limitation as stated in CCZO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date."

Ongoing Conditions:

7. Hours of operation shall not exceed 8 a.m. to 10 p.m. all days of the week. Operation is defined as the times during which customers can drop off and pick up their vehicles.
8. The property shall be well maintained and remain compliant with Chapter 2, Article 1 of the Canyon County Code (Public Nuisance). Fencing and landscaping shall be maintained. Weeds shall be managed to avoid becoming a public nuisance.
9. The RV storage facility shall be limited to the northern 310 feet of parcel R34738010. This permit is not transferable to any other property or individual and is not valid for any business or use other than that specifically approved by the Planning and Zoning Commission.

10. Historic irrigation lateral, drain and ditch flow patterns shall be maintained unless alteration is approved in writing by Middleton Irrigation Association or applicable irrigation district.
11. 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.
12. The RV Storage facility shall actively prohibit the discharge of any effluent and provide that prohibition in any lease agreement.

DATED this 3 day of August, 2023.

BONNIE C PULEO
COMMISSION #20215954
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 12/10/2027

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 3rd day of August, in the year 2023, before me Bonnie Puleo, 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: Bonnie Puleo

My Commission Expires: 12/10/2027

Exhibit C4.5

In the matter of the application of:

Payne – CR2022-0007
The Canyon County Board of County Commissioners considers the following:

(1) Conditional Rezone of approximately 21.84 acres from an "A" (Agricultural) to the following:

a. Northmost 7+/- acres will be zoned "CR-C-1" (Conditional Rezone - Neighborhood Commercial) and restricted to a Ministorage/RV storage facility and quasi-public uses; and

b. The remaining 14+/- acres will be zoned to "CR-C-2" (Conditional Rezone – Service Commercial) with limited uses.

c. Development agreement with conditions limiting uses and site impact to adjacent properties (Attachment A).

Case #CR2022-0007, adjacent to 13768 SH-44, Caldwell (Parcel Number: R34456), a portion of the SW¼ of Section 02, T4N, R3W 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 CR2022-0007.

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 §07-06-01 (Initiation of Proceedings), Canyon County Code §07-06-07 (Conditional Rezones), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6511 (Zoning Map Amendments and Procedures), and Canyon County Code §09-09-15 (Area of City Impact Agreement).

a. Notice of the public hearing was provided per CCZO §07-05-01 and Idaho Code §67-6509.

b. The presiding party may establish conditions, stipulations, restrictions, or limitations which restrict and limit the use of the rezoned property to less than the full use allowed under the requested zone, and which impose specific property improvement and maintenance requirements upon the requested land use. Such conditions, stipulations, restrictions, or limitations may be imposed to promote the public health, safety, and welfare, or to reduce any potential damage, hazard, nuisance, or other detriment to persons or property in the vicinity to make the land use more compatible with neighboring land uses. *See* CCZO §07-06-07(1).

c. All conditional rezones for land use shall commence within two (2) years of the approval of the board. If the conditional rezone has not commenced within the stated time requirement, the application for a conditional rezone shall lapse and become void. *See* CCZO §07-05-01

2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA") and can establish its own ordinances regarding land use. *See* I.C. §67-6504, §67-6511.

3. The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6504, 67-6509 & 67-6511.

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. 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, CR2022-0007, was presented at a public hearing before the Canyon County Board of County Commissioners on February 19, 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 Board of County Commissioners decide as follows:

CONDITIONAL REZONE CRITERIA – CCZO §07-06-07(6)

1. **Is the proposed conditional rezone generally consistent with the comprehensive plan?**

Conclusion: The subject parcel is generally consistent with the 2020 Canyon County Comprehensive Plan.

Findings: (1) The 2020 Canyon County Comprehensive Plan designates the parcel and parcels south and north of SH-44 "commercial" (Exhibit II.A.3c of the staff report). The commercial designations "*are intended to provide for commercial uses that can provide for a variety of commercial uses that provides goods and services to businesses, travelers, and residents of the county*" (Page 37 of the 2020 Comp. Plan).

The commercial designation is consistent with the 2030 Canyon County Comprehensive Plan's future land use map (Exhibit II.A.3d of the staff report). However, the application was submitted before the adoption of the 2030 Comprehensive Plan. Therefore, the request must be considered under the 2020 Canyon County Comprehensive Plan.

(2) The subject parcel is located within the Middleton Area of City Impact. Middleton designates the parcel and parcel south and north of SH-44 as "Commercial" and "Mixed-Use" (Exhibit II.A.3e of the staff report). Middleton describes the "commercial" designation as follows:

> *This land use primarily serves to provide local commercial services and daily needs. As development becomes more automobile-dependent, this type of development should be located on major arterials. While extremely important to the local economy, commercial land use only makes up a very small percentage (2%) of the total land use in the City (see the 2018 Land Use Map). Another 2% of land in the City is considered to be vacant commercial, while in the impact area, it makes up 0.5% of the total land use. The vast majority of commercial land use is located along Main Street (also known as State Highway 44 or Star Boulevard) between Middleton Road and Hartley Road. Small stores, restaurants, and business offices comprise the majority of commercial land uses in the City. (Page 27 & 28, Middleton Comp. Plan).*

Middleton describes the "mixed-use" designation as follows:

> *This land use designation is a combination of residential and commercial. The appropriateness of specific projects and developments will be evaluated on location, orientation, and design. This designation is intended to deliberately and creatively mix uses for the betterment of the project as a whole. Developments might include business parks, mixed-density residential, and mixtures of commercial and residential. Mixed-use makes up only 0.6% of total land uses in the City, while vacant mixed-use is 3% in the City (Page 28, Middleton Comp. Plan).*

(3) The applicant states the request consistent with the city's plans and the following 2020 Comprehensive Plan goals and policies (Exhibit II.C of the staff report):

- **Property Rights Policy 8.** *Promote orderly development that benefits the public good and protects the individual with a minimum of conflict.*
- **Property Rights Policy 11.** *Property owners shall not use their property in a manner that negatively impacts upon the surrounding neighbors or neighborhoods.*
- **Property Rights Policy 12.** *Property owners acknowledge and expect that Canyon County will preserve private property rights and values by enforcing regulations that will ensure against incompatible and detrimental neighboring land uses.*
- **Economic Development Policy 6.** *Encourage commercial and residential development in a controlled, planned, and constructive manner, which will enhance, not destroy, the existing lifestyle and environmental beauty of Canyon County.*
- **Economic Development Policy 7.** *Canyon County should identify areas of the county suitable for commercial, industrial, and residential development. New development should be located in close proximity to existing infrastructure and in areas where agricultural uses are not diminished.*
- **Land Use Goal 1.** *To encourage growth and development in an orderly fashion, and minimize adverse impacts on differing land uses, public health, safety, infrastructure, and services.*
- **Land Use Goal 2.** *To provide for the orderly growth and accompanying development of the resources within the county that is compatible with the surrounding area.*
- **Land Use Policy 1.** *Review all residential, commercial, and industrial development proposals to determine the land use compatibility and impact to surrounding areas.*
- **Land Use Policy 6.** *Review all development proposals in areas that are critical to groundwater recharge and sources to determine impacts, if any, to surface and groundwater quantity and quality.*
- **Land Use Policy 8.** *Develop, administer, and update the county-wide zoning ordinance to protect property values and avoid mixing of incompatible uses.*
- **Land Use Policy 9.** *Encourage and support land use proposals that are consistent with the community design goals and policies within the county.*
- **Natural Resources Water Policy 1.** *Encourage the protection of groundwater and surface water quality.*
- **Natural Resources Water Policy 4.** *Encourage new development to incorporate design elements that limit water use requirements.*
- **Natural Resources Water Policy 5.** *Require that new development has adequate water supply to ensure fire protection for the development.*
- **Public Services, Facilities, and Utilities Policy 2.** *Encourage the establishment of expanded sewer infrastructure and wastewater treatment in areas of city impact.*
- **Public Services, Facility, and Utilities Action.** *Develop a process requiring applicants to negotiate the provision of fire protection and emergency medical services with the appropriate service providers to ensure that new development is adequately protected.*

(4) As conditioned, the request is consistent with the goals and policies stated by the applicant (Exhibit II.C of the staff report) and the following goals and policies of the 2020 Canyon County Comprehensive Plan:

- **Population Policy 3.** *Encourage future populations to locate in areas that are conducive for residential living and that do not pose an incompatible land use to other land uses.*

- **Community Design Goal 1.** *Encourage community design that relates to the community's visual appearance and the development's physical relationship to the natural environment within the county.*
- **Community Design Policy 5.** *Encourage each development to address concerns regarding roads, lighting, drainage, stormwater runoff, landscaping, re-vegetation of disturbed areas, underground utilities, and weed control.*

(5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0007.

(6) *Evidence includes the findings and evidence in criteria 2 through 8 and the Area of City Impact Section.*

2. When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?

Conclusion: When considering the surrounding land uses, the proposed conditional rezone is more appropriate than the current zoning designation subject to conditions of the development agreement (Attachment A).

Findings: (1) The applicant requests the subject parcel, R34456, be conditionally rezoned from an "A" (Agricultural) zone to the following:

a. Northmost 7+/- acres will be zoned "CR-C-1" (Conditional Rezone - Neighborhood Commercial) and restricted to mini storage/RV storage uses and quasi-public uses. This will reduce commercial-related impacts near residential parcels located south of the subject parcel and will use existing landscape (trees) as a buffer; and

b. The remaining 14+/- acres will be zoned to "CR-C-2" (Conditional Rezone – Service Commercial) with the following limited uses: (1) Animal Hospital, (2) Caretaker Residence, (3) Commercial and Off-Street Parking Facilities, (4) Contractor Shop, (5) Equipment Rental, (6) Farm Implement Sales or Service, Farm Supply Sales, (7) Firewood Sales, (8) Firework Sales, (9) Landscaping Business, (10) Lumberyard, (11) Mini-storage/RV Storage Facility, (12) Nursery, (13) Wholesale Nursery, (14) Outdoor Sales and Displays, (15) Sale of Hay Grain, Seed, and related products, (16) Sale of Heavy Building Materials and Machinery, (17) Season Activities, (18) Staging Areas, (19) Utility Facility Systems, (20) Utility Distribution Systems, (21) Assisted Care Facility, (22) Retail Stores/Business Office Space, (23) Public and Quasi Public Uses, and (24) Vehicle Service Facility.

i. During public testimony, the applicant agreed to remove the special events facility use.

The applicant finds the request is compatible with the city's comprehensive plan and the 2020 Canyon County Comprehensive Plan, and will provide the zoning necessary to attract new businesses to Canyon County within a designated commercial growth area (Exhibit II.A.2a and II.C of the staff report)

(2) Approximately 14 acres of the subject parcel are zoned "A" (Agricultural) while approximately 7 acres along SH-44 are rezoned "C-1" (Neighborhood Commercial). Per CCZO §07-10-25(1) "The purposes of the A (Agricultural) Zone are to: A. Promote the public health, safety, and welfare of the people of the County by encouraging the protection of viable farmland and farming operations; B. Limit urban density development to Areas of City Impact in accordance with the comprehensive plan; C. Protect fish, wildlife, and recreation resources, consistent with the purposes of the "Local Land Use Planning Act", Idaho Code title 67, chapter 65; D. Protect agricultural land uses, and rangeland uses, and wildlife management areas from unreasonable adverse impacts from development; and E. Provide for the development of schools, churches, and other public and quasi-public uses consistent with the comprehensive plan."

(3) The area consists of a variety of lot sizes and a mix of agricultural/rural residential uses. *See Exhibits II.A.3a, II.A.3b, and II.A.7 of the staff report for aerials and site visit photos*. To the north and west of the parcel are residential parcels and lots created by subdivisions. The subject parcel and parcels to the east and the south consist of larger parcels that appear to be in rural/agricultural uses. They predominantly consist of prime farmland or farmland of statewide importance and consist of best to moderately-suited soils (Exhibit IIA.3i, Staff Report).

(4) The 2020 Canyon County Comprehensive Plan designates the parcel and parcels south and north of SH-44 "commercial" (Exhibit II.A.3c of the staff report). The subject parcel is located within the Middleton Area of City Impact. Middleton designates the parcel and parcel south and north of SH-44 as "Commercial" and "Mixed-Use" (Exhibit II.A.3e of the staff report).

(5) The parcel is located within Traffic Analysis Zone (TAZ) #2082 and near #2094, 2148, and #2078 which forecasts job growth along SH-44 between the subject parcel and Hartley Lane (Exhibit II.A.3n of the staff report). The TAZ areas are used by the state and/or local transportation officials for tabulating traffic-related data for future improvements and funding. The data provides future population, household, and job growth forecasts.

(6) In 2011, a blanket rezone to "C-1" was approved for interested property owners along SH-44 (RZ2011-10, Exhibit II.A.5 & II.A.3f of the Staff Report).

(7) There are 13 businesses in existence a little over 5,000 feet east (Hartley Lane) and west (El Paso Road) of the subject parcel (Exhibit II.F of the staff report).

(8) Regarding the requested "C-1" zone, a mini-storage/RV storage facility requires a conditional use permit prior to the commencement of use (CCCO Section 07-10-27). Public and quasi-public uses are allowed in the "C-1" zone. The applicant states the existing landscape of trees and Middleton Mill Ditch will provide a buffer between the neighborhood commercial use and existing rural residential properties (Exhibit II.C).

(9) Regarding the 24 requested uses allowed in the proposed "C-2" Zone (CCCO Section 07-10-27) seven (7) are prohibited and 12 require a discretionary permit in the "A" Zone. Four (4) are prohibited and four (4) require a discretionary permit in the "C-1" Zone. The applicant finds the uses will require permits from affected agencies such as ITD, Highway District #4, Southwest District Health/Dept. of Environmental Quality, Black Canyon Irrigation District, DSD (Building Permits), Dept. of Water Resources, and Middleton Fire District, prior to commencement of use. The affected agencies will ensure development meets applicable standards and requirements (Exhibit II.A.2a & II.C of the staff report).

(10) The request does not include a specific plan or conceptual plan that addresses potential compatibility impacts with the area and existing uses near the subject parcel. As conditioned, before the commencement of use all affected agencies' applicable requirements and improvements must be completed (Condition No. 1, Attachment A). Before the commencement of use, an operations plan is required including landscaping, fencing, residential buffer, noise management, and exterior lighting (Condition No. 3b, Attachment A).

a. Conditions 2.b.i(1) and iv comply with city landscaping (City Code Section 5-4-10-7) and exterior light requirements (City Code Sections 4-8-5/1-15-8-5). The conditions encourage community design commensurate with city growth planned along SH-44 in the City of Middleton (Exhibit II.A.3e of the staff report).

(11) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0007.

3. Is the proposed conditional rezone compatible with surrounding land uses?

Conclusion: As conditioned, the proposed request is compatible with surrounding land uses.

Findings: (1) The area consists of a variety of lot sizes and a mix of agricultural/rural residential uses. *See Exhibits II.A.3a, II.A.3b, and II.A.7 of the staff report for aerial and site visit photos.* To the north and west of the parcel are residential parcels and lots created by subdivisions. The north boundary of the subject parcel is located within the vicinity of parcels zoned "A" (Agricultural). Other than parcel R34455 that abuts the subject parcel (7.63 acres, Laeger), the parcels north of the subject parcel were divided into residential lots, including Northslope Estates 1 & 2; a 2.98-acre average lot size (Exhibit II.A.3h of the staff report).

The west boundary is located within the vicinity of parcels created by subdivisions including Whittle Subdivision, Sleepy Hollow Subdivision, and Saddleback Ridge Subdivision. The area is predominantly zoned "A" except for Saddleback Ridge Subdivision which is zoned "R-R" (Rural Residential) and a lot within Sleepy Hollow Subdivision zoned "CR-R-1" (Conditional Rezone – Single-Family Residential). *See Exhibits II.A.3f, 3g, and 3h of the staff report.*

The east boundary abuts Canyon Lane, a public road that dead-ends approximately 3,000 north of the subject parcel. Parcels within the vicinity are zoned "A" and consist of a mix of lots created by a subdivision, land divisions, and large farm ground; a 14.36-acre average lot size. The parcel also abuts an original parcel, R34459 (0.57 of an acre), zoned "C-1" with an existing dwelling (Exhibit II.A.3a, 3b, and 3f of the staff report).

The south boundary abuts SH-44. Parcels south of SH-44 consist of a mix of parcels created by land division; a 1.12-acre average lot sizes. Parcels near the corner of SH-44 and Channel Road are zoned "C-1". The other parcels are zoned "A".

(2) In 2011, a blanket rezone to "C-1" was approved for interested property owners along SH-44 (RZ2011-10, Exhibit II.A.5 of the Staff Report).

(3) The following commercial uses exist a little over 5,000 feet east (Hartley Lane) and west (El Paso Road) of the subject parcel (Exhibit F of the staff report):

a. Easy Access Storage (R34490010A): The parcel is zoned "A" (Agricultural). The mini-storage facility was approved in the "A" Zone via a conditional use permit in 1998 (CU2002-15). The future land use designation is "commercial" (Exhibit A.3d of the staff report).

b. HWY 11 Storage (Parcel R34717200 and R34717201): Conditionally rezoned to "CR-C2" to allow for an RV storage/mini-storage facility, accessory uses, caretaker residence, seasonal activities, and similar allowed uses (PH2015-61, Exhibit II.A.6 of the staff report).

   i. The parcel is the only parcel conditional zoned "C-2" in the area (Exhibit II.A.3f of the staff report).

   ii. Per CCZO Section 07-06-07(3): "Conditional Rezoning Designation: Such restricted land shall be designated by a CR (conditional rezoning) on the official zoning map upon approval of a resolution by the board for an "order of intent to rezone". An "order of intent to rezone" shall be submitted to the board for approval once the specific use has commenced on the property and all required conditions of approval have been met and any required improvements are in place. Land uses that require approval of a subdivision shall have an approved final plat in accordance with this chapter before the "order of intent to rezone" is submitted for approval by the board. Designation of a parcel as CR shall not constitute "spot" zoning and shall not be presumptive proof that the zoning of other property adjacent to or in the vicinity of the conditionally rezoned property should be rezoned the same."

c. Big Game Specialties (Parcel R22050): The parcel is zoned "A" (Agricultural). The meat processing use is allowed in the "A" Zone as a home occupation or home business. The future land use designation is "rural residential" (Exhibit II.A.3d of the staff report).

d. Ranch C44 Bed and Breakfast (Parcel R22048010): The parcel is zoned "A" (Agricultural). The bed and breakfast use is allowed in the "A" Zone subject to having no

employees. The future land use designation is "rural residential" (Exhibit II.A.3d of the staff report).

e. Rainy Day Irrigation and Landscaping (Parcel R22087012): The parcel is zoned "A" (Agricultural). A landscaping business is an allowed use in the "A" Zone. The future land use designation is "rural residential" (Exhibit II.A.3d of the staff report).

f. Clear Choice Window Cleaning (Parcel R34737): The property is zoned "C-1" (Neighborhood Commercial). The future land use designation is "commercial" (Exhibit II.A.3d &3f of the staff report).

g. Sideyard Training Crossfit (Parcel R34720): The property is zoned "C-1" (Neighborhood Commercial). The future land use designation is "commercial" (Exhibit II.A.3f of the staff report).

h. Caldwell Transportation/Middleton School District (Parcel R27283): Parcel zoned "M-1" (Light Industrial) circa 1995 for the school district. (Exhibit II.A.3f of the staff report).

i. Modern Vintage Market (Parcel R34771): Parcel zoned "A" (Agricultural). Retail use is not allowed in the "A" Zone. The future land use designation is "commercial" (Exhibit II.A.3d of the staff report).

j. Idahome RV Resort (Parcel R34440017): Located in the City of Middleton's jurisdiction with connection to city services. (Exhibit II.A.3e of the staff report).

k. Tractor Supply Co. (Parcel R34440014): Located in the City of Middleton's jurisdiction with connection to city services. (Exhibit II.A.3e of the staff report).

l. 44 Livestock/Pet Supply (Parcels R34775 and R34775010): Located in the City of Middleton's jurisdiction with connection to city services. (Exhibit II.A.3e of the staff report).

m. Perfection Tire and Auto Repair (Parcel R17886010B): Located in the City of Middleton's jurisdiction with connection to city services. (Exhibit II.A.3e of the staff report).

(4) The applicant requests the rezoning be approved first before determining a specific use (Exhibit II.A.2a, Staff Report). The request reduces future commercial uses to 24 uses: Two (2) uses in the C-1 zone (approximately 7 acres) and 24 uses in the "C-2" Zone (approximately 14 acres - Exhibit C of the staff report). The applicant finds the amendment will provide the zoning necessary to attract new businesses to Canyon County within a commercial growth area.

(5) The request does not include a specific plan or conceptual plan that addresses potential compatibility impacts with the area and existing uses near the subject parcel. As conditioned, before the commencement of use, applicable requirements and improvements by all affected agencies must be completed (Condition No. 1, Attachment A). Before the commencement of use, an operations plan is required including landscaping, fencing, residential buffer, noise management, and exterior lighting (Condition No. 3b, Attachment A).

a. Condition 3b.i(1) and iv comply with city landscaping (City Code Section 5-4-10-7) and exterior light requirements (City Code Sections 4-8-5/1-15-8-5). The conditions encourage community design commensurate with city growth planned along SH-44 in the City of Middleton (Exhibit A.3e of the staff report).

b. Due to potential future improvements along Hill Canal, landscaping along the north boundary abutting Hill Canal is not required (Condition No. 3b.i(1)a).

(6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0007.

4. **Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?**

Conclusion: As conditioned (Attachment A), the request is not anticipated to negatively impact the character.

Findings:

(1) The area consists of a variety of lot sizes and a mix of agricultural/rural residential uses. *See Exhibits II.A.3a, II.A.3b, and II.A.7 of the staff report for aerial and site visit photos.* To the north and west of the parcel are residential parcels and lots created by subdivisions. The subject parcel and parcels to the east and the south consist of larger parcels that appear to be in rural/agricultural uses (Exhibit A.3a, Staff Report). They predominantly consist of prime farmland or farmland of statewide importance and consist of best to moderately-suited soils (Exhibit II.A.3i, Staff Report).

(2) In 2011, a blanket rezone to "C-1" was approved for interested property owners along SH-44 (RZ2011-10, Exhibit II.A.5 of the Staff Report). When considering the 2020 Canyon County Comprehensive Plan, the Board of County Commissioners found the "C-1" zone the most appropriate zone along SH-44 for a blanket rezone. Upon review of the properties zoned "C-1" in 2011 within 4,000 feet of the subject parcel (Emmett Road to the east and Stone Lane to the west), only two (2) parcels appear to be in commercial use (Exhibit II.A.3f and F of the staff report). The subject parcel is currently used for agricultural production. Most of the area still consists of either agricultural uses or residential uses (*Exhibits II.A.3a, II.A.3b, and II.A.7 of the staff report).*

(3) There are 13 businesses in existence a little over 5,000 feet east (Hartley Lane) and west (El Paso Road) of the subject parcel (Exhibit II.F of the staff report).

(4) The applicant requests the rezoning be approved first before determining a specific use (Exhibit IIA.2a, Staff Report). The request reduces future commercial uses to 24 uses: Two (2) uses in the C-1 zone (approximately 7 acres) and 24 uses in the "C-2" Zone (approximately 14 acres - Exhibit II.C of the staff report). The applicant finds the amendment will provide the zoning necessary to attract new businesses to Canyon County within a commercial growth area.

(5) As conditioned, before the commencement of use all affected agency applicable requirements and improvements must be completed (Condition No. 1, Attachment A). Before the commencement of use, an operations plan is required including landscaping, fencing, residential buffer, noise management, and exterior lighting (Condition No. 3b, Attachment A). Therefore, potential impacts of the limited uses can be mitigated/reduced before the commencement of use.

(6) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and the City of Middleton were noticed on April 20, 2023, March 5, 2024, October 18, 2024, and December 31, 2024. A newspaper notice was published on December 31, 2024. Property owners within 600' were notified by mail on March 5, 2024, June 25, 2024, October 18, 2024, and December 24, 2024. Full political notice was provided on October 18, 2024. The property was posted on December 30, 2024.

   a. A comment letter was received on March 29, 2024, in opposition to the request unless it was a rental storage use (Jones, Exhibit II.A.4e of the staff report). The letter includes concerns regarding increased traffic and noise.

   b. The applicant submitted two letters of support with the initial revision to the request at the Board of County Commissioners hearing on October 2, 2024, from Mike Okamura and West Alliance for Economic Development (Exhibit II.A.12 of the staff report).

   c. A comment letter was received on October 23, 2024, in opposition to the request due to too many mini and RV storage uses along the SH-44 corridor (Exhibit II.E.1 of the staff report). The letter states the corridor needs commercial services, such as restaurants, retail, grocery stores, medical offices, urgent care units, etc.

   d. A comment letter was received on November 7, 2024, and November 9, 2024, with concerns regarding traffic impacts created by the request on Cayon Lane and SH-44 and concerns regarding impacts to groundwater resources (Exhibit II.D.2 & II.D. 3 of the staff report).

e. ITD responded to a comment letter received from a concerned neighbor regarding traffic impacts stating impacts would be reviewed for consistency at the time of use (Exhibit II.D.2 of the staff report)

(7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0007.

5. **Will adequate facilities and services including sewer, water, drainage, irrigation, and utilities be provided to accommodate the proposed conditional rezone?**

Conclusion: As conditioned (Attachment A), adequate facilities will be accommodated prior to the commencement of use.

Findings:

(1) Middleton city jurisdiction and city services are not located near the subject parcel. City jurisdiction currently terminates near the intersection of Hartley Lane and SH-44 over a mile from the subject parcel (Exhibit II.A.3c and C of the staff report).

(2) The parcel has surface water rights from Middleton Mills/Middleton Irrigation Association, not Black Canyon Irrigation District (Exhibit II.A.4b of the staff report). No comments were provided by Middleton Mills/Middleton Irrigation Association.

(3) The request reduces future commercial uses to 24 uses (Exhibit II.C of the staff report). Adequate services will be addressed at the time of use by the appropriate agencies (Exhibit II.A.2a & II.C of the staff report).

(4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and the City of Middleton were noticed on April 20, 2023, March 5, 2024, October 18, 2024, and December 31, 2024. A newspaper notice was published on December 31, 2024. Property owners within 600' were notified by mail on March 5, 2024, June 25, 2024, October 18, 2024, and December 24, 2024. Full political notice was provided on October 18, 2024. The property was posted on December 30, 2024.

a. No comments were received from Southwest District Health, Idaho Department of Water Resources, or Idaho Department of Environmental Health.

b. Per Condition No. 1, Attachment A: Prior to the commencement of use, development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations. Compliance with the following, but not limited to, affected agencies shall be met prior to the commencement of any uses/development:

- Idaho Transportation Department (Exhibit II.A.4c of the staff report),
- Highway District #4 (Exhibit II.A.4d & II.D.2 of the staff report),
- Black Canyon Irrigation District/Middleton Mill Irrigation District (Exhibit II.A.4b of the staff report).
- Canyon Water Company, (Exhibit III.A of the staff report).

(5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0007.

6. **Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate traffic impacts?**

Conclusion: As conditioned (Attachment A), traffic impact assessment and necessary improvements/mitigation measures will be completed prior to the commencement of use.

Findings:

(1) The parcel has frontage on Canyon Lane, a local road maintained by Canyon Highway District #4, and SH-44, a principal arterial highway maintained by the Idaho Transportation Department (ITD). Existing agricultural/field access appears to be from SH-44.

Due to the large variety of uses allowed in the "C-2" Zone, trip generation frequency varies dramatically. It is anticipated that the rezoning change on approximately 22 acres will require a TIS because trip generation will exceed 500 trips/day or 50 trips/peak hour. Before the commencement of any use, CHD4 and ITD require a development proposal review to determine if a TIS is required (Exhibits II.A.4c & II.A.4d of the staff report).

(2) The request reduces future commercial uses to 24 uses (Exhibit II.C of the staff report). Effects on traffic will be addressed at the time of use by the appropriate agencies (Exhibit II.A.2a of the staff report).

(3) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and the City of Middleton were noticed on April 20, 2023, March 5, 2024, October 18, 2024, and December 31, 2024. A newspaper notice was published on December 31, 2024. Property owners within 600' were notified by mail on March 5, 2024, June 25, 2024, October 18, 2024, and December 24, 2024. Full political notice was provided on October 18, 2024. The property was posted on December 30, 2024.

a. Highway District #4 (Exhibit II.A.4d, Staff Report)

b. Idaho Transportation Department – ITD (Exhibit II.A.4c & II.D.2, Staff Report)

c. Per Condition No. 1, Attachment A: Prior to the commencement of use, development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations. Compliance with the following, but not limited to, affected agencies shall be met prior to the commencement of any uses/development:

- Idaho Transportation Department (Exhibit II.A.4c of the staff report),
- Highway District #4 (Exhibit II.A.4d & II.D.2 of the staff report),
- Black Canyon Irrigation District/Middleton Mill Irrigation District (Exhibit II.A.4b of the staff report).
- Canyon Water Company, (Exhibit III.A of the staff report).

(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0007.

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

Conclusion: The property has legal access. Commercial access can be accommodated at the time of development. As conditioned (Attachment A), all access requirements and improvements necessary for the use will be completed prior to the commencement of use.

Findings: (2) Per Exhibit II.A.3d of the staff report, the parcel has frontage on Canyon Lane, a local road maintained by Canyon Highway District #4, and SH-44, a principal arterial highway maintained by the Idaho Transportation Department (ITD). Per testimony from the owner, Greg Payne, existing agricultural field access exists from SH-44.

(3) The request reduces future commercial uses to 24 uses (Exhibit II.C of the staff report). Effects on access will be addressed at the time of use by the appropriate agencies (Exhibit II.A.2a of the staff report).

(4) Canyon Highway District #4 states direct access to a principal arterial highway is restricted and would require ITD authority through a permitting process. If future development will have access via Canyon Lane, any new local road, private road or private driveway shall be located a minimum of 440 feet from the SH 44/Canyon Lane intersection, located a minimum of 250 feet from any other existing road intersection, and commercial driveway to be located a minimum of 125-feet from any other existing or proposed driveway or roadway. *See Exhibit II.A.3d of the staff report, CHD4 comment letter.*

(5) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and the City of Middleton were noticed on April 20, 2023, March 5, 2024, October 18, 2024, and December 31, 2024. A newspaper notice was published on December 31, 2024. Property owners within 600' were notified by mail on March 5, 2024, June 25, 2024, October 18, 2024, and December 24, 2024. Full political notice was provided on October 18, 2024. The property was posted on December 30, 2024.

a. Highway District #4 (Exhibit II.A.4d, Staff Report)

b. Idaho Transportation Department – ITD (Exhibit II.A.4c & II.D.2, Staff Report)

c. Per Condition No. 1, Attachment A: Prior to the commencement of use, development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations. Compliance with the following, but not limited to, affected agencies shall be met prior to the commencement of any uses/development:

- Idaho Transportation Department (Exhibit II.A.4c of the staff report),
- Highway District #4 (Exhibit II.A.4d & II.D.2 of the staff report),
- Black Canyon Irrigation District/Middleton Mill Irrigation District (Exhibit II.A.4b of the staff report).
- Canyon Water Company, (Exhibit III.A of the staff report).

(6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0007.

8. **Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire, and emergency medical services? What measures will be implemented to mitigate impacts?**

Conclusion: As conditioned (Attachment A), the requested conditional rezone will not impact essential services.

Findings: (1) The request reduces future commercial uses to 24 uses (Exhibit II.C of the staff report). Effects on schools and services will be addressed at the time of use by the appropriate agencies (Exhibit II.A.2a of the staff report).

(2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies and the City of Middleton were noticed on April 20, 2023, March 5, 2024, October 18, 2024, and December 31, 2024. A newspaper notice was published on December 31, 2024. Property owners within 600' were notified by mail on March 5, 2024, June 25, 2024, October 18, 2024, and December 24, 2024. Full political notice was provided on October 18, 2024. The property was posted on December 30, 2024.

a. The subject parcel is served by the Middleton Fire District, Middleton School District, Canyon County Sheriff's, and Canyon County EMT/Paramedics. No comments were received.

b. Middleton Fire District Station 53 is 2.5 miles east of the subject parcel, approximately five (5) minutes' distance.

c. Per Condition No. 1, Attachment A: Prior to the commencement of use, development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations. Compliance with the following, but not limited to, affected agencies shall be met prior to the commencement of any uses/development:

- Idaho Transportation Department (Exhibit II.A.4c of the staff report),
- Highway District #4 (Exhibit II.A.4d & II.D.2 of the staff report),
- Black Canyon Irrigation District/Middleton Mill Irrigation District (Exhibit II.A.4b of the staff report).
- Canyon Water Company, (Exhibit III.A of the staff report).

(1) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0007.

Canyon County Code §09-09-15 (Area of City Impact Agreement)
AREA OF CITY IMPACT AGREEMENT ORDINANCE

Conclusion: The property is located within the Middleton Area of City Impact (Exhibit A.3e of the staff report). A notice was sent to the City of Middleton per Canyon County Code Section 09-09-15 (09-09-11(3)). No comments were received.

Findings:

(1) Pursuant to 09-09-15: All proposed county ordinance amendments to the text and/or map which may relate to the Middleton area of city impact shall be referred to the city in the same manner as provided for in subsection 09-09-11(3) of this article, except that recommendations received from the city by the county are nonbinding but any factually supported recommendations shall be seriously considered by the county.

a. 09-09-11(3): Plan Amendment Proposals: All proposals for amendments to the county comprehensive plan which may appertain to the Middleton area of city impact but which do not originate from the city shall be referred to the city at least thirty (30) calendar days prior to any hearing on such matter and a recommendation may be made before or at said public hearing. If a recommendation is received, it shall be given great weight by the county, provided it is factually supported, but such recommendation shall not be binding on the county. If no response is received, the county may proceed without the recommendation of the city. A copy of the final decision issued by the county shall be forwarded to the city. If the city does not agree with the request, because it involves a major change in the county's comprehensive plan, the city may request renegotiation of this article as provided in Idaho Code 67-6526(d). A major change is one that is fundamental to the county's comprehensive plan, as determined by the parties.

(2) A notice was sent to the City of Middleton on April 20, 2023, March 5, 2024, and October 18, 2024. No comments were received.

(3) Conditions 2.b.i(1) and iv comply with city landscaping (City Code Section 5-4-10-7) and exterior light requirements (City Code Sections 4-8-5/1-15-8-5). The conditions encourage community design commensurate with city growth planned along SH-44 (Exhibit II.A.3e of the staff report).

(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CR2022-0007.

Order

Based upon the Findings of fact, Conclusions of law, and Order contained herein, the Board of County Commissioners **approve** Case # CR2022-0007, a condition rezone of Parcel R34456 to a "CR-C-1" and "CR-C-2" Zone subject to conditions of the development agreement (Attachment A).

DATED this 11 day of MARCH, 2025.

CANYON COUNTY BOARD OF COMMISSIONERS

✓ Motion Carried Unanimously
____ Motion Carried/Split Vote Below
____ Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
Commissioner Leslie Van Beek	✓		
Commissioner Brad Holton			
Commissioner Zach Brooks	X		

Attest: Rick Hogaboam, Clerk

By: Monica Reeves Date: 3-11-25
Deputy

ATTACHMENT A
Draft Development Agreement Conditions

1. Prior to the commencement of use, development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations. Compliance with the following, but not limited to, affected agencies shall be met prior to the commencement of any uses:
   a. Idaho Transportation Department (Exhibit II.A.4c of the staff report),
   b. Highway District #4 (Exhibit II.A.4d & II.D.2 of the staff report),
   c. Black Canyon Irrigation District/Middleton Mill Irrigation District (Exhibit II.A.4b of the staff report),
   d. Canyon Water Company, (Exhibit III.A of the staff report).

2. The northmost portion of Parcel R34456, approximately 7 acres described in Exhibit __ (to be added to the agreement), will be zoned "CR-C-1" (Conditional Rezone - Neighborhood Commercial) subject to the following conditions:
   a. The "C-1" zone is limited to the following uses:
      i. Ministorage/RV storage Facility (subject to a conditional use permit and CCCO Section 07-14-21); and
      ii. Public and quasi-public uses (subject to Condition No. 3.b of the staff report).

3. The remaining portion of Parcel R34456, approximately 14 acres described in Exhibit __ (to be added to the agreement), will be zoned "CR-C-2" (Conditional Rezone - Service Commercial) subject to the following conditions:
   a. The "C-2" zone is limited to the following uses:
      i. Animal Hospital;
      ii. Caretaker Residence;
      iii. Commercial and Off-Street Parking Facilities;
      iv. Contractor Shop,
      v. Equipment Rental;
      vi. Farm Implement Sales or Service, Farm Supply Sales;
      vii. Firewood Sales;
      viii. Firework Sales;
      ix. Landscaping Business;
      x. Lumberyard;
      xi. Mini-storage/RV Storage Facility, subject to CCCO §07-14-21 and the following conditions:
         (1) If the facility is proposed with or will connect with the facility located in the "C-1" zone, a conditional use permit is required;
      xii. Nursery;
      xiii. Wholesale Nursery;
      xiv. Outdoor Sales and Displays;
      xv. Sale of Hay Grain, Seed, and related products;
      xvi. Sale of Heavy Building Materials and Machinery
      xvii. Season Activities;
      xviii. Staging Areas, subject to CCCO §07-14-29;
      xix. Utility Facility Systems;
      xx. Utility Distribution Systems;
      xxi. Assisted Care Facility;
      xxii. Retail Stores/Business Office Space;
      xxiii. Public and Quasi Public Uses; and
      xxiv. Vehicle Service Facility

   b. Prior to the commencement of use or building permit issuance, whichever comes first, an operations plan shall be submitted to Canyon County DSD which includes the following information:
      i. A landscaping, parking, and fencing plan demonstrating the materials to be used, locations, and the long-term maintenance to ensure all remain in good repair and do not become a public nuisance.
         (1) Landscaping shall be located along the property boundaries that abut (1) residential uses/subdivisions, and (2) abut SH-44 and Canyon Lane. The landscaping buffer width shall be 25'.

a. Exception: Landscaping is not required along the property boundary abutting Hill Canal.

(2) Sight-obscuring fencing is required around the perimeter of any outdoor storage of vehicles and/or equipment unless stored in a building.

(3) Parking shall comply with off-street parking and loading requirements, Chapter 7, Article 13 of the Canyon County Code of Ordinance (CCCO).

ii. A site plan showing all uses will maintain a 50' buffer from all residential uses and subdivisions.

iii. A noise management plan demonstrating noise reduction through hours of operation and restricting noise-generating equipment within an enclosed structure/building.

iv. An exterior lighting plan demonstrating lighting will be LED, shielded, downlit, and will not impact other properties and public roads.

v. A disclosure regarding the irrigation and drainage facilities on the subject parcel and the owner's responsibility and liabilities.

4. The developer shall comply with CCCO §07-06-07 (4): Time Requirements: "All conditional rezone for a land use shall commence within two (2) years of the approval of the board."

Exhibit C4.6

In the matter of the application of:
A & A Tires LLC– CU2025-0018

The Canyon County Planning and Zoning Commission considers the following:

Case No. CU2025-0018: The applicant, Abraham Gonzalez, represented by Victor Ferral, is requesting a Conditional Use Permit for a staging area and contractor shop for the applicant's business, A&A Tires, LLC, which is a 24-hour mobile tire repair service. The applicant is proposing to store service trucks, equipment, and tires with a contractor shop on-site. It is proposed to have three (3) employees with the hours of operation being Monday – Sunday, 8 am – 5 pm. The property is approximately 1.58 acres in an "A" (Agricultural) zone. The subject property is located at 23930 Stone Ln, Caldwell, also referenced as Parcel R22073, a portion of the NW quarter of Section 03, T4N, R3W, 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 CU2025-0018.
      1. All exhibits are located in the case staff report dated January 15, 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), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and CCCO §09-09-17 (Area of City Impact Agreement).

   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. *See* 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. *See* 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. *See* 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. 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. 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, CU2025-0018, was presented at a public hearing before the Canyon County Planning and Zoning Commission on January 15, 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**	**Analysis**
Yes	**1**	**Is the proposed use permitted in the zone by conditional use permit?**
Analysis		*The proposed use for a staging area and contractor shop is permitted in the zone by a conditional use permit, pursuant to County Ordinance* CCCO §07-10-27. *The applicant submitted a conditional use permit for a staging area and contractor shop on* August 7, 2025. *See Staff Report Exhibit A for the application and submitted materials.* • *CCCO §07-02-03 defines a staging area as "An area where equipment and/or materials are stored for use conducted entirely off-site."* • *CCCO §07-02-03 defines a contractor shop as "May include, but not limited to, a building where a contractor conducts his business, including offices and parking of equipment and employee parking."* *A vehicle service facility is not permitted in the "A" (Agricultural) zone. Although the applicant isn't proposing a vehicle service facility, condition number 12 has been added to address this.*

	• *CCCO §07-02-03 defines a vehicle service facility as "Premises on which repair and service work to vehicles is performed."* *See project description analysis contained in Section 07-07-05(2) detailing the nature of the request.*	
Criteria Met? **Yes**	**2**	**What is the nature of the request?**
Analysis	The property owner, Abraham Gonzalez, requests a conditional use permit to establish a staging area and contractor shop for his business, A & A Tires LLC, on approximately 1.58 acres, designated as R22073. A & A Tires LLC is a 24-hour mobile tire service business. This type of business would typically be considered a home occupation, which is a permitted use. However, the owner is requesting to expand the business to include a staging area and contractor shop to store additional equipment and business vehicles on the subject property. • Use: The nature of the request consists of using the subject property to store equipment for the property owner's mobile tire service business, A & A Tires LLC, such as service trucks, equipment, and tires (**Staff Report Exhibit B2**). The request includes a 30' x 60' pre-engineered metal building to be used for the contractor shop (**Staff Report Exhibit B5**). The contractor shop is proposed to be used for temporarily storing old and new tires and tire repair equipment (**Staff Report Exhibit B3**). • Number of Employees: The applicant is proposing to have three (3) employees. The employees come on-site to load and unload the needed supplies; the work is conducted off-site (**Staff Report Exhibit B2**). • Customers: According to the applicant's Operation Plan (**Staff Report Exhibit B3**), customer visits to the contractor shop are expected to be rare. *See condition number 12.* • Hours of Operation: The hours of operation proposed are Monday through Sunday, 8:00 am – 5:00 pm, per the land use worksheet (**Staff Report Exhibit B4**). On average, deliveries will occur 1 to 3 times a week (**Staff Report Exhibit B2.1**). • Parking: The proposal includes parking for the property owners' company vehicles and employees as needed. • Restrooms: There is currently an individual septic tank servicing the residence on site. The proposed staging area and contractor shop do not anticipate the use of restrooms (**Staff Report Exhibit B2.1**). During staff's site visit on November 21, 2025, staff observed a portable restroom. *See condition number 11a.* • Tire Disposal: According to the email correspondence on August 25, 2025, the applicant has a contract with a local tire reclaim business in Caldwell, and the tires will be disposed of as often as needed (**Staff Report Exhibit B2.1**).	
Criteria Met? **Yes**	**3**	**Is the proposed use consistent with the comprehensive plan?**
Analysis	As conditioned, the proposed use is consistent with the Comprehensive Plan. The 2030 Canyon County Comprehensive Plan designates the subject parcel as "Rural Residential" (**Staff Report Exhibit C2.17**). The designation is intended to create a buffer between residential and agricultural uses along the City of Middleton's area of impact. However, the City of Middleton's area of impact has recently been adjusted, getting pulled back closer to the City of Middleton. With that change, staff cannot anticipate what the impact will be on the future designation of parcels in this area. Approximately 0.90 miles west of the subject property, there is a future agricultural land use designation, and approximately 0.90 miles southwest of the subject property is zoned commercial and industrial. The future land use is trending towards a mix of residential, commercial, and agricultural uses. As conditioned, the proposed use is aligned with but not limited to the following goals and policies of the 2030 Comprehensive Plan:	

	• Property Rights Goal: ○ G1.01.00: *"Protect the integrity of individual property rights while safeguarding public health, safety, and welfare."* Canyon County values the applicants' and surrounding applicants' private property rights and may support the applicants' project and the surrounding applicants' rights by adding mitigating conditions to the proposed conditional use permit (CCCO Section 07-07-17). *See the conditions on page 9 of the Staff Report.* • Population Goal: ○ G2.01.00: "Incorporate *population growth trends and projections when making land use decisions."* *Property owners have the "right to enjoy the property for its intended use without creating nuisances. Zoning categorizes land uses based on compatibility, such as agriculture, residential, commercial, and industrial. Each category has characteristics that might not be compatible with other zoning categories (Pg. 10, Comprehensive Plan 2030)." See section 07-07-05(4) for analysis on land use compatibility and consistency.* • Economic Development Goal: ○ G3.05.00: *"Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability."* Canyon County supports retaining, expanding, and recruiting businesses and economic growth and expansion, but this must be done in a way that is compatible with the surrounding area, which may include adding mitigation conditions to this conditional use permit that address the community's concerns (noise, traffic, dust, etc.). *See the conditions on page 9 of the Staff Report.* • Land Use Policies: ○ P4.01.01: *"Maintain a balance between residential growth and agriculture that protects the rural character."* ○ *P4.01.02: "Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights."* 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. *See the conditions on page 9 of the Staff Report.*
Criteria Met? **Yes**	**4** **Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?**
Analysis	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. **Summary:** 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, commercial, and agricultural uses as seen in **Staff Report Exhibits C2.6, and C2.7.** The property to the west of the subject parcel has an approved conditional use permit for a staging area and contractor shop (CU2024-0001). There are agricultural operations to the east of the subject property, and approximately 0.75 miles to the southwest, there is a commercial zone designation. A staging area and contractor shop are allowed in an agricultural zone with a conditional use permit. As conditioned, the proposed use is not anticipated to be injurious to other property within the immediate vicinity, nor negatively change the essential character of the area. **Adjacent Existing Conditions:**

Direction	Existing Use	Primary Zone	Other Zone
N	Primary Residence	R1	A
S	Empty Lot	A	R1

E	**Agricultural with Primary Residence**	**A**	**--**
W	**Primary Residence with CUP – Staging Area**	**A**	**R1**

"A" (Agricultural), "R-R" (Rural Residential), "R-1" (Single-Family Residential), "C-1" (Neighborhood Commercial), "C-2" (Service Commercial), "M-1" (Light Industrial), "CR" (Conditional Rezone)

Surrounding Land Use Cases:
Within a 1-mile radius of the property, there have been three (3) Conditional Use Permits approved for a staging area and contractor shop, a school, and a planned unit development. Three (3) Rezones or Conditional Rezones from "A" zone to "R1" zone. There have been two (2) Rezones or Conditional Rezones to a Commercial Zone. A total of eight (8) Subdivisions have been approved within a 1-mile radius. The approved land use cases can be seen in **Staff Report Exhibit C2.7**.

Within a 1-mile radius of the property, there has been one (1) gravel pit and two (2) feedlots approved. Within a 2-mile radius, there are two (2) additional feedlots and two (2) gravel pits approved (**Staff Report Exhibit C2.9**).

There are forty-five (45) subdivisions with an average lot size of 1.81 acres and seven (7) subdivisions in platting with an average lot size of 1.65 acres (**Staff Report Exhibit C2.8**).

Character of the Area:
The area is characterized by a mix of uses ranging from primarily residential and agricultural to some industrial and commercial operations within a 2-mile radius.

Potential Impacts:
As proposed, the staging area and contractor shop are not anticipated to significantly increase the sound levels in the immediate vicinity. Per the letter of intent (**Staff Report Exhibit B2**), the nature of the work is remote, with loading and unloading onsite. As conditioned, the hours of operation are limited to Monday through Sunday, 8:00 am – 5:00 pm (**Staff Report Exhibit B2.1**), and the proposed use 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. *See condition number 7.*

During staff's site visit on November 21, 2025, the property owner advised that the proposed use is on the east 1-acre portion of the property, behind the primary residence. Staff discussed the need for a sight-obscuring fence. *See condition number 10.*

The proposed use may increase the dust levels in the immediate vicinity due to the storage and parking areas being 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. *See condition number 9.* See further analysis under section 07-07-05(06 & 07) for discussion and conditions.

The applicant has not indicated that they plan to install lighting for the associated use; there were no exterior lights observed during the site visit conducted on November 21, 2025. 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 number 4.*

The applicant's business is a mobile tire repair service, which has the potential for becoming a vehicle service facility on the subject property. A vehicle service facility is not an allowed use in an agricultural zone. *See condition number 12.*

See CCCO §07-07-05(7) for potential traffic impact analysis.

Criteria Met?	**5**	

Yes		**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:** The property appears to have adequate water via an individual well. According to the letter of intent, water for the contractor shop will be provided via a new well (**Staff Report Exhibit B2**). The existing and future water uses are anticipated to provide adequate water for the proposed use. **Sewer:** There are no proposed septic tanks for this project. There is currently an individual septic tank servicing the residence on site. Southwest District Health provided comment on September 5, 2025, and there were no concerns raised (**Staff Report Exhibit E3**). During the site visit on November 21, 2025, staff observed a portable restroom onsite. As conditioned, the applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property. *See condition numbers 11 and 11a.* **Irrigation:** The applicant has an irrigation well with gravity irrigation (**Staff Report Exhibit B4**). Agency notice was sent out to Black Canyon Irrigation District on September 2, 2025, and December 11, 2025. No comments were received. It's not anticipated that the irrigation system will be impacted by the proposed use. *Condition number 5* ensures the applicant shall not impede, disrupt, or disturb the existing irrigation structure without approval from the irrigation district. **Stormwater drainage facilities:** According to the land use worksheet (**Staff Report Exhibit B4**), stormwater drainage on the subject property will be retained by borrow ditches. It appears the use does not require or affect stormwater drainage on the property. **Utility Systems:** Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on September 2, 2025, and December 11, 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.	
Criteria Met? **Yes**	**6**	**Does legal access to the subject property for the development exist or will it exist at the time of development?**
Analysis	The subject property does have legal access for the development and will exist at the time of the development. The subject parcel has approximately 189 feet of frontage on Stone Road along the western boundary. Stone Road is classified as a local road. According to the comment received from Highway District No. 4, as seen in **Staff Report Exhibit E5,** the existing approach can be utilized for the proposed commercial activity, subject to conditions. *See condition number 3.*	
Criteria Met? **Yes**	**7**	**Will there be undue interference with existing or future traffic patterns?**
Analysis	Undue interference with the existing or future traffic patterns is not anticipated. Any potential impact will be reviewed by the local highway district jurisdiction. It's anticipated that there will be a total of three (3) employees who will be picking up materials as needed. According to the applicant's operation plan, it is anticipated that customers coming onsite will be rare (**Staff Report Exhibit B3**).	

	The comment received from Highway District No. 4 on September 22, 2025, stated that HD4 does not oppose the requested land use changes. HD4 requests a traffic impact fee of $4,756. The ITE Trip Generation Manual estimates there to be 9 daily trips (**Staff Report Exhibit E5**). *See condition number 3a.* ITD's comment received on September 4, 2025 (**Staff Report Exhibit E2**), states that the application will not impact the state highway.	
Criteria Met? **Yes**	**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?**
Analysis	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. **School Facilities:** Parcel R22073 is serviced by the Middleton School District. It is not anticipated that any impacts or accommodations will be needed for the proposed use. Agency comments were sent out on September 2, 2025, and December 11, 2025. No comments were received by the school district. **Police and Fire Protection:** Parcel R22073 is under the jurisdiction of the 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 and commencement of activities on the site. All development shall comply with the 2018 International Fire Code and codes set forth by Canyon County. *See condition number 13.* Agency notice was sent on September 2, 2025, and December 11, 2025. The Middleton Rural Fire District provided comments on September 2, 2025, as seen in **Staff Report Exhibit E1.** The Middleton Rural Fire District advised that the requested use will not negatively impact services. The nearest fire station is Station 53, approximately 4.2 miles away from the subject property, with an estimated response time of 7 minutes. Future response will be provided by Station 54, once funding is secured. Station 54 is 3.2 miles away from the subject property, with an estimated response time of 3.2 minutes. No comment was received from the Canyon County Sheriff's Department. **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 September 2, 2025, and December 11, 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. **Irrigation Facilities:** The proposed use is not anticipated to impact the irrigation facilities. Agency notice was sent out to Black Canyon Irrigation District on September 2, 2025, and December 11, 2025. No comments were received. *See condition number 5,* which ensures the applicant shall not impede, disrupt, or disturb the existing irrigation structure without approval from the irrigation district.	

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**	**Analysis**
Yes	**1**	**The use shall be contained within a building or behind a sight obscuring fence.**
Analysis	There shall be a sight-obscuring fence that all vehicles and equipment will be contained behind. *See condition number 10.* The applicant's proposal includes a 30' x 60' pre-engineered metal building, for	

	which general maintenance on the equipment will be conducted, and the storage of equipment (**Staff Report Exhibits B2.1 and B5**). According to the Operational Plan (**Staff Report Exhibit B3**), it is anticipated that customer visits to the shop will be a rare occurrence. All other work is done off-site. *See condition number 12.*

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**	**Analysis**
Yes	**1**	**All work shall be conducted off site.**
Analysis	Per the applicant's land use worksheet and letter of intent, all work will be conducted off-site, except for loading and unloading of supplies on-site, and what is allowed with the contractor shop criteria, which includes storing vehicles and equipment, which will either be in a building or located behind a site-obscuring fence **(Staff Report Exhibits B2 and B4).**	
Criteria Met?	**2**	**Business vehicles shall be operable and parked on site, not on a public or private road.**
Yes		
Analysis	Per the letter of intent, parking will be on-site **(Staff Report Exhibit B2).** No parking will take place on a public or private road. *See condition number 7b.* Based on the Planning Staff's site visit on November 21, 2025, there does not appear to be any inoperable business vehicles on the property **(Staff Report Exhibit C)**.	
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 the land use worksheet, there will be approximately three (3) employees total who will visit the premises to pick up equipment to be used elsewhere **(Staff Report Exhibit B4)**.	
Criteria Met?	**4**	**Employees may meet on the premises to share rides to and from job sites.**
Yes		
Analysis	It is not anticipated that the above will occur. However, there may be instances where multiple employees are needed at a job site; in this instance, the employees may ride in one company vehicle to the job site.	
Criteria Met?	**5**	**Employees' vehicles shall be parked on site and not on a public or private road.**
Yes		
Analysis	There are ample parking spaces for employee vehicles, as seen during the site visit **(Staff Report Exhibit C)**. There is space for more parking if needed. There shall be no parking on a public or private road. *See condition number 7b.*	

Table 4. Area of City Impact

CCCO §09-09-17: Middleton Area of City Impact – Application Procedures: Within the Middleton area of city impact, the following ordinances apply.		
County Ordinance and Review		
Criteria Met?	**Code Section**	**Analysis**
Yes	**09-09-17(1)A**	Land Use Applications: All land use applications submitted to the county including, but not limited to, conditional use permits, variances and land divisions requiring notification of a public hearing, shall be referred to the city in the same manner as provided for in subsection 09-09-11(3) of this article.
Analysis	**Area of City Impact:** The City of Middleton's agency notice was sent out on September 2, 2025, and December 11, 2025. No comments were received. The subject parcel will not be in the area of impact for the City of Middleton come January 1, 2026. The proposed use is not anticipated to negatively impact the City of Middleton.	

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission or Hearing Examiner **approves** Case # CU2025-0018, a conditional use permit for a staging area and contractor shop subject to the following conditions as enumerated:

Conditions of Approval

1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
2. A building permit shall be obtained for the pre-existing shipping containers. All appropriate building permits shall be obtained within **180 days from the approval of the Conditional Use Permit**.
    a. The applicant shall obtain a building permit for the 30' x 60' pre-engineered metal building prior to commencement of use.
3. The applicant shall comply with the applicable highway district's access requirements. The applicant shall obtain a permit prior to commencement of use.
    a. Provided at the time of the change of occupancy permit, the applicant shall coordinate with Highway District No. 4 and obtain the necessary approvals for the intended use. Evidence shall be an approved approach permit from the subject highway district.
4. 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 via an exterior lighting plan. Review and approval by DSD shall be completed before building permit issuance.
5. The applicant shall not impede, disrupt, or otherwise disturb the existing irrigation structures on and adjacent to the subject property and easement without written approval from the irrigation district with jurisdiction.
6. Signage shall meet CCCO §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.
7. The proposed development shall be in general conformance with the applicant's site plan and letter of intent (**Staff Report Exhibits B2, B2.1, and B5**).
    a. The hours of operation shall be Monday – Sunday, 8:00 am – 5:00 pm, as outlined in the Land Use Worksheet (**Staff Report Exhibit B4**).
    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.
8. 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.
9. A dust mitigation plan shall be provided **180 days from the approval of the Conditional Use Permit** 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.
10. A sight-obscuring fence shall be constructed on the north, east, and south property lines located on the eastern 1-acre portion of the subject property, **within 12 months from the approval of the Conditional Use Permit**. 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.
11. The applicant shall meet all applicable Southwest District Health (SWDH) requirements for the proposed uses. Evidence shall be a letter of review and approval from SWDH, provided **180 days from the approval of the Conditional Use Permit**.

a. The number of portable restrooms and maintenance shall be as recommended by Southwest District Health.

12. The applicant shall not repair or service customers' vehicles on parcel R22073.
13. The applicant shall meet all applicable Middleton Rural Fire District requirements for the proposed uses. Evidence shall be a letter of review and approval from Middleton Rural Fire District, provided at the time of building permit issuance for condition 2.
14. The conditional use permit for a staging area and contractor shop shall be limited to Abraham Aguilar Gonzalez and family. Should ownership of parcel R22073 change from Abraham Aguilar Gonzalez or an immediate family member, the conditional use permit for a staging area and contractor shop shall terminate.
15. The applicant shall store all tires related to the use within the 30' x 60' shop or shipping containers. Tire storage shall be subject to the applicable fire district, DEQ, and building department regulations.

DATED this 15 day of January, 2026.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO

Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 15 day of January, 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.

CAITLIN ROSS
COMMISSION #20251885
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 05/07/2031

Notary: Caitlin Ross

My Commission Expires: 5/7/2031

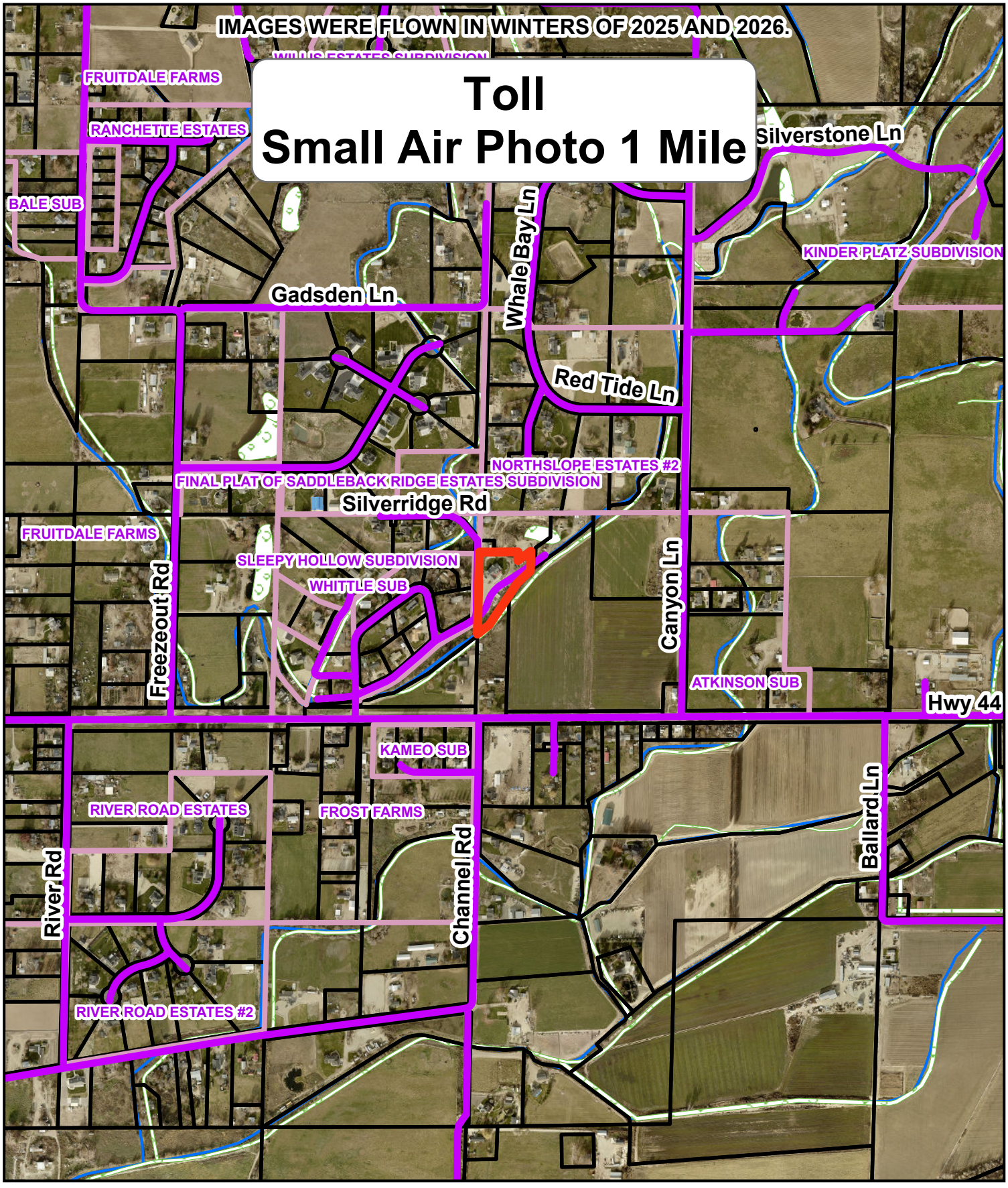


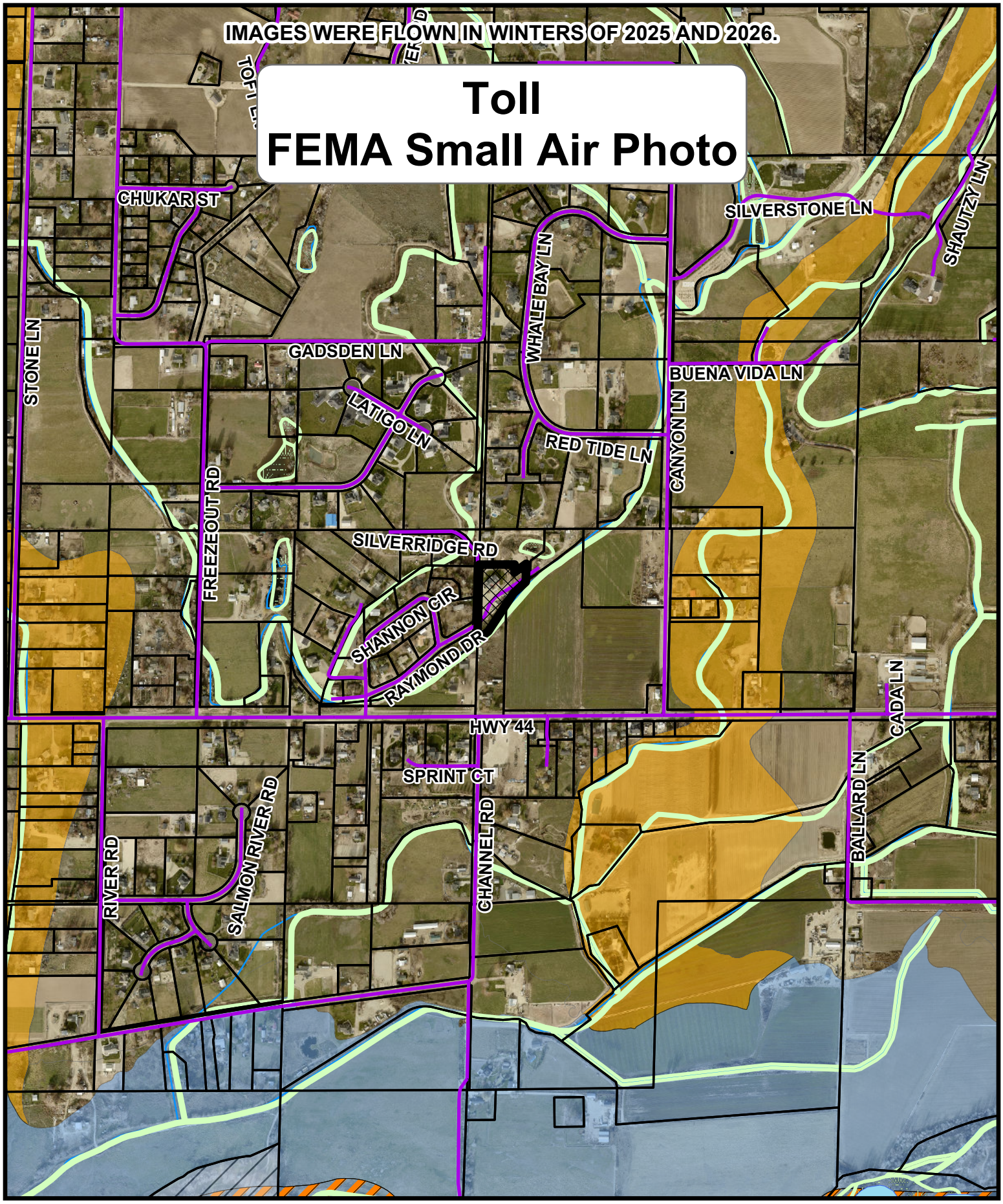
Exhibit C5.1

City_Limits
Wetlands

0 0.25 0.5 Miles

IMAGES WERE FLOWN IN WINTERS OF 2025 AND 2026.

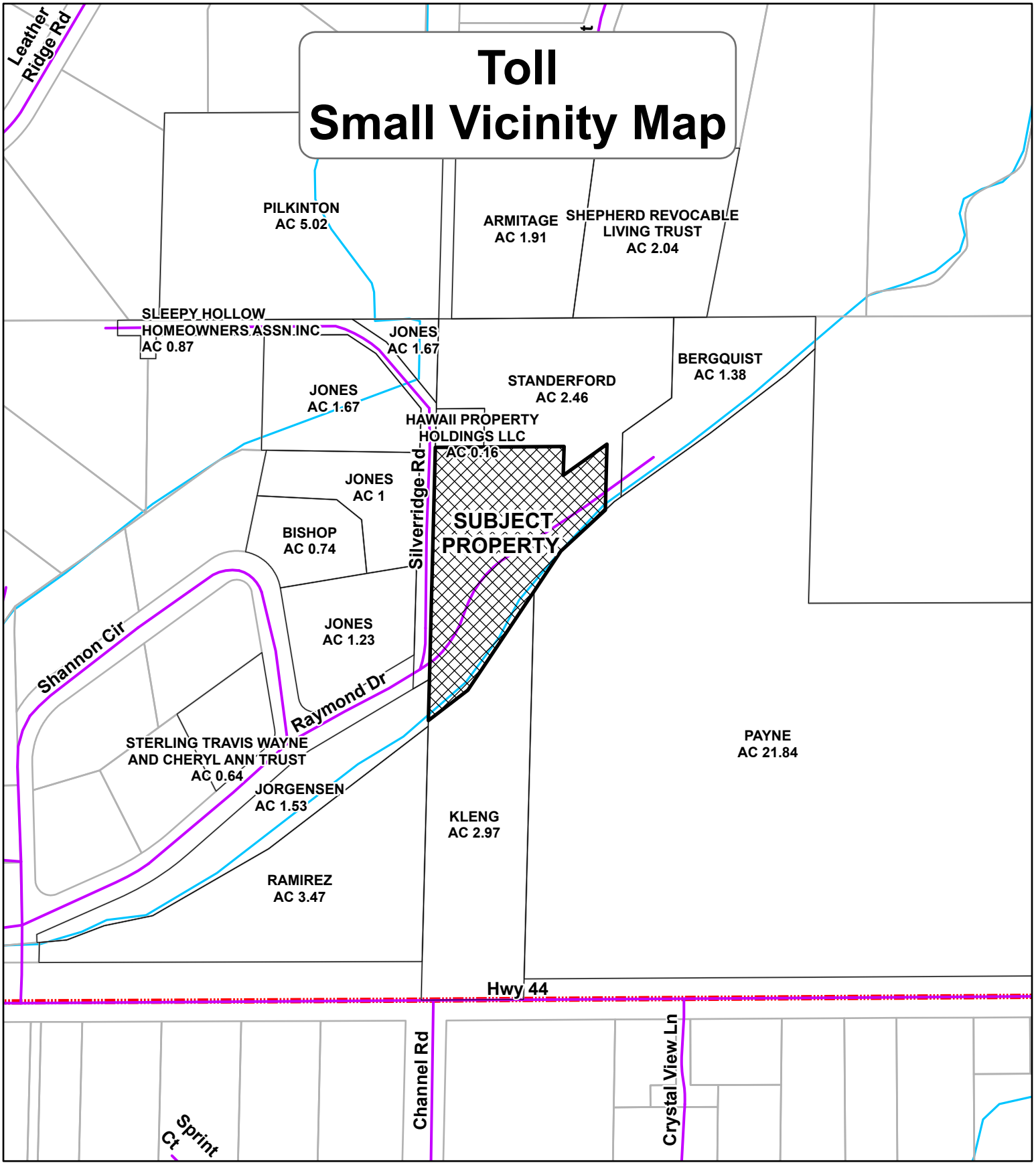
Toll
FEMA Small Air Photo

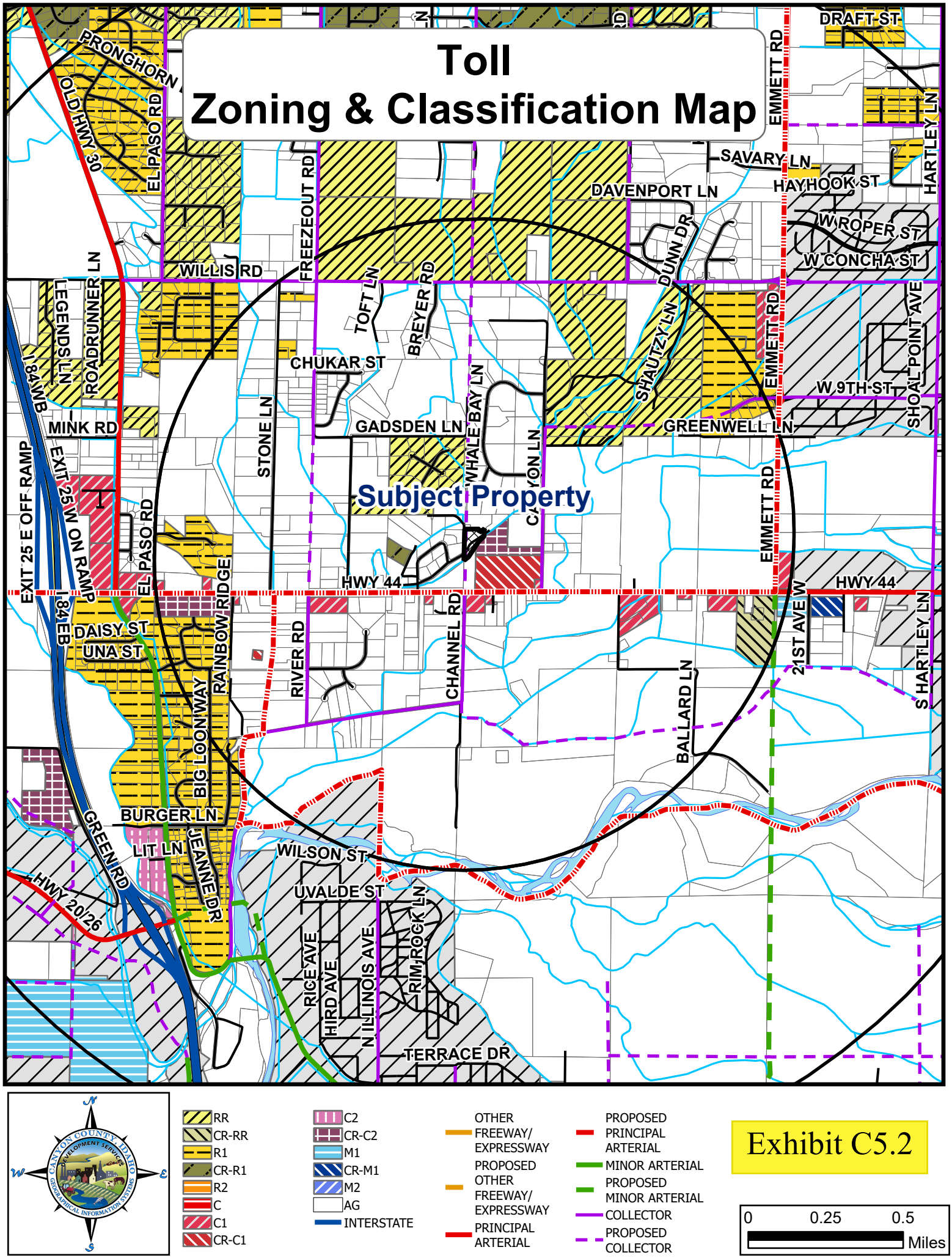


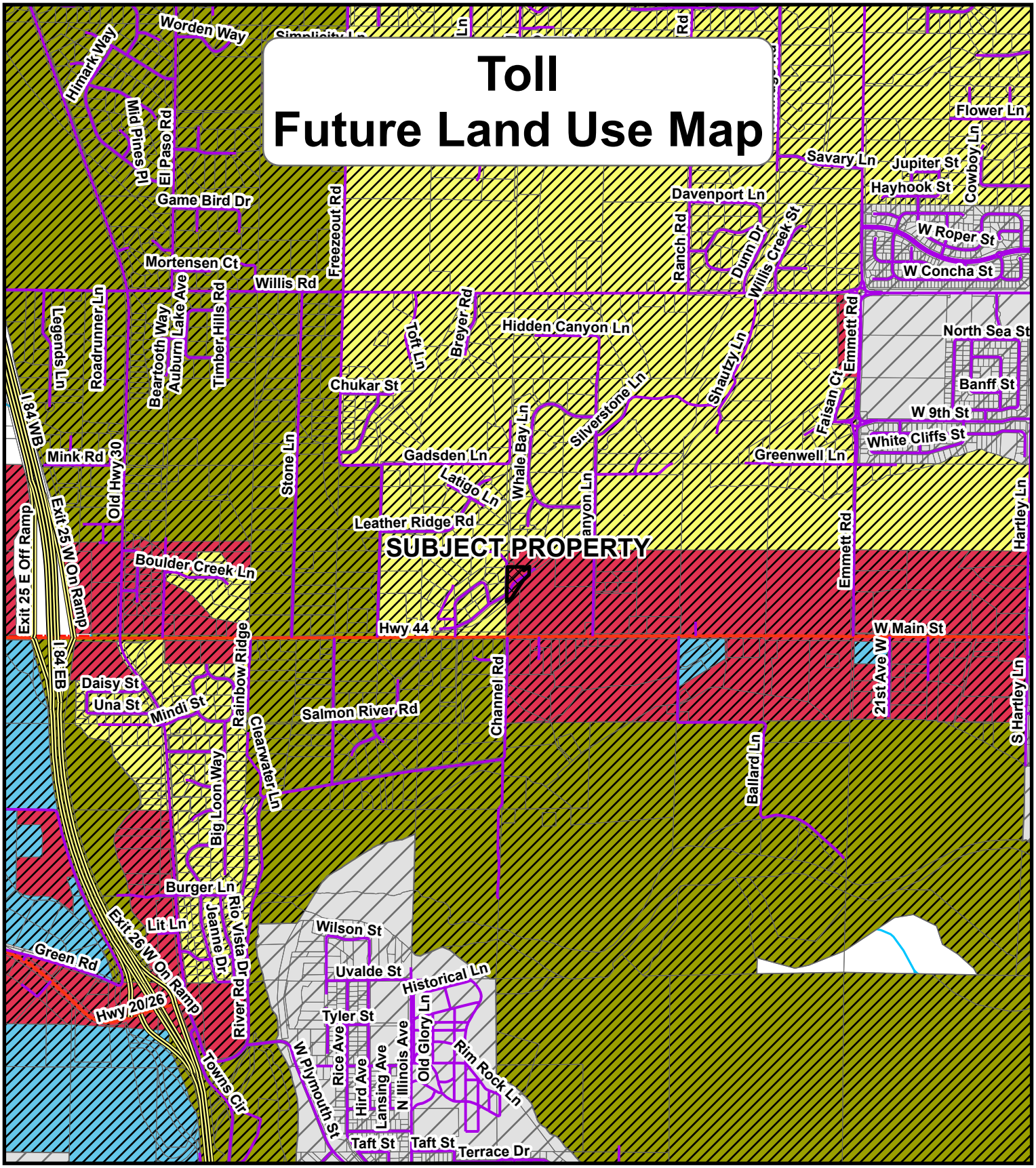
Legend

- SUBJECT_PROPERTY
- TAXLOTS
- WETLANDS
- A
- AE
- X

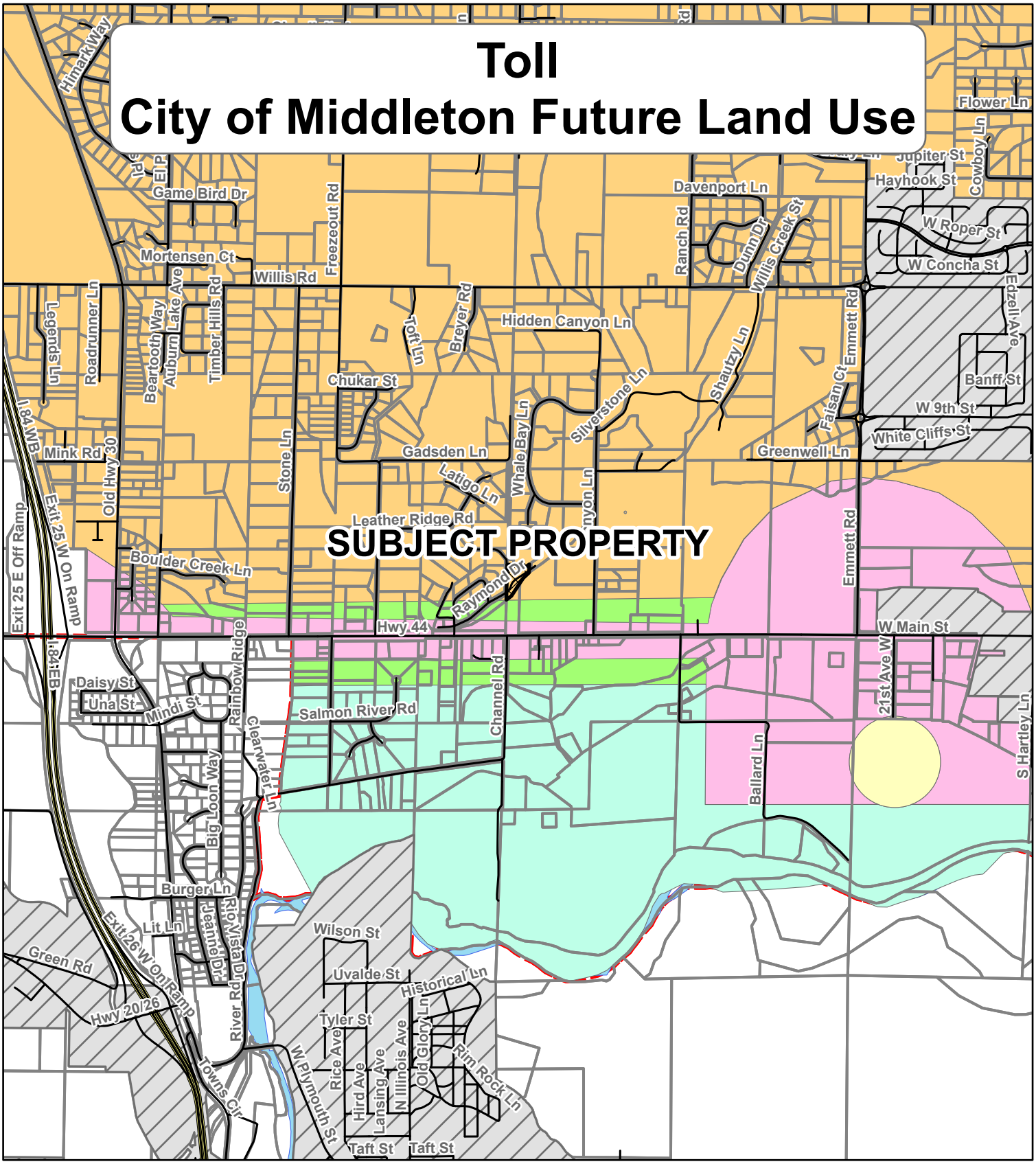
400 0 400 Feet


Toll
Small Vicinity Map
Leather Ridge Rd
PILKINTON
AC 5.02
ARMITAGE
AC 1.91
SHEPHERD REVOCABLE
LIVING TRUST
AC 2.04
SLEEPY HOLLOW
HOMEOWNERS ASSN INC
AC 0.87
JONES
AC 1.67
JONES
AC 1.67
STANDERFORD
AC 2.46
BERGQUIST
AC 1.38
HAWAII PROPERTY
HOLDINGS LLC
AC 0.16
Silverridge Rd
JONES
AC 1
SUBJECT
PROPERTY
BISHOP
AC 0.74
JONES
AC 1.23
Shannon Cir
Raymond Dr
STERLING TRAVIS WAYNE
AND CHERYL ANN TRUST
AC 0.64
JORGENSEN
AC 1.53
KLENG
AC 2.97
PAYNE
AC 21.84
RAMIREZ
AC 3.47
Hwy 44
Channel Rd
Crystal View Ln
Sprint Ct
N
W
E
S
CANYON COUNTY, IDAHO
DEVELOPMENT SERVICES
GEOGRAPHICAL INFORMATION SYSTEMS
0
0.05
0.1
Miles


Toll
Zoning & Classification Map
Subject Property
PRONGHORN
OLD HWY 30
EL PASO RD
WILLIS RD
FREEZEOUT RD
TOFT LN
BREYER RD
DAVENPORT LN
DUNN DR
SAVARY LN
HAYHOOK ST
HARTLEY LN
EMMETT RD
DRAFT ST
W ROPER ST
W CONCHA ST
SHOAL POINT AVE
W 9TH ST
LEGENDS LN
ROADRUNNER LN
I84 WB
MINK RD
EXIT 25 E OFF RAMP
EXIT 25 W ON RAMP
I84 EB
CHUKAR ST
STONE LN
GADSDEN LN
WHALE BAY LN
CANYON LN
SHAUTZY LN
GREENWELL LN
HWY 44
RIVER RD
CHANNEL RD
BALLARD LN
21ST AVE W
S HARTLEY LN
DAISY ST
UNA ST
RAINBOW RIDGE
BIG LOON WAY
BURGER LN
LIT LN
JEANNE DR
GREEN RD
HWY 20/26
WILSON ST
UVALDE ST
RICE AVE
HIRD AVE
N ILLINOIS AVE
RIM ROCK LN
TERRACE DR
RR
CR-RR
R1
CR-R1
R2
C
C1
CR-C1
C2
CR-C2
M1
CR-M1
M2
AG
INTERSTATE
OTHER FREEWAY/ EXPRESSWAY
PROPOSED OTHER FREEWAY/ EXPRESSWAY
PRINCIPAL ARTERIAL
PROPOSED PRINCIPAL ARTERIAL
MINOR ARTERIAL
PROPOSED MINOR ARTERIAL
COLLECTOR
PROPOSED COLLECTOR
Exhibit C5.2
0
0.25
0.5
Miles


Toll
Future Land Use Map
Worden Way
Himark Way
Mid Pines Pl
El Paso Rd
Game Bird Dr
Mortensen Ct
Willis Rd
Freezeout Rd
Flower Ln
Savary Ln
Jupiter St
Cowboy Ln
Hayhook St
Davenport Ln
Ranch Rd
Dunn Dr
Willis Creek St
W Roper St
W Concha St
Legends Ln
Roadrunner Ln
Beartooth Way
Auburn Lake Ave
Timber Hills Rd
Toft Ln
Breyer Rd
Hidden Canyon Ln
Shautzy Ln
Emmett Rd
North Sea St
Banff St
W 9th St
White Cliffs St
Faisan Ct
Chukar St
Silverstone Ln
Whale Bay Ln
Gadsden Ln
Latigo Ln
Greenwell Ln
Stone Ln
Old Hwy 30
Mink Rd
I 84 WB
Exit 25 W On Ramp
Exit 25 E Off Ramp
Leather Ridge Rd
SUBJECT PROPERTY
Hartley Ln
Boulder Creek Ln
Hwy 44
W Main St
21st Ave W
I 84 EB
Daisy St
Una St
Mindi St
Rainbow Ridge
Salmon River Rd
Channel Rd
S Hartley Ln
Clearwater Ln
Ballard Ln
Big Loon Way
Burger Ln
Jeaneen Dr
Rio Vista Dr
Lit Ln
Wilson St
Exit 26 W On Ramp
Green Rd
Uvalde St
Historical Ln
Tyler St
Hwy 20/26
River Rd
Rice Ave
Hird Ave
Lansing Ave
N Illinois Ave
Old Glory Ln
Rim Rock Ln
W Plymouth St
Towns Cir
Taft St
Taft St
Terrace Dr
N
W
E
S
CANYON COUNTY, IDAHO
DEVELOPMENT SERVICES
GEOGRAPHICAL INFORMATION SYSTEMS
Future Land Use 2030
COMMERCIAL
INDUSTRIAL
RESIDENTIAL
RURAL RESIDENTIAL
Exhibit C5.3
0
0.5
1
Miles

Toll
City of Middleton Future Land Use



MiddletonCompPlan
- Commercial
- Industrial
- Mixed Use
- Public
- Residential
- Residential Special Areas
- Transit Oriented

Exhibit C5.4

0 0.25 0.5 Miles

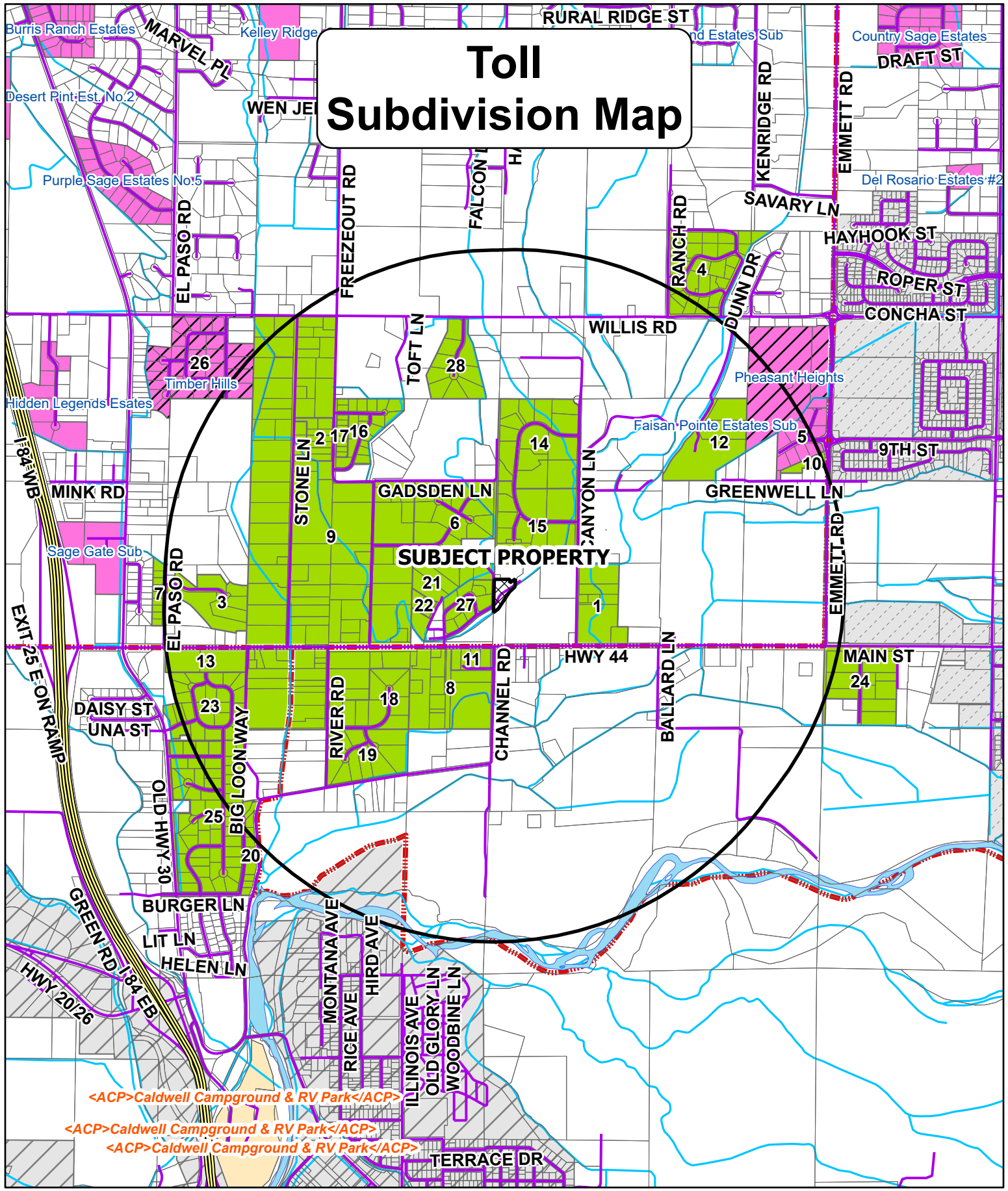

Toll
Subdivision Map
Burris Ranch Estates
MARVEL PL
Kelley Ridge
RURAL RIDGE ST
Country Sage Estates
DRAFT ST
Desert Pint Est. No 2
WEN JEI
KENRIDGE RD
EMMETT RD
Purple Sage Estates No 5
EL PASO RD
FREEZEOUT RD
FALCON L
HA
Del Rosario Estates #2
SAVARY LN
RANCH RD
HAYHOOK ST
DUNN DR
ROPER ST
CONCHA ST
WILLIS RD
TOFT LN
Timber Hills
Hidden Legends Estates
Pheasant Heights
Faisan Pointe Estates Sub
I84 WB
STONE LN
GADSDEN LN
CANYON LN
9TH ST
MINK RD
GREENWELL LN
Sage Gate Sub
SUBJECT PROPERTY
EMMETT RD
EXIT 25 E-ON RAMP
HWY 44
MAIN ST
BALLARD LN
DAISY ST
UNA ST
BIG LOON WAY
RIVER RD
CHANNEL RD
OLD HWY 30
BURGER LN
GREEN RD
I84 EB
LIT LN
HELEN LN
HWY 20/26
MONTANA AVE
HIRD AVE
RICE AVE
ILLINOIS AVE
OLD GLORY LN
WOODBINE LN
TERRACE DR
<ACP>Caldwell Campground & RV Park</ACP>
<ACP>Caldwell Campground & RV Park</ACP>
<ACP>Caldwell Campground & RV Park</ACP>
SUBDIVISIONS
Plat Type,Plat Status
Preliminary,Approved
Preliminary,Pending
MOBILE HOME PARKS
Exhibit C5.5
0
0.25
0.5
Miles

Exhibit C5.5a

SUBDIVISION & LOT REPORT

NUMBER OF SUBS	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
28	883.08	442	2.00

NUMBER OF SUBS IN PLATTING	ACRES IN SUB	NUMBER OF LOTS	AVERAGE LOT SIZE
3	67.35	71	0.95

NUMBER OF LOTS NOTIFIED	AVERAGE	MEDIAN	MINIMUM	MAXIMUM
35	2.68	1.91	0.16	21.84

NUMBER OF MOBILE HOME PARKS	ACRES IN MHP	NUMBER OF SITES	AVG HOMES PER ACRE	MAXIMUM
0				

PLATTED SUBDIVISIONS

SUBDIVISION NAME	Label	LOCATION	ACRES	NO. OF LOTS	AVERAGE LOT SIZE	CITY OF…	Year
ATKINSON SUB	1	4N3W02	21.36	10	2.14	CANYON COUNTY	1971
BALE SUB	2	4N3W03	7.08	7	1.01	CANYON COUNTY	1990
BOULDER CREEK SUBDIVISION	3	4N3W03	18.01	7	2.57	CANYON COUNTY	2020
D&S PURPLE SAGE RANCHETTES	4	5N3W35	36.47	31	1.18	CANYON COUNTY	1972
FAISAN POINTE ESTATES SUBDIVISION	5	4N3W02	13.82	13	1.06	CANYON COUNTY	2021
FINAL PLAT OF SADDLEBACK RIDGE ESTATES SUBDIVISION	6	4N3W03	35.81	16	2.24	CANYON COUNTY	2020
FOREST HILLS ESTATES	7	4N3W04	4.82	9	0.54	CANYON COUNTY	1987
FROST FARMS	8	4N3W10	53.58	20	2.68	CANYON COUNTY	1907
FRUITDALE FARMS	9	4N3W03	273.92	83	3.30	CANYON COUNTY	1911
GREEN ESTATES	10	4N3W02	2.87	2	1.44	CANYON COUNTY	2009
KAMEO SUB	11	4N3W10	5.09	4	1.27	CANYON COUNTY	2005
KINDER PLATZ SUBDIVISION	12	4N3W02	25.33	4	6.33	CANYON COUNTY	2017
NORTH SOUTHWICK COMMERCIAL SUBDIVISION	13	4N3W10	10.55	2	5.27	CANYON COUNTY	2017
NORTHSLOPE ESTATES #1	14	4N3W02	42.71	15	2.85	CANYON COUNTY	2004
NORTHSLOPE ESTATES #2	15	4N3W02	37.37	12	3.11	CANYON COUNTY	2005
RANCHETTE ESTATES	16	4N3W03	17.05	20	0.85	CANYON COUNTY	1972
RANCHETTE ESTATES #2	17	4N3W03	2.89	9	0.32	CANYON COUNTY	1974
RIVER ROAD ESTATES	18	4N3W10	21.39	10	2.14	CANYON COUNTY	2001
RIVER ROAD ESTATES #2	19	4N3W10	23.92	12	1.99	CANYON COUNTY	2003
RUTLEDGE RANCH SUB	20	4N3W10	10.75	13	0.83	CANYON COUNTY	1965
SLEEPY HOLLOW SUBDIVISION	21	4N3W03	17.60	6	2.93	CANYON COUNTY	2005
SLEEPY HOLLOW SUBDIVISION PHASE 2	22	4N3W03	2.72	3	0.91	CANYON COUNTY	2024
SOUTHWICK ESTATES	23	4N3W09	29.57	24	1.23	CANYON COUNTY	2007
T & M ACRES	24	4N3W12	29.22	9	3.25	CANYON COUNTY	1977
TAYLOR RIDGE SUBDIVISION	25	4N3W10	62.78	53	1.18	CANYON COUNTY	2007
TIMBER HILLS SUBDIVISION	26	4N3W03&04	45.62	28	1.63	CANYON COUNTY	2021
WHITTLE SUB	27	4N3W03	11.42	10	1.14	CANYON COUNTY	1971
WILLIS ESTATES SUBDIVISION	28	4N3W03	19.35	10	1.93	CANYON COUNTY	2008

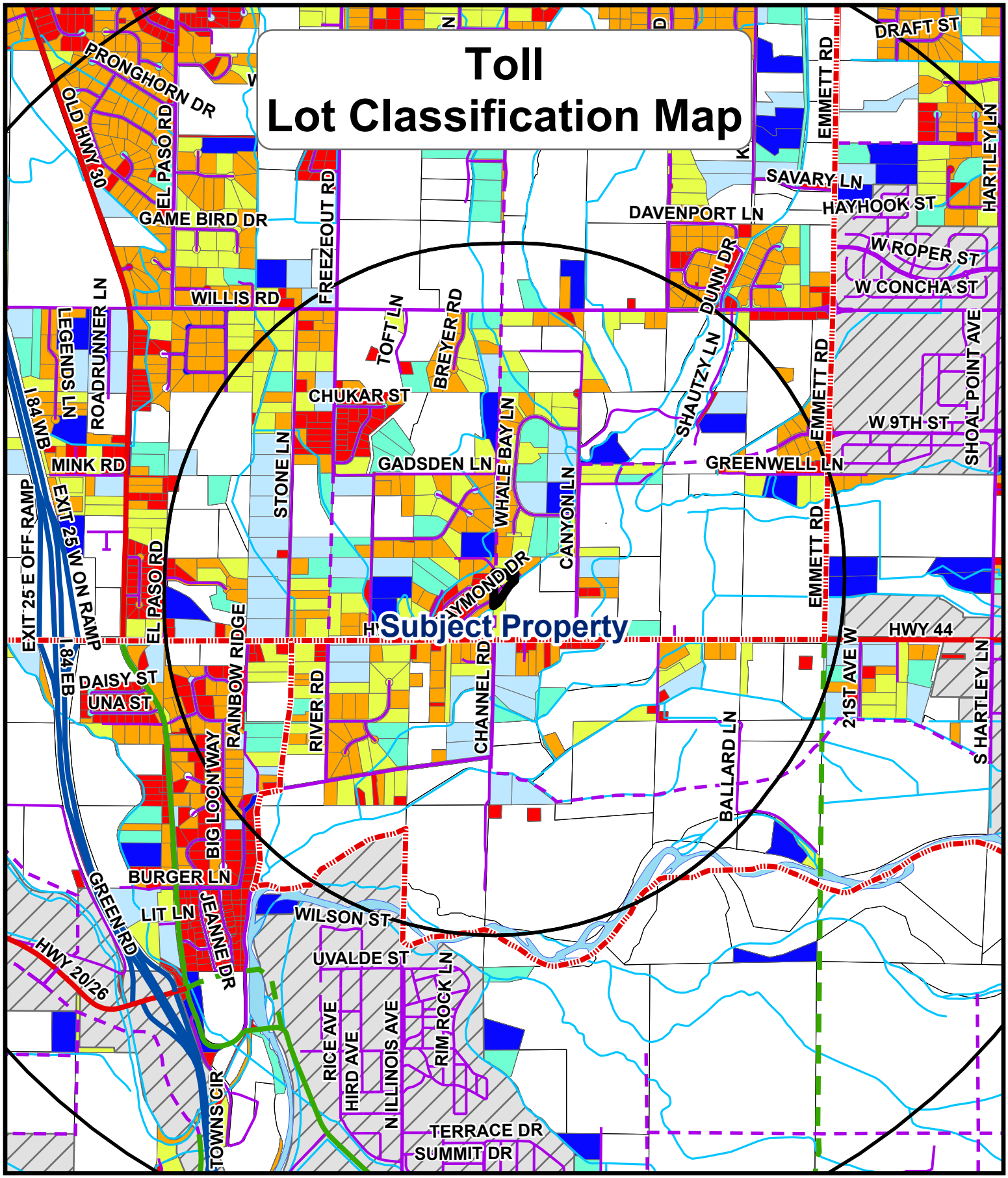
SUBDIVISIONS IN PLATTING

SUBDIVISION NAME	ACRES	NO. OF LOTS	AVERAGE LOT SIZE
Timber Hills	45.49	28	1.62
Faisan Pointe Estates Sub	13.82	11	1.26
Pheasant Heights	8.05	32	0.25

MOBILE HOME & RV PARKS

SUBDIVISION NAME	SITE ADDRESS	ACRES	NO. OF SPACES	UNITS PER ACRE	CITY OF…

Toll Lot Classification Map



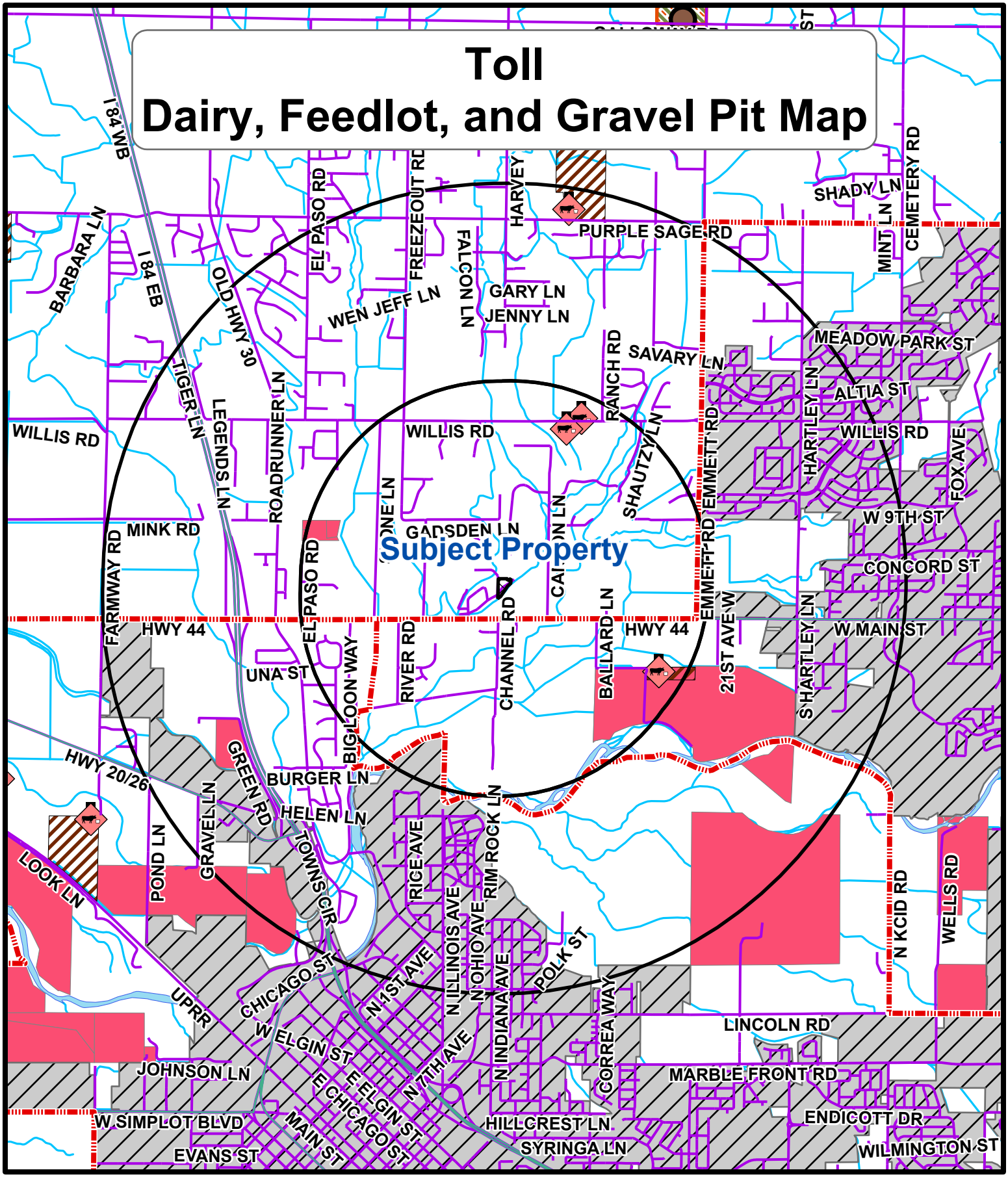
Lot Size

- 0.0 - 1.0
- 1.1 - 2.0
- 2.1 - 3.0
- 3.1 - 4.0
- 4.1 - 5.0
- 5.1 - 6.0

- INTERSTATE
- OTHER FREEWAY/ EXPRESSWAY
- PROPOSED OTHER FREEWAY/ EXPRESSWAY
- PRINCIPAL ARTERIAL
- PROPOSED PRINCIPAL ARTERIAL
- MINOR ARTERIAL
- PROPOSED MINOR ARTERIAL
- COLLECTOR
- PROPOSED COLLECTOR

0 0.25 0.5 Miles

Toll
Dairy, Feedlot, and Gravel Pit Map



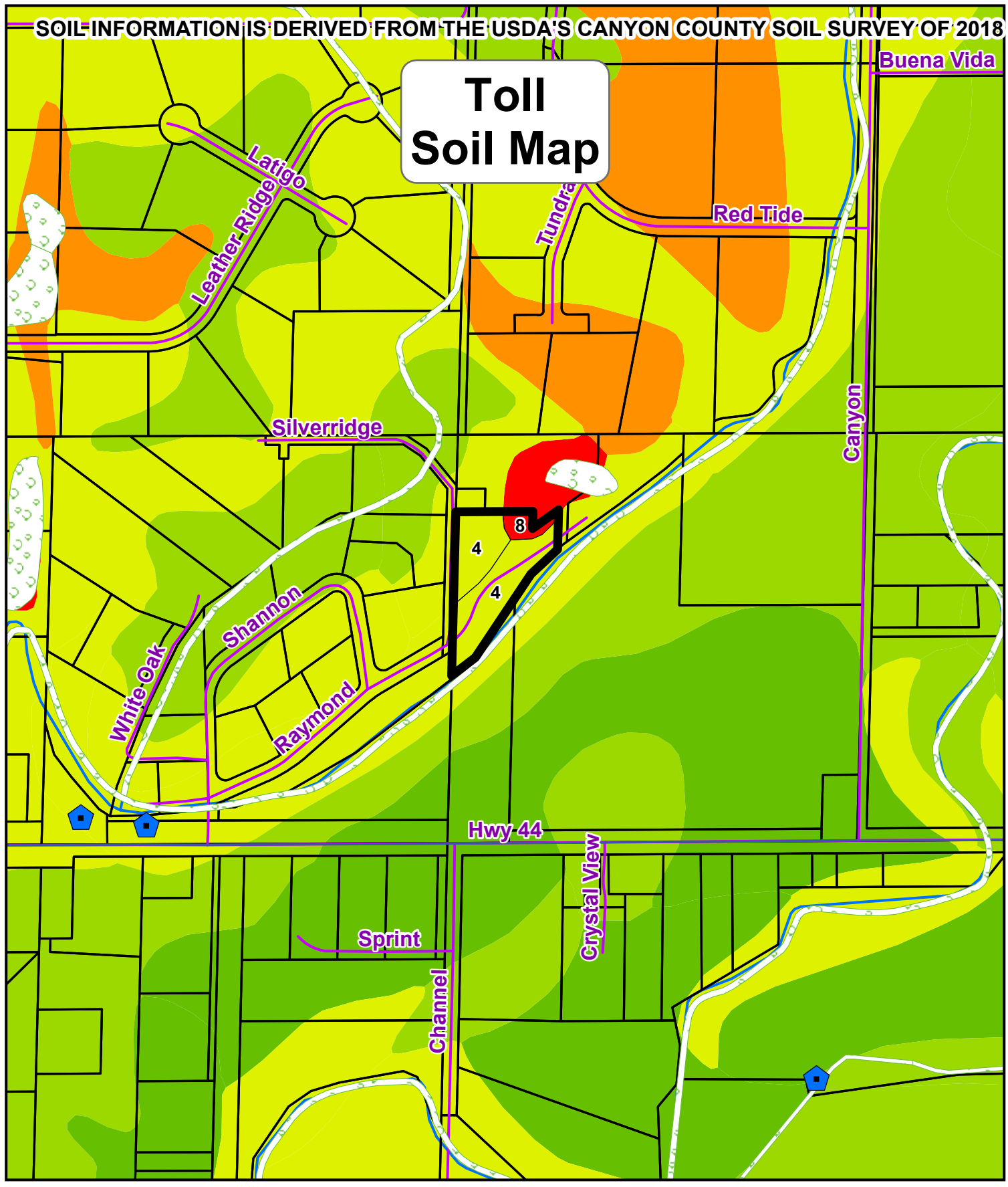
FEEDLOTS

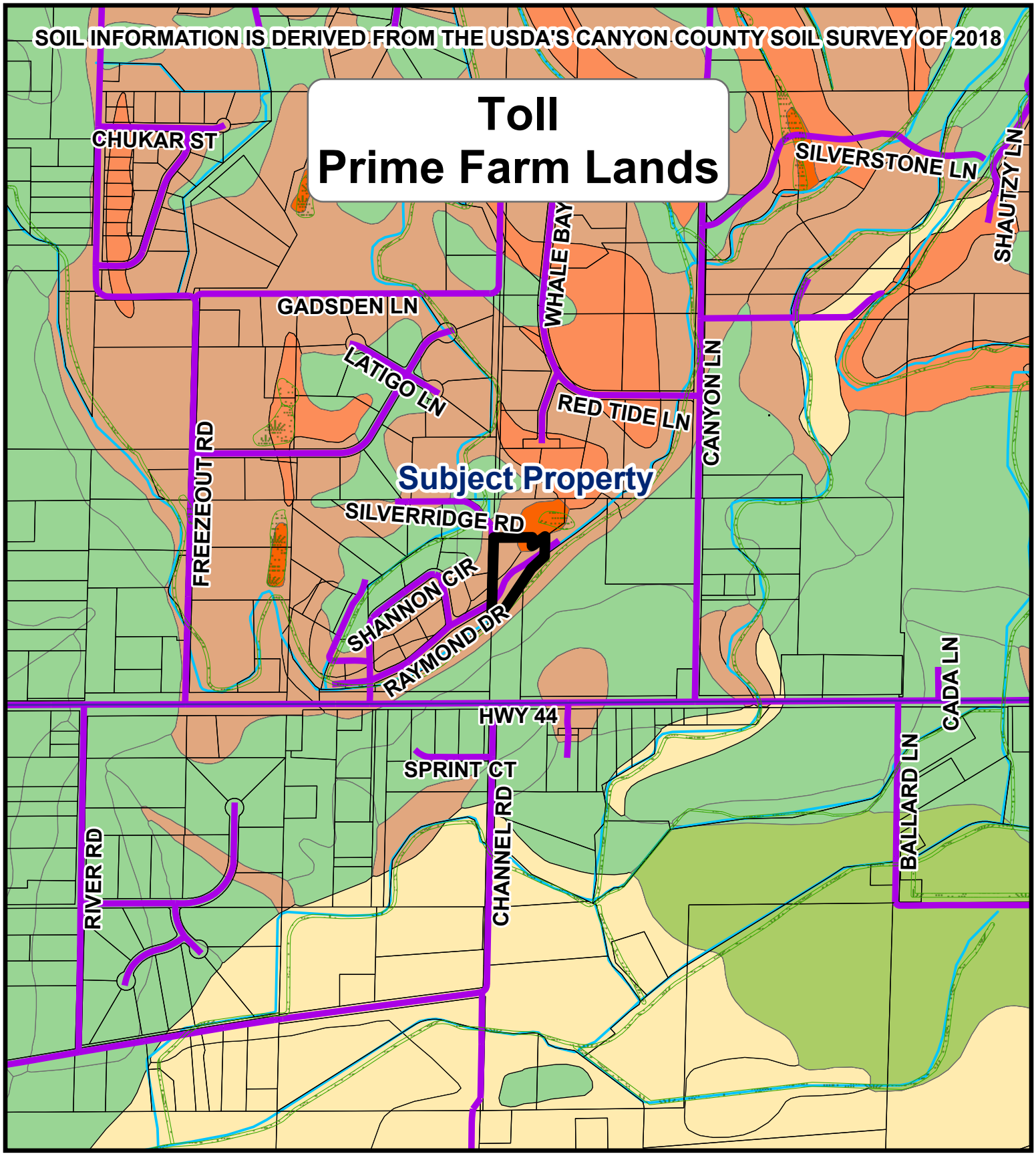
DAIRIES

GRAVELPITS

Exhibit C5.6

0 1 2 Miles


SOIL INFORMATION IS DERIVED FROM THE USDA'S CANYON COUNTY SOIL SURVEY OF 2018
Toll
Soil Map
Buena Vida
Latigo
Leather Ridge
Tundra
Red Tide
Canyon
Silverridge
8
4
4
Shannon
White Oak
Raymond
Hwy 44
Crystal View
Sprint
Channel
Nitrate Priority Wells
0.005000 - 2.000000
2.000001 - 5.000000
5.000001 - 10.000000
10.000001 - 49.800000
IDWR_2C_Geothermal_
Wetlands
Exhibit C5.7
0
0.25
Miles



TAXLOTS
City_Limits
WETLANDS
2C_Hydro

FARMLAND
- Farmland of statewide importance
- Farmland of statewide importance, if irrigated
- Farmland of statewide importance, if irrigated and reclaimed of excess salts and sodium
- Not prime farmland
- Water/Gravel Pit/ Rock outcrop/ Riverwash/ Terrace Escarpments
- Prime farmland if irrigated
- Prime farmland if irrigated and drained
- Prime farmland if irrigated and reclaimed of excess salts and sodium

Exhibit C5.7a

0 0.125 0.25 Miles

Exhibit C5.7b

SOIL REPORT

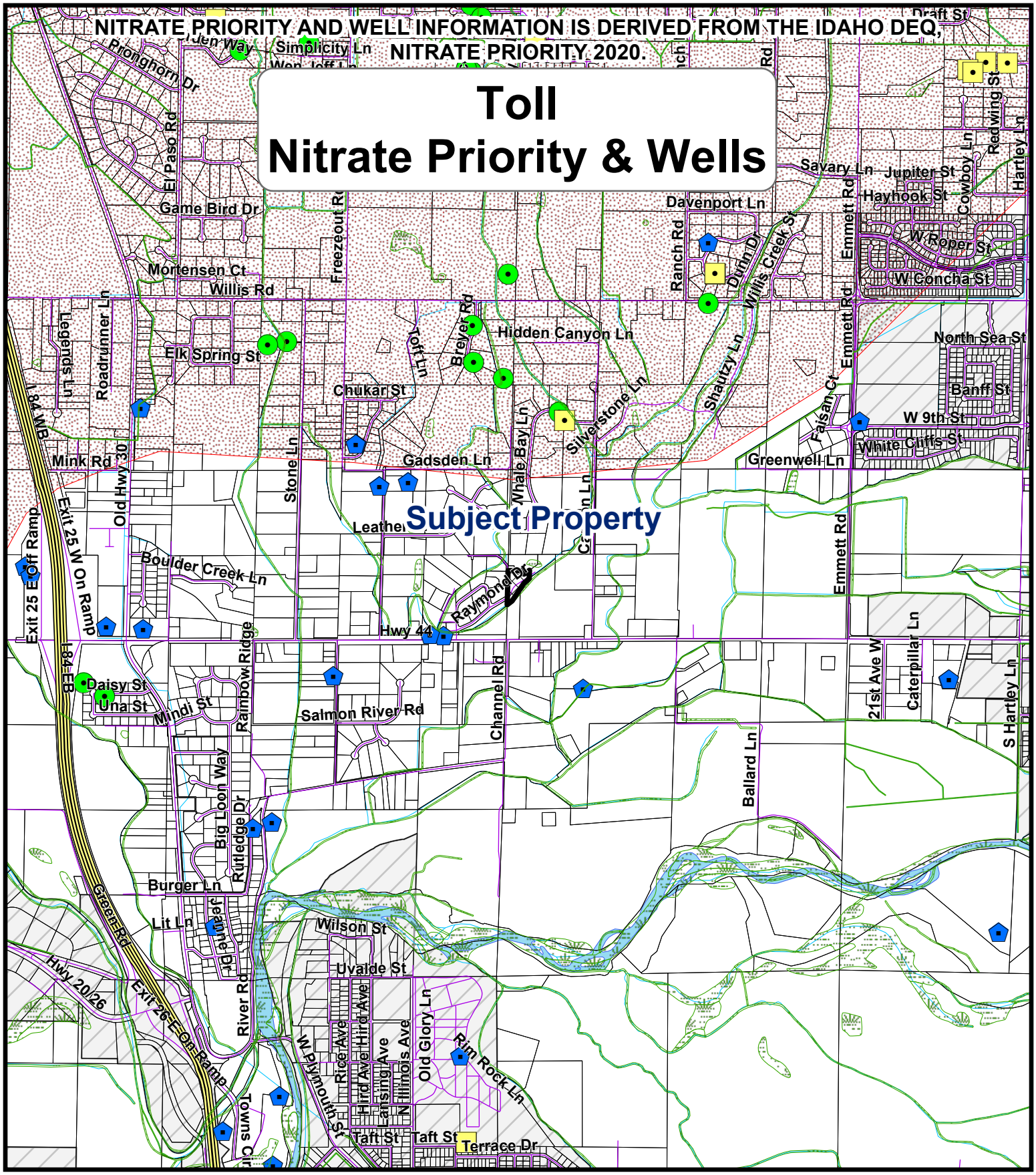
SOIL CAPABILITY CLASS	SOIL CAPABILITY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
8	LEAST SUITED SOIL	11061.38	0.25	10.22%
4	MODERATELY SUITED SOIL	60895.94	1.40	56.24%
4	MODERATELY SUITED SOIL	36321.58	0.83	33.54%
		108278.90	2.49	100%

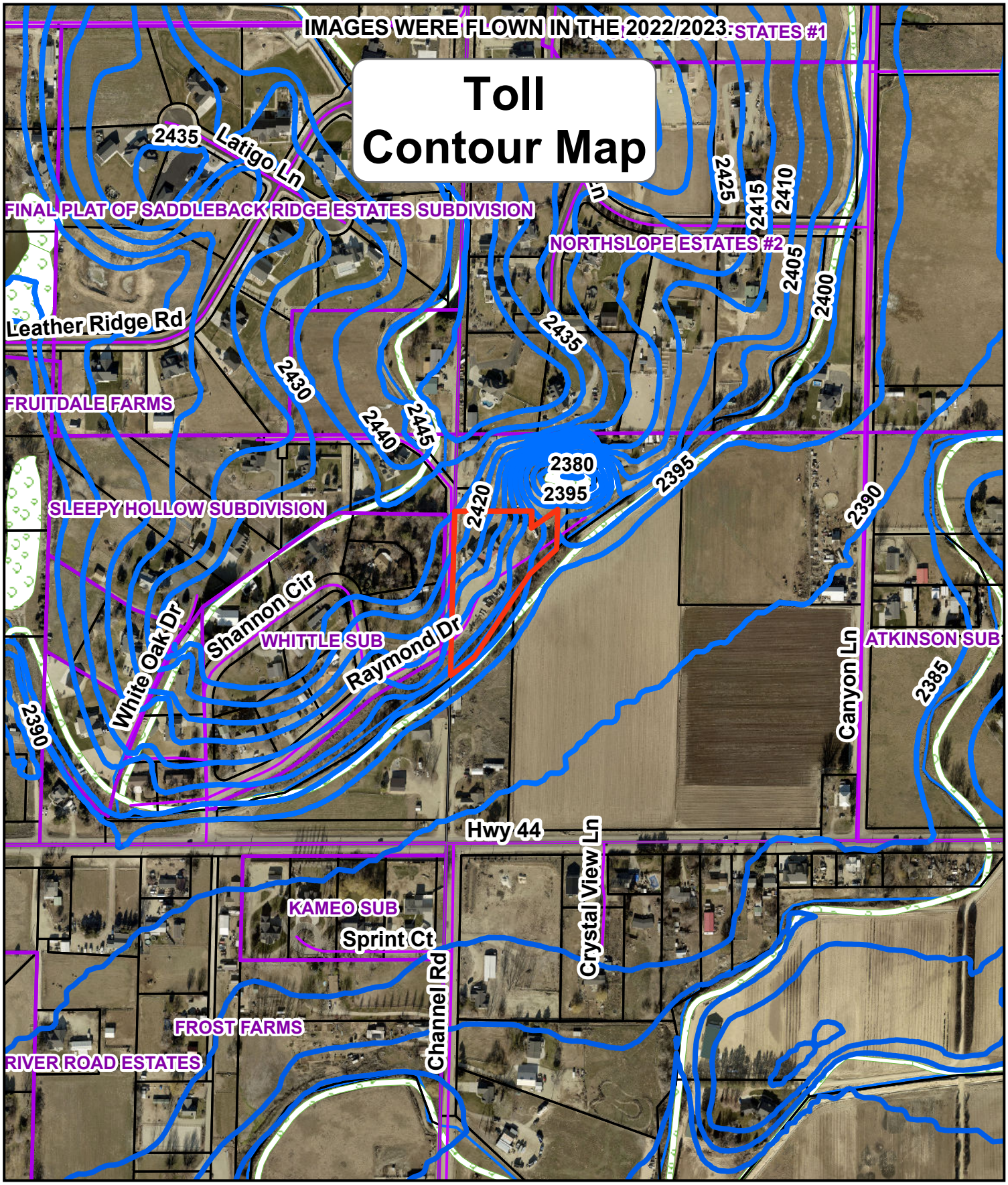
FARMLAND REPORT

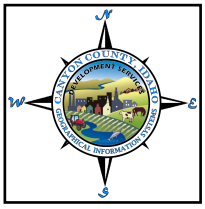
SOIL NAME	FARMLAND TYPE	SQUARE FOOTAGE	ACREAGE	PERCENTAGE
Gp	Gravel pit	11061.38	0.25	10.22%
MgD	Farmland of statewide importance, if irrigated	60895.94	1.40	56.24%
EvC	Farmland of statewide importance, if irrigated	36321.58	0.83	33.54%
		108278.90	2.49	100%

SOIL INFORMATION IS DERIVED FROM THE USDA's CANYON COUNTY SOIL SURVEY OF 2018

GRADE	SOILTYPE
1	BEST SUITED SOIL
2	BEST SUITED SOIL
3	MODERATELY SUITED SOIL
4	MODERATELY SUITED SOIL
5	LEAST SUITED SOIL
6	LEAST SUITED SOIL
7	LEAST SUITED SOIL
8	LEAST SUITED SOIL
9	LEAST SUITED SOIL


NITRATE PRIORITY AND WELL INFORMATION IS DERIVED FROM THE IDAHO DEQ, NITRATE PRIORITY 2020.
Toll
Nitrate Priority & Wells
Subject Property
Pronghorn Dr
Simplicity Ln
Draft St
El Paso Rd
Game Bird Dr
Freezeout Rd
Savary Ln
Jupiter St
Hayhook St
Cowboy Ln
Redwing St
Hartley Ln
Davenport Ln
Ranch Rd
Dunn Dr
Willis Creek St
Emmett Rd
W Roper St
W Concha St
Mortensen Ct
Willis Rd
Roadrunner Ln
Legends Ln
Elk Spring St
Toft Ln
Brewer Rd
Hidden Canyon Ln
Shauzy Ln
North Sea St
Banff St
W 9th St
White Cliffs St
Faisan Ct
Chukar St
Silverstone Ln
Whale Bay Ln
Gadsden Ln
Greenwell Ln
Mink Rd
Old Hwy 30
Stone Ln
Exit 25 E Off Ramp
Exit 25 W On Ramp
I-84 WB
I-84 EB
Boulder Creek Ln
Raymond Dr
Hwy 44
Daisy St
Una St
Mindi St
Rainbow Ridge
Salmon River Rd
Channel Rd
Emmett Rd
21st Ave W
Caterpillar Ln
S Hartley Ln
Ballard Ln
Big Loon Way
Rutledge Dr
Burger Ln
Lit Ln
Jeanette Dr
Green Rd
Wilson St
Uvalde St
Hwy 20/26
Exit 26 E On Ramp
River Rd
Towns Cir
Rice Ave
Third Ave
Illinois Ave
Old Glory Ln
Rim Rock Ln
W Plymouth St
Taft St
Terrace Dr
GEO-THERMAL LOCATIONS
WETLANDS
NITRATE_PRIORITY
DEQ WELLS
N03_MGL
0.005 - 2.00
2.000001 - 5.00
5.0000001 - 10.00
10.000001 - 49.80
Exhibit C5.8
0
0.5
1
Miles



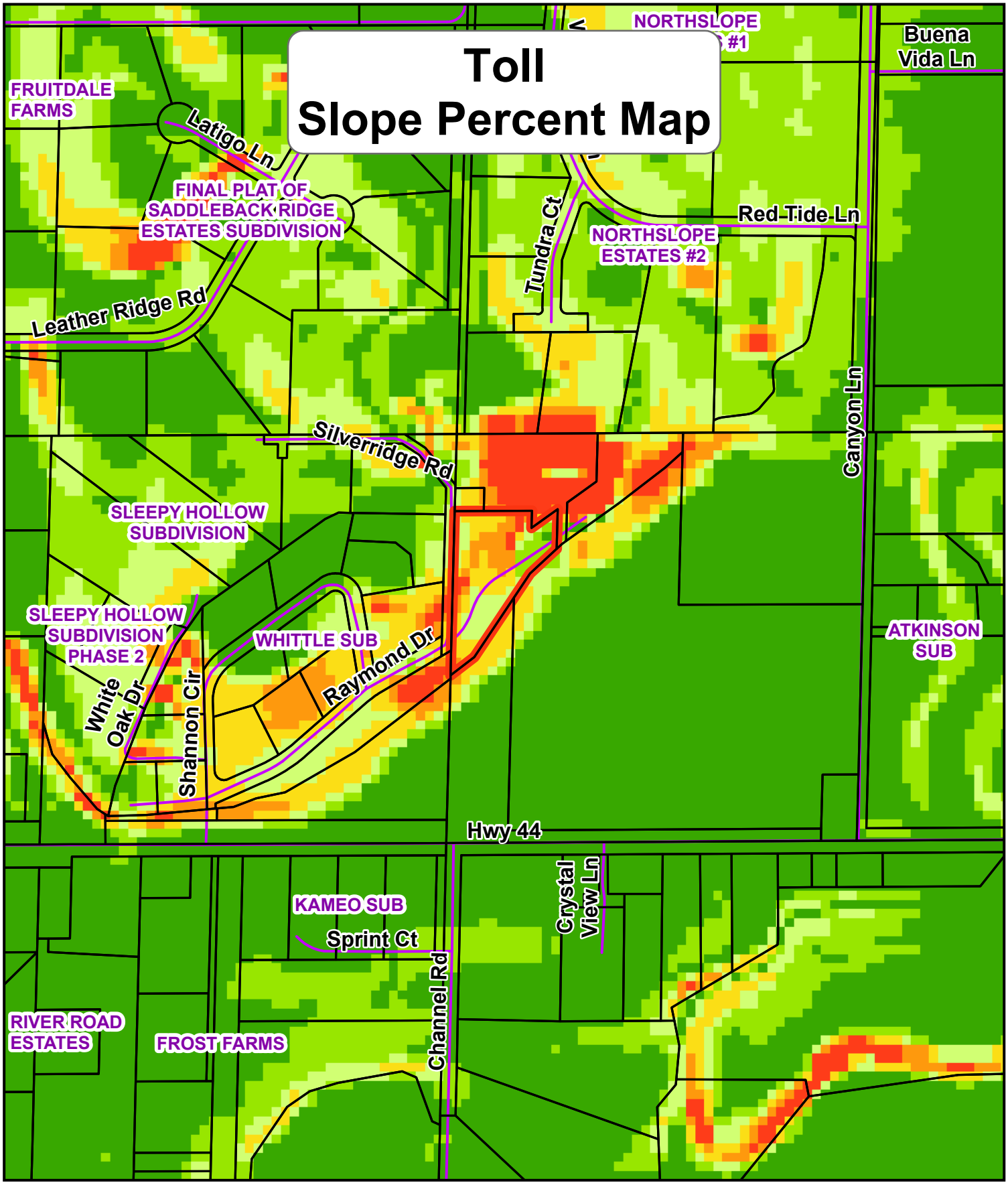


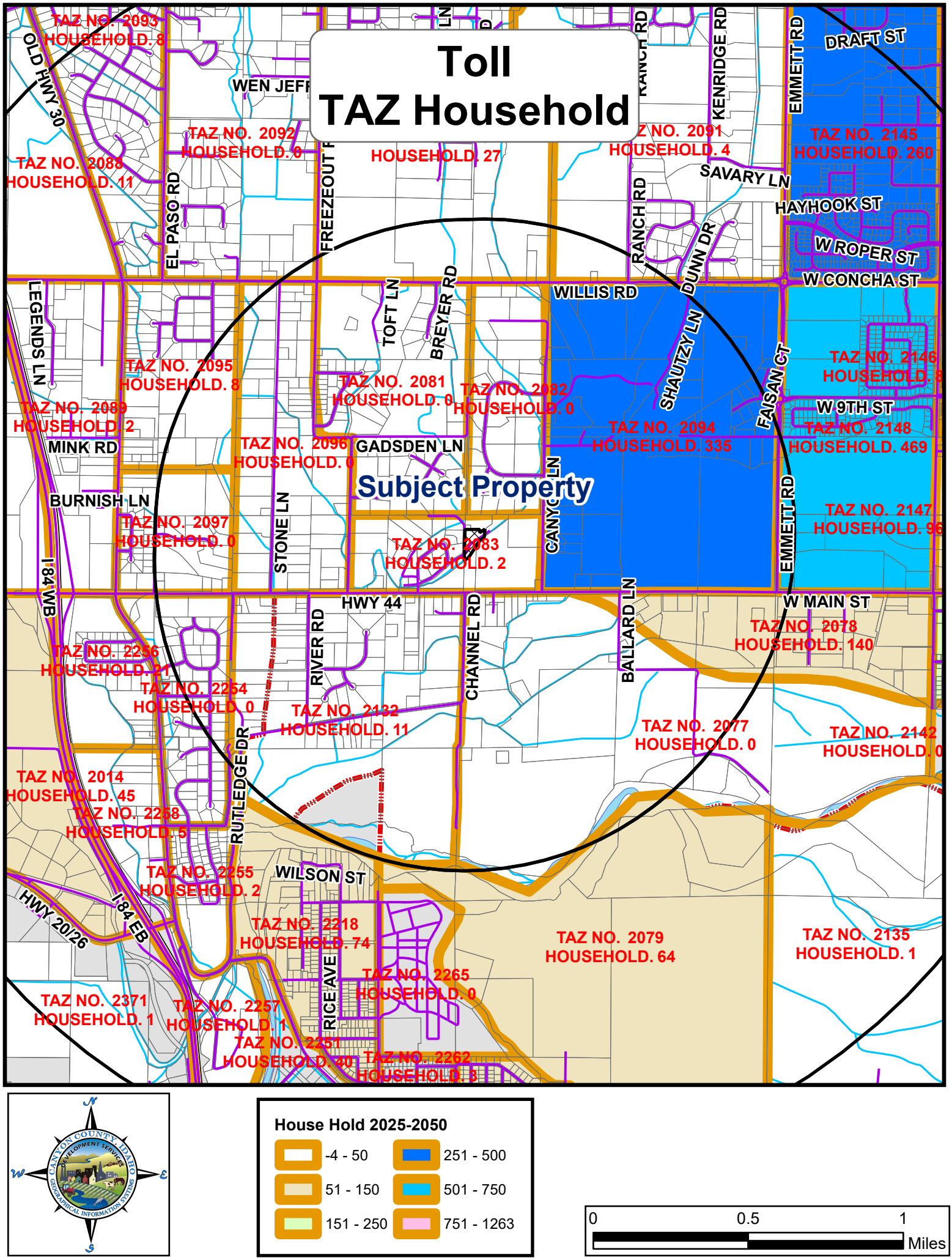
Legend

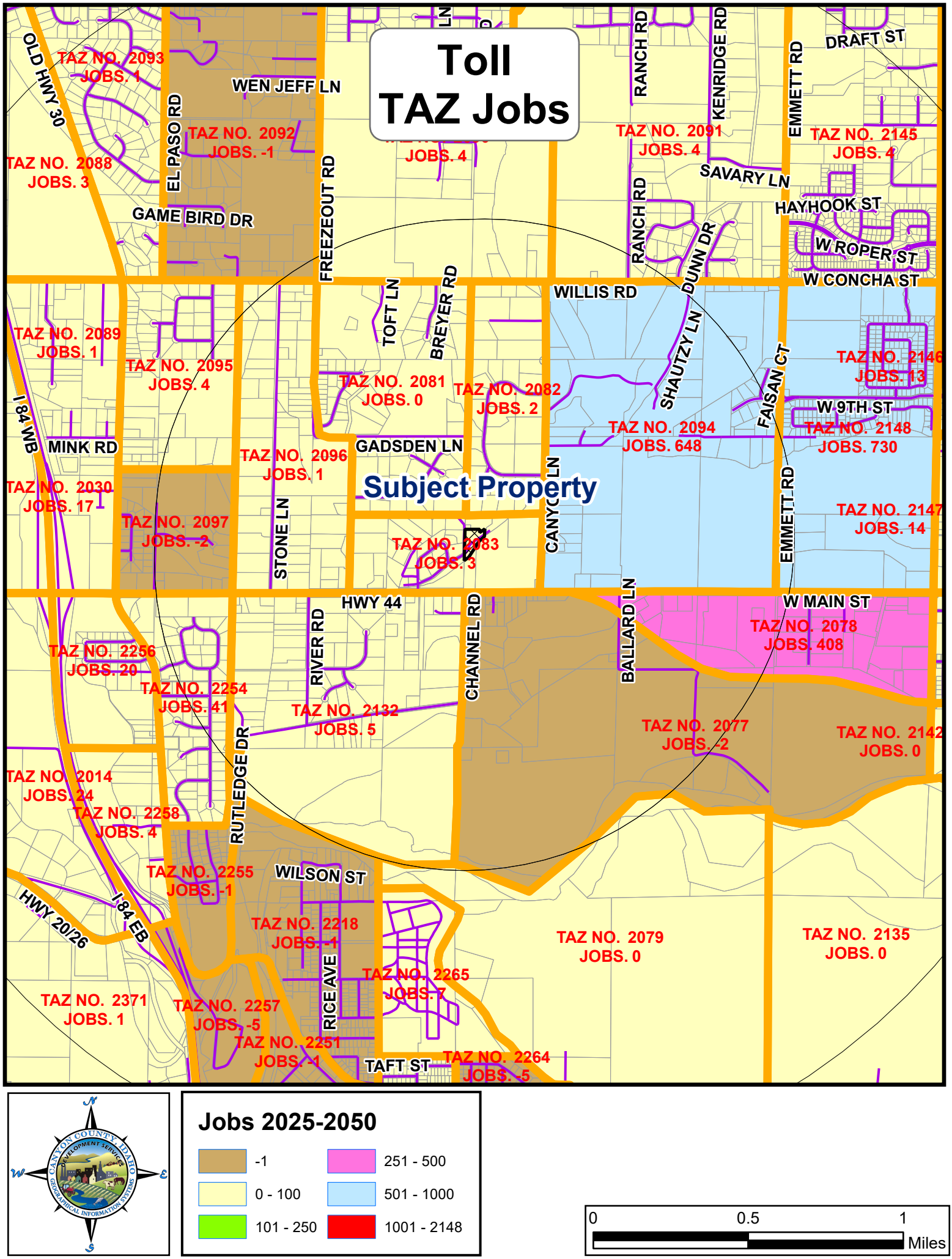
- SUBJECT_PROPERTY
- TaxParcels
- SectionContours
- Wetlands

Exhibit C5.9

0 200 400 600 Feet


Toll
Slope Percent Map
NORTHSLOPE #1
Buena Vida Ln
FRUITDALE FARMS
Latigo Ln
FINAL PLAT OF SADDLEBACK RIDGE ESTATES SUBDIVISION
Tundra Ct
Red Tide Ln
NORTHSLOPE ESTATES #2
Leather Ridge Rd
Canyon Ln
Silverridge Rd
SLEEPY HOLLOW SUBDIVISION
SLEEPY HOLLOW SUBDIVISION PHASE 2
WHITTLE SUB
Raymond Dr
White Oak Dr
Shannon Cir
ATKINSON SUB
Hwy 44
Crystal View Ln
KAMEO SUB
Sprint Ct
Channel Rd
RIVER ROAD ESTATES
FROST FARMS
Slope Percent
0.001 - 3
3.001 - 6
6.001 - 9
9.001 - 12
12.001 - 14.999
15 - 202.718
Exhibit C5.10
0 200 400 600
Feet


Toll
TAZ Household
Subject Property
TAZ NO. 2093
HOUSEHOLD. 8
TAZ NO. 2092
HOUSEHOLD. 0
TAZ NO. 2088
HOUSEHOLD. 11
HOUSEHOLD. 27
TAZ NO. 2091
HOUSEHOLD. 4
TAZ NO. 2145
HOUSEHOLD. 260
TAZ NO. 2095
HOUSEHOLD. 8
TAZ NO. 2081
HOUSEHOLD. 0
TAZ NO. 2082
HOUSEHOLD. 0
TAZ NO. 2089
HOUSEHOLD. 2
TAZ NO. 2094
HOUSEHOLD. 335
TAZ NO. 2146
HOUSEHOLD. 8
TAZ NO. 2148
HOUSEHOLD. 469
TAZ NO. 2096
HOUSEHOLD. 0
TAZ NO. 2097
HOUSEHOLD. 0
TAZ NO. 2083
HOUSEHOLD. 2
TAZ NO. 2147
HOUSEHOLD. 96
TAZ NO. 2078
HOUSEHOLD. 140
TAZ NO. 2256
HOUSEHOLD. 21
TAZ NO. 2254
HOUSEHOLD. 0
TAZ NO. 2132
HOUSEHOLD. 11
TAZ NO. 2077
HOUSEHOLD. 0
TAZ NO. 2142
HOUSEHOLD. 0
TAZ NO. 2014
HOUSEHOLD. 45
TAZ NO. 2258
HOUSEHOLD. 5
TAZ NO. 2255
HOUSEHOLD. 2
TAZ NO. 2218
HOUSEHOLD. 74
TAZ NO. 2079
HOUSEHOLD. 64
TAZ NO. 2135
HOUSEHOLD. 1
TAZ NO. 2265
HOUSEHOLD. 0
TAZ NO. 2371
HOUSEHOLD. 1
TAZ NO. 2257
HOUSEHOLD. 1
TAZ NO. 2251
HOUSEHOLD. 40
TAZ NO. 2262
HOUSEHOLD. 3
OLD HWY 30
WEN JEFF
EL PASO RD
FREEZEOUT R
LN
RANCH RD
KENRIDGE RD
EMMETT RD
DRAFT ST
SAVARY LN
HAYHOOK ST
W ROPER ST
W CONCHA ST
RANCH RD
DUNN DR
WILLIS RD
LEGENDS LN
TOFT LN
BREYER RD
SHAUTZY LN
FASAN CT
W 9TH ST
MINK RD
GADSDEN LN
BURNISH LN
STONE LN
CANYON LN
EMMETT RD
I84 WB
HWY 44
RIVER RD
CHANNEL RD
BALLARD LN
W MAIN ST
RUTLEDGE DR
WILSON ST
HWY 20/26
I84 EB
RICE AVE
House Hold 2025-2050
-4 - 50
51 - 150
151 - 250
251 - 500
501 - 750
751 - 1263
0
0.5
1
Miles


Toll
TAZ Jobs
Subject Property
TAZ NO. 2093
JOBS. 1
TAZ NO. 2092
JOBS. -1
TAZ NO. 2088
JOBS. 3
TAZ NO. 2091
JOBS. 4
TAZ NO. 2145
JOBS. 4
TAZ NO. 2089
JOBS. 1
TAZ NO. 2095
JOBS. 4
TAZ NO. 2081
JOBS. 0
TAZ NO. 2082
JOBS. 2
TAZ NO. 2146
JOBS. 13
TAZ NO. 2094
JOBS. 648
TAZ NO. 2148
JOBS. 730
TAZ NO. 2096
JOBS. 1
TAZ NO. 2030
JOBS. 17
TAZ NO. 2097
JOBS. -2
TAZ NO. 2083
JOBS. 3
TAZ NO. 2147
JOBS. 14
TAZ NO. 2078
JOBS. 408
TAZ NO. 2256
JOBS. 20
TAZ NO. 2254
JOBS. 41
TAZ NO. 2132
JOBS. 5
TAZ NO. 2077
JOBS. -2
TAZ NO. 2142
JOBS. 0
TAZ NO. 2014
JOBS. 24
TAZ NO. 2258
JOBS. 4
TAZ NO. 2255
JOBS. -1
TAZ NO. 2218
JOBS. -1
TAZ NO. 2079
JOBS. 0
TAZ NO. 2135
JOBS. 0
TAZ NO. 2265
JOBS. 7
TAZ NO. 2371
JOBS. 1
TAZ NO. 2257
JOBS. -5
TAZ NO. 2251
JOBS. -1
TAZ NO. 2264
JOBS. -5
OLD HWY 30
EL PASO RD
WEN JEFF LN
GAME BIRD DR
FREEZEOUT RD
RANCH RD
KENRIDGE RD
EMMETT RD
DRAFT ST
SAVARY LN
HAYHOOK ST
W ROPER ST
W CONCHA ST
DUNN DR
WILLIS RD
TOFT LN
BREYER RD
SHAUTZY LN
FAISAN CT
W 9TH ST
I 84 WB
MINK RD
GADSDEN LN
STONE LN
CANYON LN
HWY 44
RIVER RD
CHANNEL RD
BALLARD LN
W MAIN ST
RUTLEDGE DR
WILSON ST
HWY 20/26
I 84 EB
RICE AVE
TAFT ST
Jobs 2025-2050
-1
0 - 100
101 - 250
251 - 500
501 - 1000
1001 - 2148
0
0.5
1
Miles

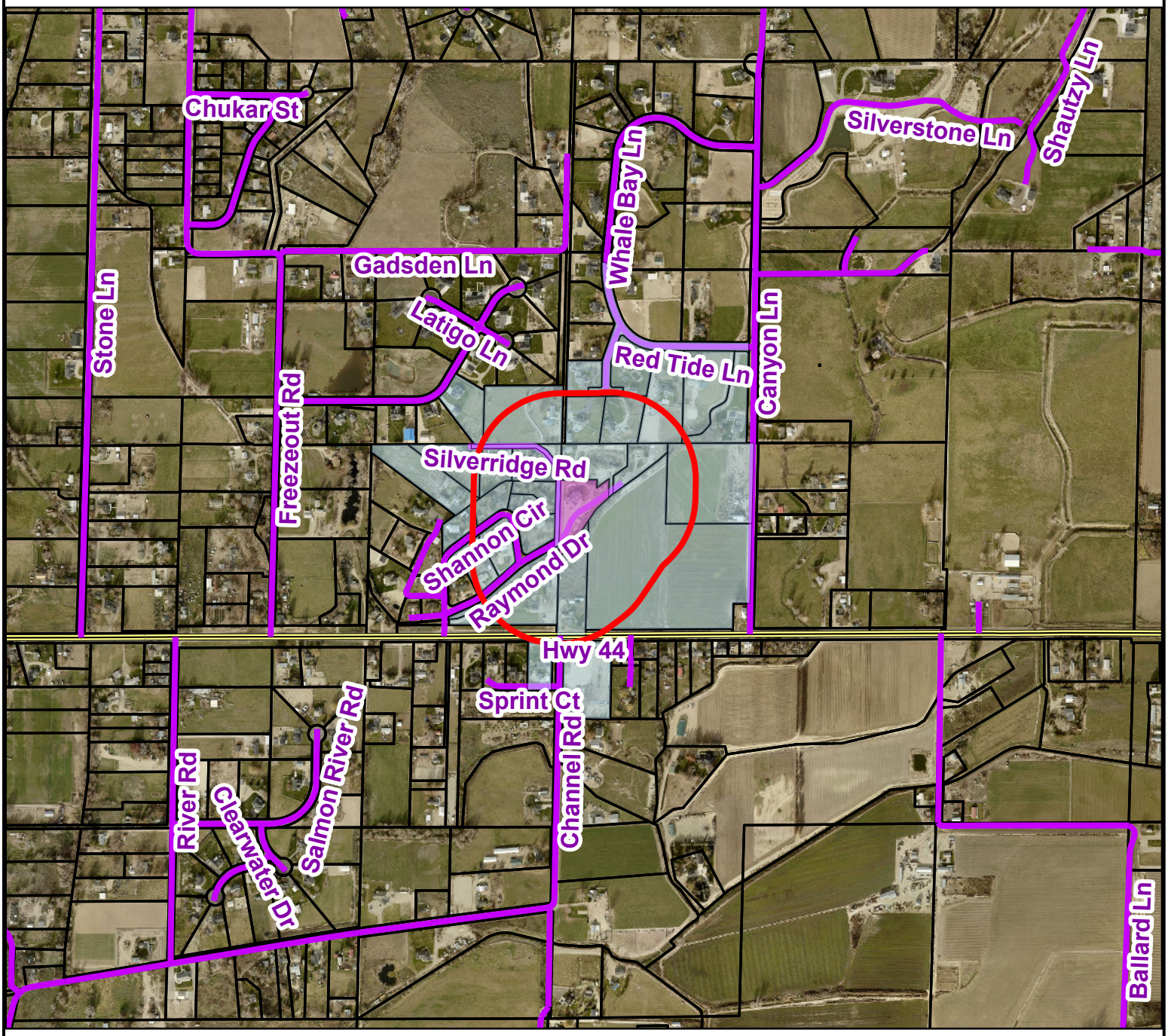
Neighborhood Notification Map
Parcel No. R34457011
Buffer Distance 600 Feet

Canyon County
Development Services
111 N. 11th Ave ROOM 310
Caldwell, ID 83605

This map is for informational purposes only and does not suggest approval of the project.

Date: 6/26/2026
By: mvanderveen

IMAGES WERE FLOWN IN WINTER OF 2025 AND WINTER OF 2026.



Legend

- NOTIFICATION BUFFER
- SUBJECT_PROPERTY
- NOTIFIED PARCELS
- TAX PARCELS
- Highway
- Interstate
- Local Road

SCALE

0 0.25 0.5 Miles

Neighborhood listings and maps are provided "as-is" without warranties on accuracy, completeness, or timeliness. Users are solely responsible for determining their appropriateness for decision-making. Canyon County, ID makes no guarantees, express or implied, including fitness for any particular use. Maps are dynamic and subject to ongoing revisions; they do not represent a survey. Neither Canyon County nor its employees assume liability for any errors or damages arising from the use of this information.

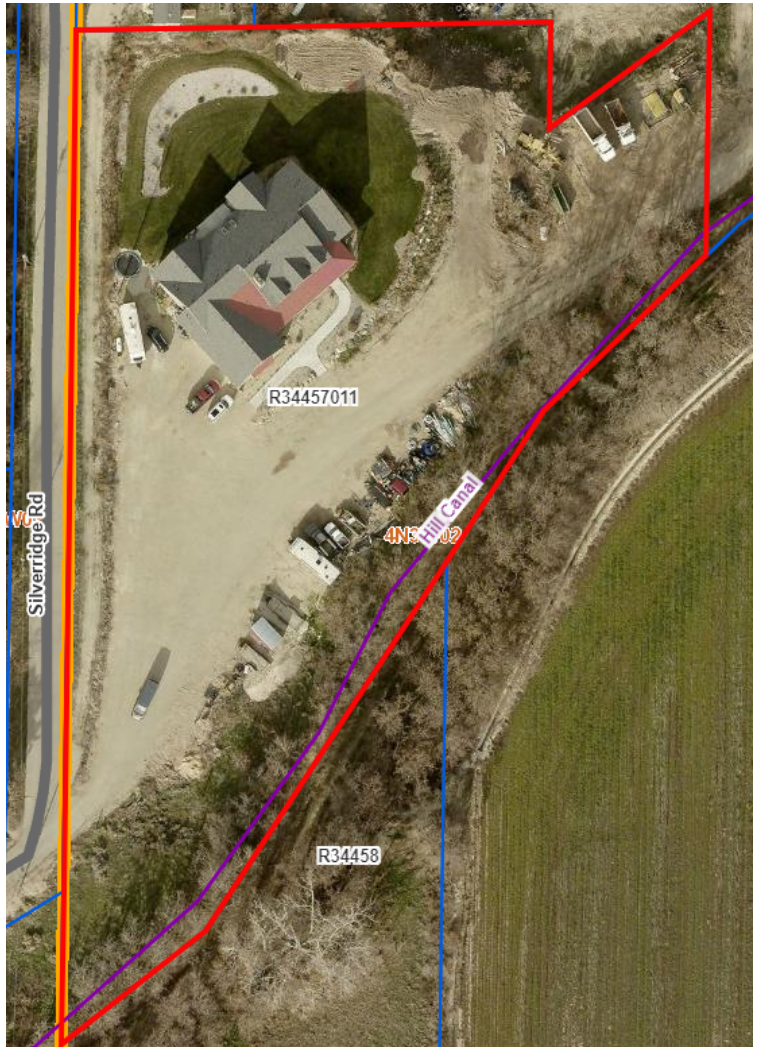
EXHIBIT D

Site Visit Photos: July 1, 2026

Hearing Examiner

Case# CU2025-0025

Hearing date: August 10, 2026



Site Visit Photos; July 1, 2026 (**Exhibit D**)

Photos taken from the approach off Raymond Drive and Silverridge Road

















Staging area No. 1 located on the eastern boundary of Parcel R34457011













Staging area No. 2 located on the northeastern corner of Parcel R34457011









Types of materials/equipment stored on site









Employee parking area to be utilized occasionally

EXHIBIT E

Agency Comments Received by: July 31, 2026

Hearing Examiner

Case# CU2025-0025

Hearing date: August 10, 2026

Exhibit E1

Arbay Mberwa

From: Anthony Lee <Anthony.Lee@swdh.id.gov>
Sent: Wednesday, March 25, 2026 9:58 AM
To: Arbay Mberwa
Cc: Mitch Kiester
Subject: [External] RE: Agency Notice CU2025-0025 / Toll
Attachments: Pre.Development.Notes.Signed.09.12.2025.pdf

Hi Arbay,

1.) Will a Nutrient Pathogen Study be required? **A Nutrient Pathogen Study will not be required.**
2.) Will adequate sanitary systems be provided to accommodate the use? **Subsurface sewage disposal systems are not proposed for this project.**
3.) Any concerns about the use or request for rezoning? If so, are there any conditions or mitigation measures recommended to ensure the use or requested rezone minimizes potential impacts to the surrounding area and nearby city? **There are no concerns with the use or request for rezoning if the applicant meets all SWDH requirements.**

See the attached pre-development notes.

Let me know if you have any questions.

Thank you,

SOUTHWEST DISTRICT HEALTH

Check out our new online self-service portal here! PORTAL

Anthony Lee, RS/BS | Land Development Senior

o 208.455.5384 | c 208.899.1285 | f 208.455.5300

anthony.lee@swdh.id.gov | SWDH.org

13307 Miami Ln., Caldwell, ID 83607

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Wednesday, March 25, 2026 8:15 AM
To: lpennington@msd134.org; mgee@msd134.org; permits@starfirerescue.org; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; chopper@hwydistrict4.org; brandy.walker@ForgedFiber37.com; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'arobins@idahopower.com' <arobins@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>;

Exhibit E1.1

Pre-Development Meeting

Name of Development: Toll Excavation - Staging Area
Applicant: Wendy Toll
P.E./P.G.:
All others in Attendance:

EHS#035 Date 9/12/2025

Number of Lots or Flow: N/A Acreage of Proposed Development: 2.49
Location of Development: 13944 Farmway Rd
Caldwell, ID 83607
R34457011 0

Project in Area of Concern: No Groundwater/Rock <10' Unknown
Level 1 NP Necessary for N: No

LSAS/CSS Proposed: No
BRO meeting for P or above: No
Proposed Drinking Water: Individual ■, City ☐, Community ☐, Public Water Supply ☐
BRO meeting for PWS, Com: No

Information Distributed: SER ☐, NP Guidance ☐, Non-Domestic WW ap. ☐

Additional Comments: The applicant consulted with Southwest District Health (SWDH regarding a proposal to use an area for truck staging related to their business. The proposed staging area does not encroach upon the primary or replacement drainfield, and no shop construction is included in the proposal.

Attach conceptual plan, if provided, or any other correspondence, and create a file for this information. The information will be helpful when responding to the county about permitting requirements and should be maintained with the subdivision file or commercial permit file when completed, for a complete written history of the project and SWDH involvement.

Arbay Mberwa

Exhibit E2

From: D3 Development Services <D3Development.Services@itd.idaho.gov>
Sent: Tuesday, March 31, 2026 9:19 AM
To: Arbay Mberwa
Subject: [External] RE: Agency Notice CU2025-0025 / Toll

Hello,

After careful review of the transmittal submitted to ITD on March 25, 2026, regarding, 13944 Raymond Dr, Caldwell/Toll, the Department has no comments or concerns to make at this time. This application does not meet thresholds for a Traffic Impact Study, nor does it pose any safety concerns. If you have any questions, please contact Kendra Conder at 208-334-8377 /Kendra.Conder@itd.idaho.gov

Thank you
Mila Kinakh
D3 Planning and Development

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Wednesday, March 25, 2026 8:15 AM
To: lpennington@msd134.org; mgee@msd134.org; permits@starfirerescue.org; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; chopper@hwydistrict4.org; brandy.walker@ForgedFiber37.com; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'arobins@idahopower.com' <arobins@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; developmentreview@blackcanyonirrigation.com; irrigation.mm.mi@gmail.com; mitch.kiester@phd3.idaho.gov; anthony.lee@phd3.idaho.gov; D3 Development Services <D3Development.Services@itd.idaho.gov>; Kendra Conder <Kendra.Conder@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; 'makline2@marathonpetroleum.com' <makline2@marathonpetroleum.com>; Dalia Alnajjar <Dalia.Alnajjar@canyoncounty.id.gov>; Lucy Ostyn <lucy.ostyn@canyoncounty.id.gov>; Tom Crosby <Tom.Crosby@canyoncounty.id.gov>; Code Enforcement <CodeEnforcement@canyoncounty.id.gov>; GIS and Addressing Division <GISAddressing@canyoncounty.id.gov>
Subject: Agency Notice CU2025-0025 / Toll

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Please see the attached agency notice. The application can be viewed at https://landhearingsagenda.canyoncounty.id.gov/DownloadDocument/263. You are invited to provide written testimony or comments by **April 24, 2026**, although as of this point, no hearing date has been set. You will receive a separate notification when the hearing date has been set for this case. If the comment deadline is on a weekend or holiday, it will move to close of business, 5:00 p.m. the next business day. The deadline for written testimony or additional exhibits is to ensure planners can consider the information as they develop their staff report and recommended findings. All items received by the



Canyon County, 111 North 11th Avenue, #310, Caldwell, ID 83605

▪ Engineering Division ▪

Exhibit E3

April 2, 2026

RE: Engineering Review of Conditional Use Permit (CUP) – Case No. CU2025-0025

Dear Arbay,

The Engineering Division has reviewed the request for a staging area for business vehicles and equipment (excavator and skid steer) on approximately 1 acre of the 2.48-acre parcel. The proposal appears generally feasible from an engineering perspective; however, additional clarification is required due to the presence of localized slopes approaching or exceeding 15%.

Conditions of Approval for CU2025-0025:

1. Provide a site plan showing equipment parking/staging locations, employee parking locations, access driveway and circulation, any proposed grading areas, and material storage areas (if applicable).
2. Any future development on slopes exceeding 15% will be subject to hillside development considerations under Canyon County zoning standards and must demonstrate that grading will not create erosion or off-site drainage impacts.

The Engineering Division has no objection to the proposed use, provided the above conditions are incorporated into the approval and all future development complies with applicable Canyon County engineering, grading, drainage, and access requirements.

Sincerely,

Dalia Alnajjar
Engineering Supervisor
Canyon County Development Services
P(208) 454-7459
F(208) 454-6633
E: dalia.alnajjar@canyoncounty.id.gov

HIGHWAY DISTRICT No.4
15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208.454.8135
FAX 208.454.2008

Exhibit E4

April 14, 2026

Canyon County Commissioners, P&Z Commission, & Development Services
111 N. 11th Ave Suite 140
Caldwell, Idaho 83605
Attention: Arbay Mbwera, Planner

RE: CU2025-0025 Rick & Wendy Toll Staging Area/Contractor Shop
Canyon County Parcel R34457011 aka 13944 Raymond Drive

Dear Commissioners:

Highway District No. 4 (HD4) has reviewed the application for a conditional use permit to operate a contractor yard/staging area within an agricultural zone located on the above described parcel. The subject property is located north of SH 44 in the SW 1/4 Section 2 T4N R3W. HD4 offers the following comments on the proposed use:

General
The subject property consists of one parcel, totaling approximately 2.5 acres. The subject parcel does not appear to have direct frontage on any publicly maintained road.

Access
The subject property appears to take access to the public highway system via Raymond Drive, a public street created by plat of Whittle Subdivision in 1971. A privately maintained road (Silveridge Rd) lies along the westerly boundary of the subject property. This private road is owned and maintained by the Sleepy Hollow Homeowners Association. The subject property takes access across this private road to Raymond Drive, thence to Shannon Circle and to SH 44.

Raymond Drive and Shannon Circle within Whittle Subdivision are classified as local roads on the functional classification maps adopted by HD4 and Canyon County. This local road classification is the lowest available, and is typically reserved for neighborhood streets.

If the proposed use is found to be acceptable for the surrounding environment, HD4 requests the following conditions be applied to the approval:

1. An access permit from HD4 is required to document the change in use.
2. The access permit will be restricted to the single employee use as described in the application materials.
3. Expansion of the use beyond a single employee in the future may require a new or modified access permit, with additional conditions including impact fee assessments.

Transportation Impacts
The conditional use application provided by the applicants indicates portions of the property would be used for storage of equipment and materials to support a small excavation/construction company. A total of 4 employees are reported with the current business, but only one of those

employees (the owner) is planned to use the site when making daily trips to- and from- job locations offsite.
Traffic impacts from development projects are typically estimated using the ITE Trip Generation Manual (11th Edition). The categories below are the best available in that reference to compare the proposed use:

Use	ITE Code	Units	# of Units Proposed	PM Peak Trips	Daily Trips
Specialty Trade Contractor	180	Employees	1	1	4

The single peak hour trip estimated by the ITE Trip Generation Manual is consistent with the existing residential use for the property, where a family member works outside the home and is expected to generate a single peak hour trip each for the morning and evening commute. The trip generation estimate does not take into consideration the type of vehicle used for the commute; in this case the truck and equipment trailer proposed for use is treated identically to a typical commuter vehicle.

Based on the proposed use (1 employee/owner accessing the site), no additional traffic impacts are anticipated compared with the current residential use, and no impact fee assessment is warranted for this conditional use.

HD4 does not opposed the requested land use changes, but requests that the Planning & Zoning Commission and Canyon County Commissioners consider these comments, and make any conditional approval of the applicant's request subject to the requirements listed above.

Please feel free to contact me with any questions on this matter.

Respectfully,



Chris Hopper, P.E.
District Engineer

File: Raymond Drive- CU2025-0025 Toll Contractor Yard/Staging Area



June 26, 2026

Exhibit E5

Arbay Mberwa, Assoc. Planner
Canyon County Development Services Dept.
134111 N. 11th Ave., #310
Caldwell, ID 83605
Arbay.Mberwa@canyoncounty.id.gov

RE: CU2025-0025 for Toll Excavation and Septic LLC

Black Canyon Irrigation District does not have an easement with Hill Canal that runs along the eastern boundary of parcel R34457011. We do not have any comments on the conditional use permit that is being proposed.

Don't hesitate to contact BCID if you have further questions.

Thank-you.

Randy Marker

Randy Marker

Water Master
Black Canyon Irrigation District
randy@blackcanyonirrigationdistrict.com

Exhibit E6

Arbay Mberwa

From: Lucy Ostyn
Sent: Monday, July 13, 2026 4:40 PM
To: Arbay Mberwa
Subject: FW: Agency Notice CU2025-0025 / Toll
Attachments: 30 day AGENCY notice HE hearing.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon,
As proposed, the Building Dept has no requirements. If at any point the home or a future shop is used for the business, then we will re-evaluate.

Thank you,

Lucy Ostyn
Permitting Supervisor
lucy.ostyn@canyoncounty.id.gov
(208)455-5961
Canyon County Development Services Department
111 N. 11th Ave. #310 Caldwell, ID 83605

DSD PUBLIC OFFICE HOURS
Monday, Tuesday, Thursday and Friday
8am – 5pm
Wednesday
1pm – 5pm

From: Caitlin Ross <Caitlin.Ross@canyoncounty.id.gov>
Sent: Monday, July 6, 2026 2:02 PM
To: 'jhutchison@middletoncity.org' <jhutchison@middletoncity.org>; 'mhobbs@middletoncity.org' <mhobbs@middletoncity.org>; 'rstewart@middletoncity.org' <rstewart@middletoncity.org>; 'lpennington@msd134.org' <lpennington@msd134.org>; 'mgee@msd134.org' <mgee@msd134.org>; 'permits@starfirerescue.org' <permits@starfirerescue.org>; 'knute.sandahl@doi.idaho.gov' <knute.sandahl@doi.idaho.gov>; mkaes@hwydistrict4.org; lriccio@hwydistrict4.org; 'brandy.walker@ForgedFiber37.com' <brandy.walker@ForgedFiber37.com>; 'eingram@idahopower.com' <eingram@idahopower.com>; 'easements@idahopower.com' <easements@idahopower.com>; 'arobins@idahopower.com' <arobins@idahopower.com>; 'monica.taylor@intgas.com' <monica.taylor@intgas.com>; 'jessica.mansell@intgas.com' <jessica.mansell@intgas.com>; 'developmentreview@blackcanyonirrigation.com' <developmentreview@blackcanyonirrigation.com>; 'irrigation.mm.mi@gmail.com' <irrigation.mm.mi@gmail.com>; 'mitch.kiester@phd3.idaho.gov' <mitch.kiester@phd3.idaho.gov>; 'anthony.lee@phd3.idaho.gov' <anthony.lee@phd3.idaho.gov>; 'D3Development.Services@itd.idaho.gov' <d3development.services@itd.idaho.gov>; 'Kendra.Conder@itd.idaho.gov' <kendra.conder@itd.idaho.gov>; Brian Crawforth <Brian.Crawforth@canyoncounty.id.gov>; Christine Wendelsdorf <Christine.Wendelsdorf@canyoncounty.id.gov>; Michael Stowell <mstowell@ccparamedics.com>; 'makline2@marathonpetroleum.com'

Boise Office
1101 W. River St.
Suite 110
Boise, Idaho 83702
Tel. (208) 629-7447

Challis Office
1261 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office
213 Canyon Crest Drive
Suite 200
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (all offices)
(208) 629-7559

SAWTOOTH LAW OFFICES, PLLC

Exhibit E7

David P. Claiborne
S. Bryce Farris
Evan T. Roth
Andrew J. Waldera
Brian A. Faria
Tylor Hull
Thomas M. Larsen
Patxi Larrocea-Phillips
Andrea H. Nielsen
Daniel V. Steenson
Katie L. Vandenberg-Van Vliet
James R. Bennetts *(1934-2026)*

Thursday, July 09, 2026

RECEIVED
JUL 16 2026
RECEIVED

Canyon County Development Services Department
Attn: Caitlin Ross
111 North 11th Avenue, #310
Caldwell, Idaho 83605

Re: Case No: CU2025-0025-0007 / Location: 13944 Raymond Drive, Caldwell, ID 83607 / Applicant: Rick and Wendy Toll

Dear Ms. Ross:

The Canyon Hill Ditch Company, the Middleton Mill Ditch Company and Middleton Irrigation Association (collectively referred to as "Ditch Companies") have ditches and easements that run through or abuts this property. The easement is 25 feet each side from the top of bank. The developer must contact the Ditch Companies' attorneys, Sawtooth Law Offices, PLLC, for approval before any encroachment, change of easement, or drainage discharge into Ditch Companies' facilities occur. The Ditch Companies must review drainage plans and construction plans prior to any approval.

The Ditch Companies generally require a License Agreement prior to any approval for the following reasons:

1. Relocation of a facility which would also require a new easement and relinquishment of the old easement once the relocation has been completed.
2. Piping of a facility.
3. Encroachment on a facility with gas, water and sewer lines, utility lines, roadways, bridges or any other structures.
4. Drainage discharges into any facilities.

Also, please be advised that the Ditch Companies do not approve of trees within their easements. Therefore, any existing trees within easement will need to be removed. On occasion, the Ditch Companies

may make an exception on a case-by-case basis, which requires the developers/owners to obtain written permission from the Ditch Companies for existing trees to remain.

Please contact me if you have any questions.

Yours very truly,

S. Bryce Farris

SBF:krk
cc: Canyon Hill Ditch Company/MM-MI

EXHIBIT F

Public Comments Received by: July 31, 2026

Hearing Examiner

Case# CU2025-0025

Hearing date: August 10, 2026

July 27, 2026

Canyon County
Development Services Department
City of Caldwell
111 N 11th Avenue, Suite 310
Caldwell, ID 83605

RECEIVED
JUL 27 2026
BY:_____

Exhibit F1

Case No. CU2025-0025

We adamantly object to having a growing business next to us and in our neighborhood

We live directly across from the proposed Commercial Toll Excavation and Septic LLC staging area. We have lived here for the past 14 years and have thoroughly enjoyed our peace and quiet. In the last couple of years, we have noticed and heard big vehicles passing by our home, be it early morning before we arise, or around our supper times. Our rural and wooded area is a plus, it adds sereneness and the air of country, not a commercial lot with more traffic of big equipment and trucks.

We have retired couples, working couples and new parents with young kids that are in the neighborhood who drive their bikes, ATVs, take walks early in the morning and later in the evenings and others who walk their dogs. The idea of having big commercial vehicles coming and going lends to unsafe conditions.

The habitation is conducive to the wild animals who roam, live and bring new babies into our neighborhood. We have watched this happen for years. There are scores of wildlife; ducks who nest in the bushes, quail that live in the brush and anywhere they feel safe. Every season they come back. They cross our roads. We have quail, marmots, ducks, etc. We would love to keep them in our area. We have noticed a decrease in the activity and population, these last couple of years. We bought our home in this neighborhood because of the ruralness and quietness. This new expansion will disrupt it and possibly bring others to do the same thing and boom there goes the serenity we have enjoyed for years past. This isn't a business community, it's a quiet residential family-oriented neighborhood. More traffic and more removal of the landscape for our wildlife is not agreeable.

We do not want more traffic with any new commercial business in our quiet rural neighborhood country setting. We love this neighborhood and would like to keep it this way for a long time to come.

Thank you for considering our reasons for the refusal.

Bob and Jo Jones
14038 Shannon Circle
Caldwell, ID 83607