



HEARING EXAMINER
FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

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

I. 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

- I. 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 – 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 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. <i>See Exhibit B of the Staff Report for the application and submitted materials.</i> A staging area is defined as "<i>an area where equipment and/or materials are stored for use conducted entirely off site</i>" per CCCO §07-02-03. See project description analysis contained in Section 07-070-05(2) detailing the nature of the request.
Criteria Met?	2	What is the nature of the request?
Met		
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 <i>Exhibit B of the Staff Report</i> for details on the request.	
Criteria Met?	3	Is the proposed use consistent with the comprehensive plan?
Met		
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> <i>G1.01.00 Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.</i> <i>A1.01.00a Require properties to conform to the zoning code before receiving additional zoning approvals.</i> <i>A1.01.00b Canyon County will take appropriate measures to enforce all nuisance ordinances to protect the quality of life and private property rights.</i> <i>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.</i> - 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 northeast corner on the property for the staging area (Exhibit G). <u>Economic Development:</u> <i>G3.01.00 Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.</i> <i>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.</i> - 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> <i>P4.01.02 Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights.</i> <i>P4.02.01 Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.</i> <i>P4.04.02 Align planning efforts in areas of city impact.</i> - 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 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 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: <table><tr><th>Direction</th><th>Existing Use</th><th>Primary Zone</th><th>Other Zone</th></tr><tr><td>N</td><td>Residential</td><td>Agricultural</td><td>R-R (Rural Residential)</td></tr><tr><td>E</td><td>Agriculture</td><td>CR-C-1 (Conditional Rezone Neighborhood Commercial)</td><td>CR-C-2 (Conditional Rezone Service Commercial)</td></tr><tr><td>S</td><td>Residential</td><td>Agricultural</td><td>C-1 (Neighborhood Commercial)</td></tr><tr><td>W</td><td>Residential</td><td>Agricultural</td><td>-</td></tr></table> “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			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 Rezone Service Commercial)	S	Residential	Agricultural	C-1 (Neighborhood Commercial)	W	Residential	Agricultural	-
	Direction	Existing Use	Primary Zone	Other Zone																			
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	S	Residential	Agricultural	C-1 (Neighborhood Commercial)																			
W	Residential	Agricultural	-																				

	boundary of the property shall not be obstructed. <i>See condition of approval No. 9.</i> 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 locating the equipment in an appropriate location on the subject property. .	
Criteria Met?	5	Will adequate water, sewer, irrigation, drainage, stormwater drainage facilities, and utility systems be provided to accommodate the use?
Met		
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. <i>See condition of approval No. 1.</i> 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. <i>See condition of approval No. 9.</i> Drainage/Stormwater drainage facilities: According to the applicant, stormwater will be retained on site. The subject property lies in Middleton 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). <i>See condition of approval No. 12.</i> 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?	6	Does legal access to the subject property for the development exist or will it exist at the time of development?
Met		
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). <i>See condition of approval No. 4c to ensure staged material is located outside of any right-of-way.</i>	
	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). <i>See condition of approval No. 6 to address HD4 comments.</i>	
Criteria Met?	7	Will there be undue interference with existing or future traffic patterns?
Met		
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. <i>See Exhibit D of the Staff Report for the types of equipment that may be parked on-site.</i> The minimal operation of a staging area is not expected to interfere with the existing and/or future traffic patterns.	
Criteria 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?
Met		
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, Middleton 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?	2	Business vehicles shall be operable and parked on site, not on a public or private road.
Met		
Analysis		All equipment shall be operable and stored on site, not on a public or private road. <i>See condition of approval No. 4c.</i>
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 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:

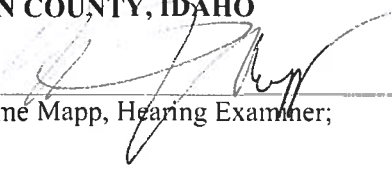
Conditions of Approval

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 & G** 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 located in the northeast corner of the subject property in accordance with **Exhibit G**. 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 concrete containment field for the propane tank consisting of a concrete 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).
13. The staging area shall not exceed ten (10) pieces of equipment (1 semi dump truck, 1 excavator, 3 skid steers, 2 trailers, 1 water truck and 2 business vehicles or of the similar equipment type) and accessory equipment needed

for the operation without further approval through an amended conditional use permit (**Exhibit D** of the Staff Report).

DATED this 24 day of SEPTEMBER, 2026.

HEARING EXAMINER
CANYON COUNTY, IDAHO


Jerome Mapp, Hearing Examiner;

State of Idaho)

SS

County of Canyon County)

On this 24 day of September, in the year 2026, before me CAITLIN ROSS, a notary public, personally appeared Jerome Mapp, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.



Notary: CAITLIN ROSS

My Commission Expires: 5/7/2031