



HEARING EXAMINER FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:
Mendoza Lopez – CU2025-0023

The Canyon County Hearing Examiner considers the following:

The applicant, Jose Mendoza Lopez, is requesting a conditional use permit for a staging area for a landscaping business (Mendoza Landscaping LLC) on Parcel R33758 approximately 2.79 acres in an "A" (Agricultural) zone. The proposed use consists of an 80' by 80' staging area for business vehicles and equipment with two to three (2-3) employees on site, nine (9) parking spaces (pickups, dump trailer and skid steers) with a loading area. No retail activity or sale of products occurs on site. The hours of operation are 7 a.m. to 7 p.m. daily. The subject property is located at 24749 Homedale Road, Wilder, Idaho, 83676, also referenced as Parcel R33758, a portion of the NW quarter of Section 12, T3N, R5W, 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 CU2025-0023
 - 1. All exhibits are located in the case staff report dated October 8, 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).
 - 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, CU2025-0023, was presented at a public hearing before the Hearing Examiner on October 8, 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, 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 Staff Review		
Criteria Met?	Code Section	Analysis
Met	1	Is the proposed use permitted in the zone by conditional use permit?
Staff Analysis		The use of a staging area is permitted in the zone by conditional use permit, pursuant to County Ordinance (§07-10-27). The use consists of a staging area for Mendoza Landscaping LLC on Parcel R33758 to park equipment such as business vehicles and equipment on site. The applicant submitted a conditional use permit application to establish a staging area on September 4, 2025. <i>See Exhibit B of the Staff Report for the application and submitted materials.</i> 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. <i>See project description analysis contained in Section 07-070-05(2) detailing the nature of the request.</i>
Criteria Met?	2	What is the nature of the request?
Met		
Analysis		The nature of the request consists of a staging area for three (3) business vehicles and six (6) pieces of equipment related to Mendoza Landscaping LLC. Operations: Storage and dispatch of landscaping equipment and vehicles such as pick-ups, skid steers and dump trailers. <i>See Exhibit D of the Staff Report for the type of vehicles and equipment that may be parked on site.</i> The applicant engages in small local landscaping and maintenance business. No customers or retail operations will take place on site (Exhibit B1 of the Staff Report).

	There may be extra gravel left over from job sites stockpiled on the property (Exhibit B4 of the Staff Report). <i>See condition of approval No. 7.</i> • The applicant requests an 80' by 80' (6,400 square foot) area of the 2.79-acre subject property to be utilized for the staging area (Exhibit B4 of the Staff Report) • Parking: The applicant proposes nine (9) parking stalls for three (3) business vehicles and six (6) business equipment including but not limited to skid steers, dump and cargo trailers. A parking and circulation plan was submitted on September 26, 2026 (Exhibits B5 & B6 of the Staff Report). • Hours of operations: 7 a.m. to 7 p.m. daily (Exhibit B3 of the Staff Report). • Employees: Two to three (2-3) employees will have access to the subject property to pick up and drop off equipment and vehicles needed for a job site. The applicant anticipates seven (7) average daily trips, generated in the morning to go to a job site and once in the evening after returning from a job site. <i>See table two (2) for staging area requirements.</i>	
Criteria Met?	3	Is the proposed use consistent with the comprehensive plan?
Met		
Analysis	The use is consistent with the Comprehensive Plan with the added conditions of approval. The future land use designation is Agricultural with an Agri-Tourism Exclusive Farm Use overlay district (Exhibit C1 of the Staff Report). <u>Chapter 1: 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> The applicant has applied for a conditional use permit to resolve the code enforcement violation on the property (Exhibit B5 of the Staff Report). If the conditional use permit is approved the subject property will come into compliance with Canyon County Code with the added condition of approval. Canyon County values private property rights and may support the applicant's project and surrounding property owners' rights by adding mitigating conditions to the conditional use permit. <u>Chapter 2: Population</u> <i>G2.01.00 Incorporate population growth trends & projections when making land-use decisions.</i> <i>P2.01.01 Plan for anticipated population and households that the community can support with adequate services and amenities.</i> Canyon County promotes business with adequate services. The applicant operates "a small family oriented landscaping and landscape maintenance company" (Exhibit B1 of the Staff Report). The applicant can provide landscaping services to the community within the growing population of the County. <u>Chapter 3: Economic Development</u> <i>P3.01.02 Support suitable sites for economic growth and expansion compatible with the surrounding area.</i> The landscaping business is in an appropriate location as there is a staging area and contractor shop for Heartwood Tree Care which stores logs and woodchips and processes firewood within a 600' radius of the subject property (Exhibit C3 of the Staff Report). The site is suitable for a landscaping business. <i>See code section 4 for details regarding the character of the area.</i> <u>Chapter 4: 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>G4.03.00 Develop land in a well-organized and orderly manner while mitigating or avoiding incompatible uses, protecting public health and safety, and creating a vibrant economy through sustainable land use planning.</i>	

<i>P4.03.03 Recognize that each land use application is unique and that agricultural and nonagricultural uses may be compatible and co-exist in the same area and in some instances may require conditions of approval to promote compatibility.</i> <i>P4.07.01 Plan land uses that are compatible with the surrounding community.</i> The subject property is located in an Agricultural zone, and the surrounding area is zoned agricultural. The primary use in the surrounding properties is agricultural with a residence on site. The use is anticipated to be compatible with neighboring agricultural and residential uses in the vicinity with the added conditions of approval. <u>Chapter 8: Transportation</u> <i>G8.02.00 Provide safe transportation improvements for all users and connections to adjacent areas.</i> The applicant proposes to install a 10-foot paved apron on the shared driveway on the eastern boundary of Parcel R33757 to improve the access from Homedale Road to support safe merging and exiting with oncoming traffic on Homedale Road (Exhibit B2 of the Staff Report).																						
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 will not negatively change the essential character of the area. Character of the Area: The character of the area is agricultural in nature. The primary zone within a 600’ radius of the subject property is “A” (Agricultural) and the surrounding land uses appears to also be primarily agricultural. The subject property is adjacent to agricultural operations to the northeast, east and southeast. There are nine (9) parcels with a residence on site within the 600’ radius of the subject property. The average lot size is 10.95 acres. The subject property contains moderately-suited Class 3 soils with minimal slopes. Adjacent existing conditions within 600 feet of the subject property: <table><tr><th>Direction</th><th>Existing Use</th><th>Primary Zone</th><th>Other Zone</th></tr><tr><td>N</td><td>Agricultural with Residences</td><td>“A”</td><td></td></tr><tr><td>E</td><td>Agricultural with Residences</td><td>“A”</td><td></td></tr><tr><td>S</td><td>Agricultural with Residences</td><td>“A”</td><td></td></tr><tr><td>W</td><td>Residential</td><td>“A”</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)		Direction	Existing Use	Primary Zone	Other Zone	N	Agricultural with Residences	“A”		E	Agricultural with Residences	“A”		S	Agricultural with Residences	“A”		W	Residential	“A”	
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Surrounding Land Use Cases: There is one (1) similar land use case in the vicinity. A contractor shop, staging area and firewood sales conditional use permit was approved on Parcel R3376010 for a tree service business on two (2) out of ten (10) acres approximately a quarter of a mile to the east of the subject property (Exhibit C3 of the Staff Report). Within a one (1) mile radius of the subject property, there is a communications tower to the north and seven (7) platted subdivisions primarily to the south (Exhibit C4 & C6.7 of the Staff Report). The surrounding land use cases indicate the surrounding area is primarily agricultural in nature, the use is agriculturally related, and with the conditions of approval, the use’s impacts should be mitigated.																						
Potential Impacts: The staging area may impact the surrounding area due to noise, traffic and dust. With the added conditions of approval, the potential impacts will likely be mitigated. The applicant proposes daily operations from 7:00 a.m. to 7:00 p.m. with 2-3 employees. The applicant anticipates 7 to 8 average daily trips related to the use, resulting in minimal traffic impacts. The subject property is served by a 28-foot-wide gravel easement through Parcel R33757 of which 10 feet in length will be paved to improve the																						

	access and reduce dust when entering and existing the property. Additionally, it will support safe merging and exiting with oncoming traffic on Homedale Road. The use will utilize approximately 6,400 square feet out of the 2.79-acre subject parcel (Exhibit B6 of the Staff Report). To obscure the business operations, staff recommends that a condition be added to add a minimum four (4) foot berm with perma-bark around the staging area on the south side of the subject property to obscure the business vehicles and equipment and be a barrier to Watson Lateral (Exhibit B5 of the Staff Report). With the added conditions, the staging area is not anticipated to conflict with neighboring uses. The use is not anticipated to exclude or diminish one another's use of public and private services. <i>See Code Section five (5) for details.</i> A site visit was completed on August 26, 2026 and site photos can be found in Exhibit D of the Staff Report. Two (2) public comments were received, one (1) in favor and one (1) in opposition of the staging area (Exhibit F of the Staff Report). Code Enforcement Violation: A code enforcement violation was opened on the property on March 6, 2025 due to occupied RVs without a temporary use permit and utilizing the property as a staging area without a conditional use permit. According to the applicant the RVs are unoccupied and utilized for recreational purposes only (Exhibit B4 of the Staff Report). The applicant submitted a conditional use permit application to abate the code violation on September 4, 2025. The code enforcement violation case remains open (Exhibit C5 of the Staff Report). As a condition of approval, the applicant shall come into compliance with Canyon County Code by providing evidence that the RVs are unoccupied, and the unpermitted structures are permitted and relocated to meet the setback requirements per CCCO §07-10-21 prior to the continuation of the use. <i>See condition of approval No. 1a and 12.</i>	
Criteria Met?	5	Will adequate water, sewer, irrigation, drainage and 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: According to the land use worksheet, water is not proposed for the requested use; however, it is available via domestic well (Exhibit B3 of the Staff Report). Sewer: There is currently an individual septic system servicing the residence on site. There will be 2-3 employees who will have access to the restroom in the residence. According to Southwest District Health on February 27, 2026, the applicant will be using portable restrooms and, in the future, may add a bathroom to the barn which would require a septic system (Exhibit E1.1 of the Staff Report). According to the applicant there will be one (1) portable restroom on site with a hand washing station that will be serviced regularly in accordance with Southwest District Health requirements (Exhibit B4 of the Staff Report). <i>See condition of approval No. 11.</i> SWDH provided an updated comment on September 28 and 29, 2026, restricting the long term use of a portable sanitation rooms, stating there is concerns with the long term use of portable sanitation rooms year round. SWDH recommends a condition of approval be added the applicant constructs a permanent restroom in the barn to mitigate SWDH concerns (Exhibit E1.2). <i>See condition of approval No. 11a.</i> The subject property is located in a Nitrate Priority Area; however, a nitrate priority study is not required unless the wastewater flow meets or exceeds 600 gallons per day according to Southwest District Health (Exhibit E1 of the Staff Report). Irrigation: The subject property is located in Boise Project Board of Control and Wilder Irrigation District service areas. The applicant does not anticipate using irrigation water for the requested use (Exhibit B3 of the Staff Report). The agricultural uses on the property use surface water. According to Boise Project Board of Control, the subject property has 2.51-acres if water rights (Exhibit E3 of the Staff Report). The Watson Lateral runs along the south boundary of the subject property and has a 25' easement from the centerline of the canal. According to Boise Project Board of Control on March 4, 2026, the applicant shall not obscure the easement (Exhibit E3 of the Staff Report). <i>See condition of approval No. 5.</i> Drainage/Stormwater drainage facilities: According to Boise Project Board of Control storm water drainage shall be retained on site, discharge into the live irrigation system is prohibited (Exhibit E3 of the Staff Report). Initially, the applicant stated stormwater will be discharged into the irrigation canal, but the	

	applicant updated the drainage plan on September 26 to comply with Boise Project Board of Control requirements. The applicant proposes to construct a 4 foot berm along the existing fence line near the south property line and have a pond to retain stormwater on site (Exhibit B5 of the Staff Report). Utility Systems: Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on February 27, 2026 and September 3, 2026. No agency comments were provided by those services at the time the staff report was written. It is anticipated that the applicant will be able to work with utility providers to gain any additional utilities if needed. Building: There are two (2) chicken coops that are not permitted nor meet county setback requirements that need to be relocated to meet a 30 foot front setback requirement from the property line and obtain a building permit (Exhibit C7 of the Staff Report). <i>See condition of approval No. 12.</i>	
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 has access to a 28' wide access easement located on the eastern boundary of Parcel R33757, which has access off of Homedale Road (Exhibit B7 of the Staff Report). Homedale Road is classified as a collector roadway which is a more local road. Collectors provide traffic circulation within residential, commercial and industrial areas. According to Golden Gate Highway District No. 3 the applicant shall provide a recorded easement legal description and apply for an approach permit application with Golden Gate Highway District (Exhibit E4 of the Staff Report). Idaho Transportation Department (ITD) has no comments or concerns about the use as it does not meet the threshold for a traffic impact study and does not pose a safety concern.	
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 anticipates 7-8 average daily trips, between the 2-3 employees. Daily trips will be generated in the morning when the applicant leaves for a job site around 7:00 a.m. and in the evening when returning from the job site between 4:00 p.m. and 7:00 p.m. Customers will not come on site as there are no retail operations (sale of landscaping products) included in the proposed business on site. The use is not anticipated to interfere with the existing or future traffic patterns as the use does not trigger the traffic impact study according to Idaho Transportation Department and Golden Gate Highway District No. 3 (Exhibit E2 & E4 of the Staff Report).	
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		
Staff Analysis	Essential services will be provided to accommodate the use including, but not limited to school facilities, police and fire protection, emergency medical services, irrigation facilities. The services will not be negatively impacted by such use, and/or require additional public funding in order to meet the needs created by the requested use. School Facilities: Agency notice was provided to Homedale School District on February 27, 2026 and September 3, 2026, and 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's Sheriff Office and Homedale Fire District on February 27, 2026 and September 3, 2026, and no comments were received from the Sheriff's Department and Homedale Fire District. 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 February 27, 2026, and September 3, 2026, no comments were received. The use is not anticipated to negatively impact emergency medical services. Irrigation Facilities: Wilder Irrigation District and Boise Project Board of Control were notified of the application on February 27, 2026 and September 3, 2026. Boise Project Board of Control provided comments on March 4, 2026 stating there is a 25’ easement from the centerline of the Watson Lateral that shall not be obstructed and stormwater shall not be discharged into live irrigation systems. The applicant proposes to have a berm and a pond to retain stormwater on site (Exhibit B5 of the Staff Report). The use is not anticipated to negatively impact irrigation facilities.
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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 Staff Review		
Criteria Met?	Code Section	Analysis
Met	1	All work shall be conducted off site.
Analysis		All work shall be completed off-site (Exhibit B1 of the Staff Report). The use of the staging area is strictly for parking three (3) business vehicles and six (6) equipment on-site (Exhibit B1 & B4 of the Staff Report). Landscaping products will not be sold on the subject property.
Criteria Met?	2	Business vehicles shall be operable and parked on site, not on a public or private road.
Met		
Analysis		The use consists of nine (9) total parking spaces for the landscaping business consisting of business vehicles and equipment with a loading area for the staging area (Exhibit B4 of the Staff Report). According to the site plan and proposed condition of approval No. 6b, all parking shall be off-street parking, located on the premise and all vehicles shall be operable (Exhibit B5 of the Staff Report).
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		According to the Land Use Worksheet, the use will have two to three (2-3) employees. Employees may visit the site 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.
Criteria Met?	4	Employees may meet on the premises to share rides to and from job sites.
Met		
Analysis		According to the Land Use Worksheet, the proposed use will have two to three (2-3) employees (Exhibit B3 of the Staff Report). If needed, employees may meet on the premises to share rides to and from job sites.
Criteria Met?	5	Employees' vehicles shall be parked on site and not on a public or private road.
Met		
Analysis		On September 26, 2026, the applicant provided a parking plan for nine (9) vehicles; all the parking is located on the premises, therefore no off-street parking will occur (Exhibit B5 of the Staff Report). <i>See condition of approval No. 6b.</i>

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, Hearing Examiner **approves**/Case # CU2025-0023, a conditional use permit of 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 proposed use.
 - a. RV’s shall be unoccupied unless a temporary use permit is obtained with DSD.
 - b. The site and facility shall be maintained in compliance with CCCO Chapter 2 Article 1: Public Nuisances.

2. The conditional use permit for a staging area shall be limited to the applicant, Jose Mendoza Lopez. Should ownership of the subject property, Parcel R33758 change from Jose Mendoza Lopez or an immediate family member, the new property owner shall provide Canyon County's Development Services Department with notarized consent to the staging areas conditions.
3. 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.
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 without written approval from the irrigation district with jurisdiction. The applicant shall comply with applicable Boise Project board of Control requirements. Stormwater shall be retained on site and discharging into live irrigation systems is prohibited (**Exhibit E3**).
6. The proposed development shall be in general conformance with the applicant's site plan and letter of intent (**Exhibits B1-B6**).
 - a. The hours of operation shall be daily, 7:00 a.m. – 7:00 p.m., as proposed in the applicant's letter of intent (**Exhibit B1**).
 - b. Employees' vehicles shall be parked on-site and not on a public or private road (**Exhibit B5**). Business vehicles shall be operable and parked on site, not on a public or private road.
 - c. The staging area shall be limited to 6,400 square foot area of the subject parcel (2.79-acres) in accordance with the site plan (**Exhibit B5**).
 - d. The staging area shall not exceed nine (9) pieces of equipment (2 dump trailers, 1 cargo trailer, 1 skid steer, 1 mini skid steer, 1 flatbed, 3 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**).
7. Any debris or excess of material (which include but not limited to tree trims, grass clippings, waste material, unclean fill and crushed concrete) on site shall be removed from the property within 15 business days.
 - a. Stockpiling of materials in site shall not exceed 12 feet in height.
8. The applicant shall comply with Golden Gate Highway District No. 3 (GGHD3) requirements (**Exhibit E4**).
 - a. The applicant shall provide a recorded easement prepared by an Idaho registered licensed land surveyor for the proposed access to the subject property to GGHD3. The applicant shall provide DSD evidence of completion within 120 days of the signed Findings of Fact, Conclusion of Law and Order.
 - b. An approach permit shall be submitted to Golden Gate Highway District No. 3 for the proposed access location. The access shall be constructed in accordance with GGHD3 requirements. The applicant shall provide DSD evidence of completion within 120 days of the signed Findings of Fact, Conclusion of Law and Order.
9. A dust mitigation plan shall be submitted prior to commencement of use 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 four (4) foot berm with perma-bark, shall be constructed on the south boundary of the proposed 6,400 square foot area located on the subject parcel. The placement of the berm shall take into consideration any easements that may be in place. Evidence shall be submitted to the Development Services Department within 120 days of the Findings of Fact, Conclusion of Law and Order (**Exhibit B5**).
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 prior to the continuation of staging area activities.
 - a. The number of portable restrooms and maintenance shall be as recommended by Southwest District Health's Technical Guidance Manual (Sections 4.18.2 and 4.18.4) temporarily until a permanent restroom is constructed or within 180 days of the signed Findings of Fact, Conclusion of Law and Order, whichever occurs first.
12. The applicant shall obtain a building for the unpermitted structures circled in **Exhibit C7**. Additionally, the structures shall be removed or relocated to meet the 30 foot front setback requirements per CCCO §07-10-21, or with the adjustment of the northern property line.
13. The applicant shall comply with applicable Homedale Fire District requirements. The applicant shall obtain fire district approval within 120 days of the signed Findings of Fact, Conclusion of Law and Order. Evidence shall be provided to Development Services.
14. Siting of the trash bins and the portable restroom shall not create a public nuisance. Verification of the relocation of the trash bins and the portable restroom shall be provided to Development Services within 120 days of the signed Findings of Fact, Conclusion of Law and Order. Evidence shall be the submittal of (1) a site plan showing the location; and (2) photo evidence.

DATED this 22 day of October, 2026.

HEARING EXAMINER
CANYON COUNTY, IDAHO

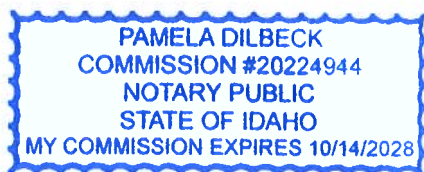
[Signature]
Jerome Mapp, Hearing Examiner;

State of Idaho)

SS

County of Canyon County)

On this 22nd day of October, in the year 2026, before me Pamela Dilbeck, 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: Pamela Dilbeck
My Commission Expires: 10/14/2028