



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

In the matter of the application of:
Atkins/Hess – CU2025-0010

The Canyon County Planning and Zoning Commission considers the following:

Case No. CU2025-0010: The applicant, Anthony Hess, is requesting a Conditional Use Permit for a staging area, contractor shop, and firewood sales on approx. 2 acres of approx. 10.11 acres in an “A” (Agricultural) zone. The applicant is proposing the staging of trucks, equipment, and waste product from tree service in order to also process and sell by-products. There will be 8 employees and parking for them on-site. The proposal includes an office, a small portable sawmill, and firewood sales, with customers coming onsite. Portable toilets are proposed to be on-site. The hours of operation are Monday through Friday, 7:30 am – 5:00 pm, and Saturday, 7:30 am – 12:00 pm. The subject property is located at 16905 Crystal Lane, Wilder, also referenced as Parcel 33760010, 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 CU2025-0010.
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)), and Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures).
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. <i>See</i> 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. <i>See</i> Idaho Code §67-6512, CCZO §07-07-17, and 07-07-19.
e.	Use Standards – Contractor’s Shop: The use shall be contained within a building or behind a sight obscuring fence. <i>See</i> CCZO §07-14-09.
f.	Use Standards – Staging Area: (1) All work shall be conducted off site. (2) Business vehicles shall be operable and parked on site, not on a public or private road. (3) Persons not employed on the premises may visit the premises for the purpose of picking up equipment and materials to be used elsewhere, including trucks offloading or transferring equipment and/or materials to other vehicles. (4) Employees may meet on the premises to share rides to and from job sites. (5) Employees' vehicles shall be parked on site and not on a public or private road. <i>See</i> CCZO §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. CCZO §07-03-01, 07-07-01.
3.	There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. <u>Chambers v. Kootenai Cnty. Bd. of Comm'rs</u> , 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
4.	The burden of persuasion is upon the applicant to prove that all criteria are satisfied. 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 CU2025-0010 was presented at a public hearing before the Canyon County Planning and Zoning Commission on October 16, 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 Canyon County Planning and Zoning Commission decides 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: A staging area and contractor shop are permitted in the “A” (Agricultural) zone by Conditional Use Permit, pursuant to Canyon County Code of Ordinances (CCCO) §07-10-27.	
Findings:	(1) The request includes firewood sales, which is a permitted use in the “A” (Agricultural) zone by a Director’s Decision, pursuant to Canyon County Code of Ordinances (CCCO) §07-10-27. The firewood sales use is considered an accessory use to the tree service business because it is secondary and incidental to the primary use, a staging area and contractor shop (CCCO 07-02-03 – Accessory Use). Therefore, a director's decision would not be required for the accessory firewood sales use.
	(2) The applicant submitted a conditional use permit for a staging area, contractor shop, and firewood sales on April 29, 2025

	(3) 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.”
	(4) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0010.
	(5) Evidence includes associated findings and evidence supported within this document.
2. What is the nature of the request?	
Conclusion: The applicant, Anthony Hess, requests a conditional use permit to allow a staging area, contractor shop, and firewood sales for his business, Heartwood Tree Care, on parcel R33760010 on approximately 2 acres of the 10.11-acre parcel.	
Findings:	(1) <u>Use:</u> The nature of the request consists of using 2 acres of the subject property to store equipment for the applicants’ tree service business, Heartwood Tree Care, such as the service equipment, logs, wood chips, and firewood. The firewood is processed from the tree service work. The applicant is proposing to cover the 2 acres in woodchips. Company vehicles are stored onsite, and when in use, the employee vehicles will be stored onsite. The request includes an office, a storage container, and a small portable sawmill (Staff Report Exhibit A2). During a meeting with the applicant on September 26, 2025, the applicant advised that the staging area and contractor shop will occur on the west 1-acre of the proposed 2-acres, whereas the firewood and woodchip sales, along with the business sign, will occur on the east 1-acre of the proposed 2-acres (Staff Report Exhibit A2.2).
	(2) <u>Number of Employees:</u> The applicant currently has four (4) employees and is proposing up to eight (8) employees. The employees come on-site to load the company vehicles with needed supplies and do most of the work off-site (Staff Report Exhibits A2 and A3).
	(3) <u>Customers:</u> Customers come onsite for the firewood sales. According to the letter of intent, there are approximately 1-2 customers a day who come onsite.
	(4) <u>Hours of Operation:</u> The hours of operation proposed are Monday through Friday, 7:30 a.m. – 5:00 p.m., and Saturdays, 7:30 a.m. – 12:00 p.m. per the applicant’s letter of intent (Staff Report Exhibit A2).
	(5) <u>Parking:</u> The proposal includes parking for eight (8) employee vehicles and the applicant’s company vehicles (Staff Report Exhibit A2).
	(6) <u>Restrooms:</u> The applicant is proposing a portable toilet on-site.
	(7) <u>Firewood Sales:</u> The firewood is processed from the tree service work that is conducted off-site. The firewood is then sold; approximately 50% of the firewood is sold onsite, and the other half is delivered to the customers. The majority of the firewood sales generally take place in October or November (Staff Report Exhibits A2 and A2.1). The firewood sales are an accessory use to the primary use of a staging area and contractor shop of the tree service business, Heartwood Tree Care.
	(8) <u>Sawmill:</u> The applicant is proposing a small portable sawmill to place on the 1-acre portion west of the proposed 2-acre. The sawmill would provide winter work for the tree service workers (Staff Report Exhibit A2).
	(9) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0010.

(10) Evidence includes associated findings and evidence supported within this document.	
3. Is the proposed use consistent with the comprehensive plan?	
Conclusion: As conditioned, the proposed use is consistent with the Comprehensive plan.	
Findings:	(1) The 2030 Canyon County Comprehensive Plan designates the subject parcel as “Agri-Tourism Exclusive Farm Use” (Staff Report Exhibit B1). The property adjacent to the north is designated “Agricultural”, and approximately 2,500 feet to the east is future designated “Intensive Agriculture Overlay”. However, the property approximately 2,000 feet west of the subject property is designated for future “Rural Residential”. This suggests the subject property is in an area that is planned for agricultural business growth, such as the proposed use.
	(2) As conditioned, the proposed use is aligned with but not limited to the following goals and policies of the 2030 Comprehensive Plan: <u>Property Rights Goals and Policies:</u> • G1.01.00: “Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.” • 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.” 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 recommended conditions on page 10 of the Staff Report. <u>Economic Development Goals and Policies:</u> • G3.01.00: “Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations.” • P3.01.02: “Support suitable sites for economic growth and expansion compatible with the surrounding area.” • G3.04.00: “Increase agricultural-based and supportive businesses.” • 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 recommended conditions on page 10 of the Staff Report. <u>Land Use Goals and Policies:</u> • 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.” • P4.02.01: “Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses.” 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. <i>See the recommended conditions on page 10 of the Staff Report.</i>
	(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0010.
	(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: 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.	
Findings:	(1) The surrounding land uses, as reviewed within a one-mile radius, indicate that the land use in the area is agricultural (Staff Report Exhibit B2.5). Although there are some residential properties in the area, the majority have agricultural operations on the properties. There are agricultural operations adjacent to the subject property on all sides. A staging area and contractor shop are allowed in an agricultural zone with a conditional use permit.
	(2) Within a 1-mile radius of the property, there has been one (1) land use case approved for a communications tower (Staff Report Exhibit B2.6). There have been six (6) subdivisions approved (Staff Report Exhibit B2.7) in a 1-mile radius from the subject property. Within a 2-mile radius of the subject property, there are two (2) gravel pits (Staff Report Exhibit B2.8).
	(3) The area is characterized as agricultural. The subject property is adjacent to agricultural operations on all sides. With large agricultural operations on the north and east properties adjacent to the subject parcel. Within 600 feet of the subject property, there are 10 residential properties, all located on agricultural parcels.
	(4) The staging area, contractor shop, and firewood sales may impact the surrounding area due to the increase in noise, dust, increased traffic, and lighting related to the use. Staff have proposed conditions to aid in mitigating these potential effects. The applicant is proposing the hours of operation to be Monday through Friday, 7:30 a.m. – 5:00 p.m., and Saturdays, 7:30 a.m. – 12:00 p.m. Staff is proposing a condition to limit the days and times of using chainsaws and sawmills to Monday through Friday, 9:00 a.m. – 5:00 p.m. This will provide mitigation of the noise created by the use. See Condition # 7b . The proposed use may increase the dust levels in the immediate vicinity. Access to the subject property and parking areas is gravel or covered in wood chips. The applicant is proposing to cover the approximately 2 acres in woodchips. 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, and to cover the 2 acres in woodchips. See conditions # 9 and 9a . See further analysis under section 07-07-05(06 & 07) for discussion and recommended conditions. In order to obscure the business operations, staff recommends that a condition be added to add a sight-obscuring fence or sight-obscuring foliage to the property. See Condition # 12 . The applicant has not indicated that they plan to install lighting for the associated use. 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 # 4 .

	(5) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on July 15, 2025, and September 11, 2025. Newspaper notice was published on September 16, 2025. Property owners within 600' were notified by mail on September 15, 2025. The property was posted on September 15, 2025.
	(6) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0010.
	(7) 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: The project will have adequate water, sewer, irrigation, drainage, and stormwater drainage facilities, and utility systems to accommodate the proposed use based on the findings contained herein.	
Findings:	(1) <u>Water:</u> The property appears to have adequate water via an individual well. There are no additional wells proposed to serve the proposed staging area and contractor shop. According to the Land Use Worksheet, the proposed use will not be using any water (Staff Report Exhibit A3).
	(2) <u>Sewer:</u> There are no proposed septic tanks for this project. There is currently an individual septic tank servicing the residence on site. The applicant is proposing portable toilets. As conditioned, the applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property. See Condition No. 13 (Staff Report Exhibits A3 and D2) .
	(3) <u>Irrigation:</u> The applicant has gravity irrigation provided via surface water (Staff Report Exhibit A3). It's not anticipated that the irrigation system will be impacted by the proposed use. The Boise Project Board of Control provided a comment on July 25, 2025, stating that the property possesses valid water rights (Staff Report Exhibit D5). Condition # 5 ensures the applicant shall not impede, disrupt, or disturb the existing irrigation structure without approval from the irrigation district.
	(4) <u>Stormwater drainage facilities:</u> According to the land use worksheet, stormwater drainage on the subject property will be retained on-site. It appears the use does not require or affect stormwater drainage on the property (Staff Report Exhibit A3).
	(5) Utility Systems: Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on July 15, 2025, and September 11, 2025. No agency comments were provided by the materials deadline of September 26, 2025. It is anticipated that the applicant will be able to work with utility providers to gain any additional utilities needed.
	(6) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on July 15, 2025 and September 11, 2025. Newspaper notice was published on September 16, 2025. Property owners within 600' were notified by mail on September 15, 2025. The property was posted on September 15, 2025.
	(7) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0010.
	(8) 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: The subject property does have legal access for the development and will exist at the time of the development.	
Findings:	(1) The subject parcel has frontage on Crystal Lane along the eastern border. According to the comment received from the Golden Gate Highway District #3 in Staff Report Exhibit D1 , Crystal Lane is classified as a Local Road. Golden Gate Highway District's comment provided conditions of approval, such as the applicant obtaining an approach permit, maintaining the minimum driveway spacing requirements, and a representative of Golden Gate Highway District is to address any possible sight distance issues.
	(2) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on July 15, 2025, and September 11, 2025. Newspaper notice was published on September 16, 2025. Property owners within 600' were notified by mail on September 15, 2025. The property was posted on September 15, 2025.
	(3) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0010.
	(4) Evidence includes associated findings and evidence supported within this document.
7. Will there be undue interference with existing or future traffic patterns?	
Conclusion: There will not be undue interference with the existing or future traffic patterns as conditioned.	
Findings:	(1) It's anticipated that there will be a total of eight (8) employees, most of whom will be coming to pick up materials and leave at the beginning of their shift, and at the end of their shift, they will come to drop off the materials. Customers do come onsite for the purchase of firewood. According to the letter of intent (Staff Report Exhibit A2), there would not be more than approximately two (2) customers on-site in a day.
	(2) According to the comment from ITD, they have no comments or concerns. (Staff Report Exhibit D4).
	(3) The comment received from Golden Gate Highway District on July 15, 2025, stated that a traffic impact study is not warranted (Staff Report Exhibit D1).
	(4) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on July 15, 2025, and September 11, 2025. Newspaper notice was published on September 16, 2025. Property owners within 600' were notified by mail on September 15, 2025. The property was posted on September 15, 2025.
	(5) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0010.
	(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: 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.	

Findings:	(1) <u>School Facilities:</u> Parcel R33760010 is serviced by the Homedale School District. It is not anticipated that any impacts or accommodations will be needed for the proposed use. Agency comments were sent out on July 15, 2025, and September 11, 2025. No comments were received by the school district.
	(2) <u>Police and Fire protection:</u> Parcel R33760010 is under the jurisdiction of the Homedale Fire District. Homedale 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 # 2. Agency notice was sent on July 15, 2025, and September 11, 2025. No comment was received by the materials deadline. No comment was received from the Canyon County Sheriff's Department.
	(3) <u>Emergency Medical Services:</u> Emergency Medical Services are provided to the property. Canyon County Paramedics/EMT and Canyon County's Emergency Management were notified of the application on July 15, 2025, and September 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.
	(4) <u>Irrigation Facilities:</u> The proposed use is not anticipated to impact the irrigation facilities. Agency notice was sent out to Boise Project Board of Control and Wilder Irrigation District on July 15, 2025, and September 11, 2025. The Boise Project Board of Control provided a comment on July 25, 2025, stating that the property does possess a valid water right and that there are no irrigation facilities located on the property (Staff Report Exhibit D5). Condition # 5 ensures the applicant shall not impede, disrupt, or disturb the existing irrigation structure without approval from the irrigation district.
	(1) Notice of the public hearing was provided per CCZO §07-05-01. Affected agencies were noticed on July 15, 2025, and September 11, 2025. Newspaper notice was published on September 16, 2025. Property owners within 600' were notified by mail on September 15, 2025. The property was posted on September 15, 2025.
	(2) Evidence includes the application, supporting materials submitted by the applicant, public testimony, and the staff report with exhibits found in Case No. CU2025-0010.
	(3) Evidence includes associated findings and evidence supported within this document.
CONTRACTOR SHOP HEARING CRITERIA – CCZO §07-14-09	
1. The use shall be contained within a building or behind a sight-obscuring fence.	
Conclusion: The Contractor Shop use will be within a building or behind a sight-obscuring fence and/or sight-obscuring foliage.	
Findings:	(1) There shall be a sight-obscuring fence that all vehicles and equipment will be contained behind. See Condition # 12. The office is proposed to be contained within a building. All other work is done off-site.
STAGING AREA HEARING CRITERIA – CCZO §07-14-29	

1. All work shall be conducted off-site.	
Conclusion: The Commissioners find that all work for the staging area shall be conducted off-site.	
Findings:	(1) Per the applicant's land use worksheet and letter of intent, all work will be conducted off-site, with loading and unloading of supplies on-site, except 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/foilage (Staff Report Exhibits A2 and A3).
2. Business vehicles shall be operable and parked on site, not on a public or private road.	
Conclusion: All business vehicles are operable and parked on site.	
Findings:	(1) Per the applicant's land use worksheet, parking will be on-site (Staff Report Exhibit A3). No parking will take place on a public or private road (Condition # 7c). Based on the Planning Staff's site visit on August 25, 2025, there does not appear to be any inoperable business vehicles on the property (Staff Report Exhibit C)
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 rucks offloading or transferring equipment and/or materials to other vehicles.	
Conclusion: Employees will load and unload the equipment onsite to be used elsewhere.	
Findings:	(1) Per the applicant's letter of intent, there will be approximately eight (8) employees total who will visit the premises to pick up equipment to be used elsewhere (Staff Report Exhibit A2).
4. Employees may meet on the premises to share rides to and from job sites.	
Conclusion: Employees may meet on the subject property to share rides to and from job sites.	
Findings:	(1) 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.
5. Employees' vehicles shall be parked on site and not on a public or private road.	
Conclusion: Employees will park on the subject property and not park on a public or private road.	
Findings:	(1) 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. Per Condition # 7c , there shall be no parking on a public or private road.
Order	
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission approves Case # CU2025-0010, a conditional use permit of a Staging Area, Contractor Shop, and Firewood Sales, subject to the following conditions as enumerated:	
<u>Conditions of Approval</u>	
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 change of occupancy from residential to commercial occupancy, fire district permits, and approval for a Certificate of Occupancy for the business office. All appropriate building permits shall be obtained within 180 days from the approval of the Conditional Use Permit .	

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. Prior to commencement of use, the applicant shall coordinate with Golden Gate Highway District #3 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 without written approval from the irrigation district with jurisdiction. All necessary permits shall be obtained from Pioneer Irrigation District and shall be obtained prior to commencement.
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 A2, A2.1, A2.2, and A4**).
 - a. The hours of operation shall be Monday – Friday, 7:30 a.m. – 5 p.m., and Saturdays, 7:30 a.m. – 12:00 p.m., as proposed in the applicant's letter of intent (**Staff Report Exhibit A2**).
 - b. The use of chainsaws and sawmills shall be limited to the hours of operation: Monday through Friday, 9:00 a.m. – 5:00 p.m.
 - c. 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.
 - d. The east 1-acre portion of the proposed 2-acres shall be limited to the business sign and firewood and woodchip sales (**Staff Report Exhibit A2.2**).
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.
 - a. Commencement shall be the date zoning compliance is issued for a change of occupancy for the office.
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.
 - a. The applicant shall install woodchips on the surface of the 2 acres designated for the conditional use permit for the staging area, contractor shop, and firewood sales as seen in **Staff Report Exhibit A4**.
10. Uncut wood and firewood (including rounds, cut, and split) pile sizes shall not exceed 15 feet in height and 100 feet in width.
11. The "Chip" pile shall not exceed 10 feet in height and 100 feet in length or width, and there shall only be one "Chip" pile on the property.
12. A sight-obscuring fence, foliage that is sight-obscuring, or a combination of a fence and foliage that is sight-obscuring shall be constructed on all boundaries of the back 1-acre portion of the proposed 2-acres located on the 10.11-acre parcel. The placement of fencing or foliage shall take into consideration any easements that may be in place. Proof shall be submitted to the Development Services Department for review and approval within **9 months from the approval of the Conditional Use Permit (Staff Report Exhibit A2.2)**.

13. 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 commencement of contractor shop and staging area activities.

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

14. The conditional use permit for a staging area, contractor shop, and firewood sales shall be limited to Anthony Hess and family. Should ownership of the approximately 2 acres of the 10.11-acre parcel change from Anthony Hess or an immediate family member, the conditional use permit for a staging area, contractor shop, and firewood sales shall terminate.

DATED this 6 day of November, 2025.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO


Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 6th day of November, in the year 2025, before me CAITLIN ROSS, a notary public, personally appeared Robert Sturgill, personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he (she) executed the same.



Notary: Caitlin Ross

My Commission Expires: 5/7/2031