

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

In the matter of the application of:

Barnes – CU2025-0012

The Canyon County Planning and Zoning Commission considers the following:

The applicant, Duane and Katherine Barnes, requests a conditional use permit for a staging area and contractor shop on approximately 1 acre of the 5.35 acres in an "A" (Agricultural) zone for their business, Barnes Construction, LLC. The applicant proposes to use two pre-existing shops on the property to store tools and materials, as well as an office. There will be 6 employees and parking for them on-site. The hours of operation are Monday through Thursday, 7:00 am – 5:00 pm.

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 CU2025-0012.
 - 1. All exhibits are located in the case staff report dated December 4, 2025

Applicable Law

- 1. The following laws and ordinances apply to this decision: Canyon County Code §01-17 (Land Use/Land Division Hearing Procedures), Canyon County Code §07-05 (Notice, Hearing and Appeal Procedures), Canyon County Code §07-07 (Conditional Use Permits), Canyon County Code §07-02-03 (Definitions), Canyon County Code §07-10-27 (Land Use Regulations (Matrix)), Idaho Code §67-6512 (Special Use Permits, Conditions, and Procedures), and 09-09-17 (Area of City Impact Agreement).
 - a. Notice of the public hearing was provided pursuant to CCCO §07-05-01, Idaho Code §67-6509 and 67-6512.
 - b. A special use permit may be granted to an applicant if the proposed use is conditionally permitted by the terms of the ordinance, subject to conditions pursuant to specific provisions of the ordinance, subject to the ability of political subdivisions, including school districts, to provide services for the proposed use, and when it is not in conflict with the plan. Idaho Code §67-6512.
 - c. Every use which requires the granting of a conditional use permit is declared to possess characteristics which require review and appraisal by the commission to determine whether or not the use would cause any damage, hazard, nuisance or other detriment to persons or property in the vicinity. *See* CCCO §07-07-01.
 - d. Upon the granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those: (1) Minimizing adverse impact on other development; (2) Controlling the sequence and timing of development; (3) Controlling the duration of development; (4) Assuring that development is maintained properly; (5) Designating the exact location and nature of development; (6) Requiring the provision for on-site or off-site public facilities or services; (7) Requiring more restrictive standards than those generally required in an ordinance; (8) Requiring mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCCO §07-07-17, and 07-07-19.
 - e. Use Standards – Contractor's Shop: The use shall be contained within a building or behind a sight obscuring fence. *See* CCCO §07-14-09.

- f. Use Standards – Staging Area: (1) All work shall be conducted off site. (2) Business vehicles shall be operable and parked on site, not on a public or private road. (3) Persons not employed on the premises may visit the premises for the purpose of picking up equipment and materials to be used elsewhere, including trucks offloading or transferring equipment and/or materials to other vehicles. (4) Employees may meet on the premises to share rides to and from job sites. (5) Employees' vehicles shall be parked on site and not on a public or private road. *See CCCO §07-14-29.*
2. The commission shall have those powers and perform those duties assigned by the board that are provided for in the local land use planning act, Idaho Code, title 67, chapter 65, and county ordinances. CCCO §07-03-01, 07-07-01.
3. There are no mandates in the Local Planning Act as to when conditional permits may or may not be granted, aside from non-compliance with the community master plan. I.C. § 67-6512. Chambers v. Kootenai Cnty. Bd. of Comm'rs, 125 Idaho 115, 117, 867 P.2d 989, 991 (1994).
4. The burden of persuasion is upon the applicant to prove that all criteria are satisfied. CCCO §07-05-03.
5. Idaho Code §67-6535(2) requires the following: The approval or denial of any application required or authorized pursuant to this chapter shall be in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.
6. The County's hearing procedures adopted per Idaho Code §67-6534 require that final decisions be in the form of written findings, conclusions, and orders. CCCO 07-05-03(1)(I).

The application, CU2025-0012, was presented at a public hearing before the Canyon County Planning and Zoning Commission on December 4, 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:

Table 1. Conditional Use Permit Review Criteria Analysis

HEARING CRITERIA 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:					
Compliant			County Ordinance and Staff Review		
Yes	No	N/A	Code Section	Analysis	
☒	☐	☐	07-07-05(1)	Is the proposed use permitted in the zone by conditional use permit?	
			Analysis	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. The applicant submitted a conditional use permit for a staging area and contractor shop on <i>May 30, 2025</i>. See Staff Report Exhibit A for the application and submitted materials. - CCCO §07-02-03 defines a staging area as "An area where equipment and/or materials are stored for use conducted entirely off-site." - CCCO §07-02-03 defines a contractor shop as "May include, but not limited to, a building where a contractor conducts his business, including offices and parking of equipment and employee parking."	
☒	☐	☐	07-07-05(2)	What is the nature of the request?	
			Analysis	The applicants, Duane and Kathy Barnes, request a conditional use permit to establish a staging area and contractor shop for their business, Barnes Construction LLC, on approximately 1 acre of the 5.35-acre parcel, designated as R25390010.	

				• <u>Use</u>: The nature of the request consists of using 1 acre of the subject property to store equipment for the applicants' general contractor business, Barnes Construction LLC, such as vehicles, trailers, tools, and miscellaneous materials (Staff Report Exhibit A2.1). Company vehicles are stored on-site, and when not in use, employee vehicles are also stored on-site. The request includes a pre-existing 30x55 shop with an office inside and a 30x40 tarp shed (Staff Report Exhibit A2). • <u>Number of Employees</u>: The applicant is proposing to have six (6) employees. The employees come on-site to load and unload the needed supplies; the work is conducted off-site (Staff Report Exhibit A3). • <u>Customers</u>: There are no customers who come on-site. • <u>Hours of Operation</u>: The hours of operation proposed are Monday through Thursday, 7:00 am – 5:00 pm per the land use worksheet (Staff Report Exhibit A3). • <u>Parking</u>: The proposal includes parking for six (6) employee vehicles and the applicant's company vehicles (Staff Report Exhibit A2). • <u>Restrooms</u>: There is currently an individual septic tank servicing the residence on site. The Pre-Development Notes with Southwest District Health state <i>"that no employees remain on-site during the workday, and there are no anticipated changes to the use of the restroom facilities or other sources of wastewater generation. Therefore, no increase in wastewater flow to the existing septic system is expected at this time"</i> (Staff Report Exhibit D1.1).
			07-07-05(3)	Is the proposed use consistent with the comprehensive plan? As conditioned, the proposed use is consistent with the Comprehensive Plan. The 2030 Canyon County Comprehensive Plan designates the subject parcel as "Rural Residential" (Staff Report Exhibit B4.17). However, approximately 0.35 miles north of the subject property, there is a future commercial land use designation, approximately 0.88 miles south of the subject property is zoned agricultural, and approximately 1.75 miles west of the subject property, there is a future industrial land use designation. The future land use is trending towards a mixed use of residential, commercial, and agricultural. 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 Goal</u>: ○ G1.01.00: <i>"Protect the integrity of individual property rights while safeguarding public health, safety, and welfare."</i> 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). <i>See the conditions on page 9.</i> • <u>Population Goal</u>: ○ G2.01.00: <i>"Incorporate population growth trends and projections when making land use decisions."</i>
☒	☐	☐	Analysis	

				Property owners have the “right to enjoy the property for its intended use without creating nuisances. Zoning categorizes land uses based on compatibility, such as agriculture, residential, commercial, and industrial. Each category has characteristics that might not be compatible with other zoning categories (Pg. 10, Comprehensive Plan 2030).” See section 07-07-05(4) for analysis on land use compatibility and consistency. • <u>Economic Development Goal:</u> ○ G3.05.00: “Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability.” Canyon County supports retaining, expanding, and recruiting businesses and economic growth and expansion, but this must be done in a way that is compatible with the surrounding area, which may include adding mitigation conditions to this conditional use permit that address the community’s concerns (noise, traffic, dust, etc.). See the conditions on page 9. • <u>Land Use 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.” Canyon County supports growth and development as long as it is compatible with the surrounding area and appropriate conditions are added to mitigate adverse impacts that affect other land uses and the surrounding community. See the conditions on page 9.																				
☒	☐	☐	07-07-05(4)	Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area? As conditioned, the proposed use is not anticipated to be injurious to other property in the immediate vicinity and will not negatively change the essential character of the area. Summary: The surrounding land uses, as reviewed within a one- and two-mile radius, as well as the current zoning and classification map, indicate that land uses in the area are a combination of residential, commercial, and agricultural uses as seen in Staff Report Exhibits B4.6, B4.7, and B4.8. 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. As conditioned, the proposed use is not anticipated to be injurious to other property within the immediate vicinity, nor negatively change the essential character of the area. Adjacent Existing Conditions: <table border="1"> <thead> <tr> <th>Direction</th> <th>Existing Use</th> <th>Primary Zone</th> <th>Other Zone</th> </tr> </thead> <tbody> <tr> <td>N</td> <td>Agricultural with Primary Residence</td> <td>A</td> <td>C-1</td> </tr> <tr> <td>S</td> <td>Agricultural with Primary Residence</td> <td>A</td> <td>-</td> </tr> <tr> <td>E</td> <td>Agricultural with Primary Residence</td> <td>A</td> <td>R-R & City of Star</td> </tr> <tr> <td>W</td> <td>Agricultural Operation</td> <td>A</td> <td>-</td> </tr> </tbody> </table>	Direction	Existing Use	Primary Zone	Other Zone	N	Agricultural with Primary Residence	A	C-1	S	Agricultural with Primary Residence	A	-	E	Agricultural with Primary Residence	A	R-R & City of Star	W	Agricultural Operation	A	-
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Surrounding Land Use Cases:

Within a 1-mile radius of the property, there have been six (6) land use cases approved. One (1) conditional rezone to a commercial zone, two (2) rezones to a residential zone, one (1) conditional use permit for a small animal facility, and two (2) conditional use permits for RV storage (**Staff Report Exhibit B4.7**).

There have been fifteen (15) subdivisions approved (**Staff Report Exhibit B4.8**) in a 1-mile radius from the subject property.

Within a 2-mile radius of the subject property, there are two (2) gravel pits, one (1) feedlot, and one (1) dairy (**Staff Report Exhibit B4.9**).

Character of the Area:

The area is characterized by a mix of uses ranging from residential, commercial, and agricultural. The subject property is adjacent to agricultural operations on the east, south, and west sides. Within 600 feet of the subject property, there are 12 residential properties, all located in the agricultural zone. Located approximately 0.43 miles to the north is "C1" (Neighborhood Commercial) zoning, approximately 0.48 miles to the northwest is "CR-C2" (Service Commercial – Conditional Rezone) zoning, and approximately 0.47 miles to the northeast is "C1" (Neighborhood Commercial) zoning. Located to the east, approximately 0.95 miles from the subject property, is zoned RR (Rural Residential), and approximately 1.26 miles to the west is zoned "R1" (Single Family Residential).

Potential Impacts:

The staging area and contractor shop 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. See the recommended conditions on page 10.

The applicant is proposing the hours of operation to be Monday through Thursday, 7:00 am – 5:00 pm. See **Condition # 7a**.

The proposed use may increase the dust levels in the immediate vicinity due to the access to the subject property and parking areas is gravel. As conditioned, dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations, including but not limited to nuisance regulations (CCCO Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) requirements. To mitigate the potential for dust, the applicant shall submit a dust mitigation plan for staff's review and approval prior to commencement. See **Condition # 9**. 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 to the property. See **Condition # 10**.

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**.

				See CCCO §07-07-05(7) for potential traffic impact analysis.
☒	☐	☐	07-07-05(5)	Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?
			<i>Analysis</i>	The project will have adequate water, sewer, irrigation, drainage, and stormwater drainage facilities, and utility systems to accommodate the proposed use based on the analysis contained herein. Water: The property appears to have adequate water via an individual well. There are no additional wells proposed to serve the proposed staging area and contractor shop (Staff Report Exhibit A3). The existing water uses are anticipated to provide adequate water for the proposed use. Sewer: There are no proposed septic tanks for this project. There is currently an individual septic tank servicing the residence on site. Southwest District Health provided comment on July 15, 2025, and there were no concerns raised (Staff Report Exhibit D1). The Pre-Development Notes with Southwest District Health state <i>“that no employees remain on-site during the workday, and there are no anticipated changes to the use of the restroom facilities or other sources of wastewater generation. Therefore, no increase in wastewater flow to the existing septic system is expected at this time”</i> (Staff Report Exhibit D1.1). As conditioned, the applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property. See Condition # 11. Irrigation: The applicant has pressurized irrigation (Staff Report Exhibit A3). Agency notice was sent out to Farmer Cooperative Ditch Co. on July 15, 2025, and October 30, 2025. No comments were received. It’s not anticipated that the irrigation system will be impacted by the proposed use. Condition # 5 ensures the applicant shall not impede, disrupt, or disturb the existing irrigation structure without approval from the irrigation district. Stormwater drainage facilities: According to the land use worksheet, 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). Utility Systems: Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on July 15, 2025, and October 30, 2025. No agency comments were provided by those services at the time the staff report was written. It is anticipated that the applicant will be able to work with utility providers to gain any additional utilities needed.
☒	☐	☐	07-07-05(6)	Does legal access to the subject property for the development exist or will it exist at the time of development?
			<i>Analysis</i>	The subject property does have legal access for the development and will exist at the time of the development. The subject parcel takes access off of a shared access to Eel Lane. According to the comment received from Highway District No. 4 in Staff Report Exhibit D3, Eel Lane is classified as a Local Road. Highway District No. 4’s comment provided conditions of approval, such as the applicant obtaining an access permit and obtaining a commercial approach. See Condition # 3a.

☒	☐	☐	07-07-05(7)	Will there be undue interference with existing or future traffic patterns?
			Analysis	There will not be undue interference with the existing or future traffic patterns as conditioned. It's anticipated that there will be a total of six (6) 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. There are no customers who come onsite. The comment received from Highway District No. 4 on August 7, 2025, stated that HD4 does not oppose the requested land use changes. The ITE Trip Generation Manual estimates there to be 22 daily trips, and HD4 requests an impact fee of approximately \$6,397 (Staff Report Exhibit D3).
☒	☐	☐	07-07-05(8)	Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?
			Analysis	Essential services will be provided to accommodate the use, including, but not limited to, school facilities, police and fire protection, emergency medical services, and irrigation facilities. The services will not be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use. School Facilities: Parcel R25390010 is serviced by the Middleton School District. It is not anticipated that any impacts or accommodations will be needed for the proposed use. Agency comments were sent out on July 15, 2025, and October 30, 2025. No comments were received by the school district. Police and Fire protection: Parcel R25390010 is under the jurisdiction of the Star Fire District. Star 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 certification 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 October 30, 2025. No comment was received by the materials deadline. No comment was received from the Canyon County Sheriff's Department. Emergency Medical Services: Emergency Medical Services are provided to the property. Canyon County Paramedics/EMT and Canyon County's Emergency Management were notified of the application on July 15, 2025, and October 30, 2025. No comments were received. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding. Irrigation Facilities: The proposed use is not anticipated to impact the irrigation facilities. Agency notice was sent out to Farmer Cooperative Ditch Co. on July 15, 2025, and October 30, 2025. No comments were received. Condition # 5 ensures the applicant shall not

			impede, disrupt, or disturb the existing irrigation structure without approval from the irrigation district.
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**Table 2. Article 14 Use Standards Criteria Analysis
- Contractor Shop & Staging Area-**

USE STANDARDS 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).			
Compliant			County Ordinance and Staff Review
Yes	No	N/A	Code Section Analysis
☒	☐	☐	07-14-09(1) Contractor Shop: (1) The use shall be contained within a building or behind a sight-obscuring fence.
			Analysis There shall be a sight-obscuring fence that all vehicles and equipment will be contained behind. See Condition # 10 . The applicant has a pre-existing 30x55 shop, of which the office is contained within, as well as a 30x40 tarp shed that is used to store equipment. All other work is done off-site.
Yes	No	N/A	Code Section Analysis
☒	☐	☐	07-14-29(1) All work shall be conducted off site.
			Analysis Per the applicant's land use worksheet and letter of intent, all work will be conducted off-site, 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 (Staff Report Exhibits A2 and A3).
☒	☐	☐	07-14-29(2) Business vehicles shall be operable and parked on site, not on a public or private road.
			Analysis 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 # 7b). Based on the Planning Staff's site visit on September 5, 2025, there does not appear to be any inoperable business vehicles on the property (Staff Report Exhibit C).
☒	☐	☐	07-14-29(3) Persons not employed on the premises may visit the premises for the purpose of picking up equipment and materials to be used elsewhere, including trucks offloading or transferring equipment and/or materials to other vehicles.
			Analysis Per the land use worksheet, there will be approximately six (6) employees total who will visit the premises to pick up equipment to be used elsewhere (Staff Report Exhibit A3).
☒	☐	☐	07-14-29(4) Employees may meet on the premises to share rides to and from job sites.
			Analysis The above may occur (Staff Report Exhibit A2). 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.
☒	☐	☐	07-14-29(5) Employees' vehicles shall be parked on site and not on a public or private road.
			Analysis There are ample parking spaces for employee vehicles, as seen during the site visit (Staff Report Exhibit C). There is space for more parking if needed. Per Condition # 7b , there shall be no parking on a public or private road.

Table 3. Area of City Impact

CCCO §09-09-17: Middleton Area of Impact – Application Procedures				
Compliant			County Ordinance and Staff Review	
Yes	No	N/A	Code Section	Analysis
☒	☐	☐	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 <u>09-09-11(3)</u> of this article.
			<i>Analysis</i>	The subject parcel is in the City of Middleton's area of impact. The City of Middleton's Future Land Use Map designates the subject property and surrounding area as mixed-use (Staff Report Exhibit B4.13). The City of Middleton's future land use designation indicates that the proposed use will not negatively impact the City of Middleton. An agency notice was sent out to the City of Middleton on July 15, 2025, and on October 30, 2025. No comment was received by the materials deadline of November 24, 2025.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2025-0012, a conditional use permit of a Staging Area and Contractor Shop subject to the following conditions as enumerated:

Conditions of Approval

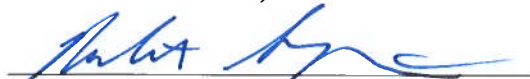
1. The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the subject property and the proposed use.
 - a. The applicant shall comply with applicable Canyon County GIS Department requirements (**Exhibit D5**).
2. A change of occupancy from residential to commercial occupancy, fire district permits, and approval for a Certificate of Occupancy for the pre-existing 30x55 shop, 30x40 tarp shed, and 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. Provided at the time of the change of occupancy permit, the applicant shall coordinate with Highway District No. 4 and obtain the necessary approvals for the intended use. Evidence shall be an approved approach permit from the subject highway district.
4. All exterior lighting, if installed, shall be downward-facing and directed away from surrounding properties. Compliance shall be demonstrated in the building plans submitted as part of the building permit submittal via an exterior lighting plan. Review and approval by DSD shall be completed before building permit issuance.
5. The applicant shall not impede, disrupt, or otherwise disturb the existing irrigation structures on and adjacent to the subject property and easement without written approval from the irrigation district with jurisdiction.
6. Signage shall meet CCCO §07-10-13 requirements, and shall not exceed 32 sq. feet and 10 feet in height unless an additional sign permit is applied for and approved by the Director. If it exceeds 6 ft in height, a building permit is required.
7. The proposed development shall be in general conformance with the applicant's site plan and letter of intent (**Exhibits A2, A2.1, and A4**).
 - a. The hours of operation shall be Monday – Thursday, 7:00 am – 5:00 pm, as outlined in the applicant's land use worksheet (**Exhibit A3**).
 - b. Employees' vehicles shall be parked on-site and not on a public or private road. Business vehicles shall be operable and parked on site, not on a public or private road.
8. This conditional use permit must follow land use time limitation as stated in CCCO 07-07-23: "When a conditional use permit is granted, the land use or construction of its facility proposed in the application must have commenced

within three (3) years of the date of the final decision by the presiding party or a court of appropriate jurisdiction. The improvements for the approved use must be completed within five (5) years of the same date.

- a. Commencement shall be the date zoning compliance is issued for a change of occupancy for the pre-existing 30x55 shop, the 30x40 tarp shed, and the business office.
9. A dust mitigation plan shall be provided **180 days from the approval of the Conditional Use Permit** to the Development Services Department. Dust shall be controlled per applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to operations, including but not limited to nuisance regulations (Canyon County Code of Ordinances Chapter 2 Article 1: Public Nuisances) and shall be consistent with Idaho Department of Environmental Quality (DEQ) requirements.
10. A sight-obscuring fence shall be constructed on the east and south boundaries south of the house on the proposed 1-acre portion located on the 5.35-acre parcel, as seen in **Exhibit A7, within 6 months from the approval of the Conditional Use Permit**. The placement of fencing shall take into consideration any easements that may be in place. Proof shall be submitted to the Development Services Department for review and approval.
11. The applicant shall meet all applicable Southwest District Health (SWDH) requirements for the proposed uses. Evidence shall be a letter of review and approval from SWDH, provided **180 days from the approval of the Conditional Use Permit**.
12. The conditional use permit for a staging area and contractor shop shall be limited to Duane Barnes and family. Should ownership of parcel R25390010 change from Duane Barnes or an immediate family member, the conditional use permit for a staging area and contractor shop shall terminate.
13. The applicant shall obtain and meet the private road requirements of CCCO 07-10-03 prior to commencement of use.
 - a. The private road shall meet the paving requirements.

DATED this 18 day of December, 2025.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO


Robert Sturgill, Chairman

State of Idaho)

SS

County of Canyon County)

On this 18 day of December, 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