



PLANNING AND ZONING COMMISSION

FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER

In the matter of the application of:
Jimenez-Arredondo – CU2025-0013

The Canyon County Planning and Zoning Commission considers the following:

The applicant, Juan Jimenez-Arredondo, represented by Jaime Huerta, is requesting a Conditional Use Permit for a staging area and contractor shop for a fencing and landscape business, Jimenez Brothers Landscaping & Fencing LLC., of approximately 5.95 acres in an "A" (Agricultural) zone. The applicant is proposing a metal shop to store tools and materials, along with a 6-foot sight-obscuring fence around the facility to store larger equipment, such as 5 pickup trucks and 7 utility trailers. There will be 10 employees and parking spaces for them on-site. No customers come onsite. Proposed hours of operation are Monday through Friday, 7 am – 7 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 CU2025-0013.
 - 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)), and 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 – 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, CU2025-0013, 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 decide 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?
			<i>Analysis</i>	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 June 20, 2025. See Staff Report Exhibit A for the application and submitted materials. - CCCO §07-02-03 defines a staging area as “An area where equipment and/or materials are stored for use conducted entirely off-site.” - CCCO §07-02-03 defines a contractor shop as “May include, but not limited to, a building where a contractor conducts his business, including offices and parking of equipment and employee parking.”
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				Staff observed an RV that appeared to be occupied during the site visit on September 5, 2025 (Staff Report Exhibit C). An occupied RV is not an allowed use without the proper permitting.
☒	☐	☐	07-07-05(2)	What is the nature of the request?
			Analysis	The applicant, Jaime Huerta, requests a conditional use permit to establish a staging area and contractor shop for the property owner's business on an approximately 5.95-acre parcel, designated as R35530. • <u>Use</u>: The nature of the request consists of using the subject property to store equipment for the property owners' landscaping and fencing business, Jimenez Brothers Landscaping & Fencing LLC., such as vehicles, trailers, tools, and miscellaneous materials (Staff Report Exhibit A3). Company vehicles are stored on-site. When the company vehicles are in use, the employee vehicles are stored on-site. The request includes a new metal shop (Staff Report Exhibit A2). • Staff verified with the Canyon County Building Department (Staff Report Exhibit D4.1) that the current structures on the property are permitted for the current use. • <u>Number of Employees</u>: The applicant is proposing to have ten (10) employees. The employees come on-site to load and unload the needed supplies; the work is conducted off-site (Staff Report Exhibit A4). • <u>Customers</u>: There are no customers who come on-site. • <u>Hours of Operation</u>: The hours of operation proposed are Monday through Friday, 7:00 am – 7:00 pm per the land use worksheet (Staff Report Exhibit A4). • <u>Parking</u>: The proposal includes parking for ten (10) employee vehicles and the applicant's company vehicles (Staff Report Exhibit A3). • <u>Restrooms</u>: There is currently an individual septic tank servicing the residence on site. The proposed staging area and contractor shop do not anticipate the use of restrooms (Staff Report Exhibit A4). During staff's site visit on September 5, 2025, staff observed a portable restroom. • <u>Diesel Tank</u>: During the Site Visit on September 5, 2025 (Staff Report Exhibit C), staff observed a diesel tank used for the staging area and contractor shop.
☒	☐	☐	07-07-05(3)	Is the proposed use consistent with the comprehensive plan?
			Analysis	As conditioned, the proposed use is consistent with the Comprehensive Plan. The 2030 Canyon County Comprehensive Plan designates the subject parcel as "Agricultural" (Staff Report Exhibit B2.17). However, approximately 0.60 miles east of the subject property, there is a future residential land use designation, approximately 0.80 miles north of the subject property is future zoned industrial, and approximately 1.8 miles west of the subject property is future zoned intensive agriculture overlay. The future land use is trending towards a mixed use of residential, industrial, 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). ● <u>Population Goal:</u> ○ G2.01.00: <i>"Incorporate population growth trends and projections when making land use decisions."</i> <i>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.</i> ● <u>Economic Development Goal:</u> ○ G3.05.00: <i>"Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability."</i> 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.). ● <u>Land Use Policies:</u> ○ P4.01.01: <i>"Maintain a balance between residential growth and agriculture that protects the rural character."</i> ○ P4.01.02: <i>"Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights."</i> 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.
☐	☒	☐	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?
			Analysis	The proposed use is anticipated to be injurious to other property in the immediate vicinity and will negatively change the essential character of the area based upon the public testimony heard on December 4, 2025. 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, industrial, and agricultural uses as seen in Staff Report Exhibits B2.6, B2.7, and B2.10. There are agricultural operations adjacent to the subject property on the north, south, and west sides. A staging area and contractor shop are allowed in an agricultural zone with a conditional use permit. The proposed use is anticipated to be injurious to other property within the

immediate vicinity and negatively change the agricultural character of the area based on the public testimony heard on December 4, 2025.

Adjacent Existing Conditions:

Direction	Existing Use	Primary Zone	Other Zone
N	Agricultural Operation	A	-
S	Agricultural Operation	A	-
E	Primary Residence w/Unpermitted Staging Area	A	-
W	Agricultural with Primary Residence	A	-

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

Surrounding Land Use Cases:

Within a 1-mile radius of the property, there has been one (1) land use case approved for a conditional rezone to rural residential (**Staff Report Exhibit B2.7**). There have been three (3) subdivisions approved (**Staff Report Exhibit B2.8**) in a 1-mile radius from the subject property. Within a 1-mile radius of the subject property, there is one (1) feedlot, and within a 2-mile radius of the subject property, there are two (2) gravel pits (**Staff Report Exhibit B2.9**).

Character of the Area:

The area is characterized as agricultural. The subject property is adjacent to agricultural operations on the north, south, and west sides. There appears to be an unpermitted use similar to the proposed use to the east of the subject property, with an open code enforcement violation, Parcel R35528010. Within 600 feet of the subject property, there are 14 residential properties, all located on agricultural parcels.

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.

Testimony from Keith Cochran, heard on December 4, 2025, stated that he moved to this area to enjoy the agricultural area, and it is now turning into an industrial park. Keith Cochran expressed concerns for the smaller kids in the area because trucks with trailers are coming from the subject property, along with at least two other properties. See CCCO §07-07-05(7) for potential traffic impact analysis. Keith Cochran advised that he lives an agricultural way of life to be able to raise animals such as chickens, goats, horses, and cats.

Ed McFarland's testimony, heard on December 4, 2025, stated that he moved out of the city to live in the country and bought his property as an investment. Ed McFarland's neighbors have nice homes that they invested in and moved there for peace and quiet. Ed McFarland expressed concern that the applicant will not abide by the hours of operation and will become a full delivery business, operating at all hours. Ed McFarland stated that he and his neighbors want privacy, peace and quiet, and a good investment. They do not want property devalued due to commercial use in the area. Ed McFarland expressed concerns that there is a school bus stop approximately a quarter mile from the proposed property.

				Testimony from Staci VanOstoran heard on December 4, 2025, expressed concerns that the applicants will not abide by the hours of operation. There have been times before 7 am that Staci VanOstoran is outside feeding or riding horses, and the traffic has already begun. There have also been times, especially on Friday's that there is employee activity after hours where they all gather. Staci VanOstoran also expressed concerns that the 6-foot sight-obscuring fence the applicant has around his property makes farming difficult for the property to the west of the subject property because it makes it difficult for the farmer to turn around in the tractor. 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?
			Analysis	The project will have adequate water, sewer, irrigation, drainage, and stormwater drainage facilities, and utility systems to accommodate the proposed use based on the analysis contained herein. Water: The property appears to have adequate water via an individual well. There are no additional wells proposed to serve the proposed staging area and contractor shop (Staff Report Exhibit A4). 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 that if a toilet, sink, or shower is added to the proposed shop, the applicant must apply for a new septic permit or tie into the existing septic system if it is a feasible option (Staff Report Exhibit D1.1). Per email correspondence in Staff Report Exhibit A2.1 the applicant will not be adding a toilet, sink, or shower to the shop. As conditioned, the applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property. During staff's site visit on September 5, 2025, staff observed a portable restroom. Irrigation: The applicant has gravity irrigation (Staff Report Exhibit A4). 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. 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 A4). 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.
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☒	☐	☐	07-07-05(6)	Does legal access to the subject property for the development exist or will it exist at the time of development?
			Analysis	The subject property does have legal access for the development and will exist at the time of the development. The subject parcel takes access by a single gravel driveway approach to Upper Pleasant Ridge Road. According to the comment received from the Highway District No. 4 in Staff Report Exhibit D3, Upper Pleasant Ridge Road is classified as a major collector. Highway District No. 4's comment provided conditions of approval, such as the applicant obtaining an access permit, to improve the approach, and to dedicate an additional 15-foot strip of right of way for Upper Pleasant Ridge Road.
☐	☒	☐	07-07-05(7)	Will there be undue interference with existing or future traffic patterns?
			Analysis	There will be undue interference with the existing and future traffic patterns based upon public testimony heard on December 4, 2025. It's anticipated that there will be a total of ten (10) 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 4, 2025, stated that HD4 does not oppose the requested land use changes. The ITE Trip Generation Manual estimates there to be 36 daily trips (Staff Report Exhibit D3). Keith Cochran's testimony, heard on December 4, 2025, stated that Upper Pleasant Ridge Road is slowly turning into Highway 19, yet it is not classified as a highway. According to Keith Cochran, among at least three properties, there are approximately 50-80 trucks coming onto Upper Pleasant Ridge Road a day. The big rigs on the road were primarily when Farmway Road was shut down, there is not as much semi-truck activity since Farmway Road is open again. The subject property does have one-ton trucks pulling trailers onto Upper Pleasant Ridge Road. Keith Cochran expressed concerns that the traffic is getting more dangerous and that there are smaller kids in the area. Testimony from Ed McFarland heard on December 4, 2025, stated that Upper Pleasant Ridge Road does have more traffic. Upper Pleasant Ridge Road goes from 30 mph to 50 mph, and the road should never go to 50 mph. According to Ed McFarland Upper Pleasant Ridge Road should be kept at 30 mph. Ed McFarland also expressed concerns that there is a school bus stop a quarter miles from the subject property.
☒	☐	☐	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 R35530 is serviced by the Vallivue 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 R35530 is under the jurisdiction of the Caldwell Rural Fire District. Caldwell Rural Fire District is required to provide services to the parcel. As conditioned, the applicant shall comply with all Fire District requirements per State adopted IFC, and as evidenced by review and approval documentation from the applicable fire district prior to issuance of a 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. Agency notice was sent on July 15, 2025, and October 30, 2025. Caldwell Rural Fire District provided comment on October 30, 2025, with conditions of approval (Staff Report Exhibit D3). 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 Pioneer Irrigation District on July 15, 2025, and on October 30, 2025. No comments were received.
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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. The applicant is proposing a shop that will be 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 A4).	
☒	☐	☐	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 A4). No parking will take place on a public or private road (Condition # 7b).	

				Based on 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 ten (10) employees total who will visit the premises to pick up equipment to be used elsewhere (Staff Report Exhibit A4).
☒	☐	☐	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 A3). 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.

Order

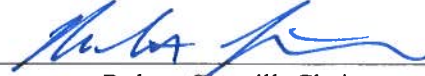
Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **denies** Case # CU2025-0013, a conditional use permit of a Staging Area and Contractor Shop.

Under Idaho Code Section 67-6519, the following actions may be taken to obtain approval:

1. The Commission does not find that any action can be taken at this time to mitigate the impacts on traffic, the productive agricultural operations, and the agricultural way of life in the area.

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