



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

In the matter of the application of:
A & A Tires LLC– CU2025-0018

The Canyon County Planning and Zoning Commission considers the following:

Case No. CU2025-0018: The applicant, Abraham Gonzalez, represented by Victor Ferral, is requesting a Conditional Use Permit for a staging area and contractor shop for the applicant's business, A&A Tires, LLC, which is a 24-hour mobile tire repair service. The applicant is proposing to store service trucks, equipment, and tires with a contractor shop on-site. It is proposed to have three (3) employees with the hours of operation being Monday – Sunday, 8 am – 5 pm. The property is approximately 1.58 acres in an "A" (Agricultural) zone. The subject property is located at 23930 Stone Ln, Caldwell, also referenced as Parcel R22073, a portion of the NW quarter of Section 03, T4N, R3W, 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 CU2025-0018.
 - 1. All exhibits are located in the case staff report dated January 15, 2026.

Applicable Law

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

districts, providing services within the planning jurisdiction. *See* Idaho Code §67-6512, CCCO §07-07-17, and 07-07-19.

- e. Use Standards – 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, CU2025-0018, was presented at a public hearing before the Canyon County Planning and Zoning Commission on January 15, 2026. Having considered all the written and documentary evidence, the record, the staff report, oral testimony, and other evidence provided, including the conditions of approval and project plans, the Canyon County Planning and Zoning Commission decide as follows:

Table 1. Conditional Use Permit Standards of Evaluation Analysis

Standards of Evaluation – CCCO §07-07-05: The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:		
County Ordinance and Review		
Criteria Met?	Code Section	Analysis
Yes	1	Is the proposed use permitted in the zone by conditional use permit?
Analysis		<i>The proposed use for a staging area and contractor shop is permitted in the zone by a conditional use permit, pursuant to County Ordinance CCCO §07-10-27.</i>
		<i>The applicant submitted a conditional use permit for a staging area and contractor shop on August 7, 2025. See Staff Report Exhibit A for the application and submitted materials.</i> • 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.” <i>A vehicle service facility is not permitted in the “A” (Agricultural) zone. Although the applicant isn’t proposing a vehicle service facility, condition number 12 has been added to address this.</i>

	• CCCO §07-02-03 defines a vehicle service facility as “Premises on which repair and service work to vehicles is performed.” See project description analysis contained in Section 07-07-05(2) detailing the nature of the request.	
Criteria Met?	2	What is the nature of the request?
Yes		
Analysis	The property owner, Abraham Gonzalez, requests a conditional use permit to establish a staging area and contractor shop for his business, A & A Tires LLC, on approximately 1.58 acres, designated as R22073. A & A Tires LLC is a 24-hour mobile tire service business. This type of business would typically be considered a home occupation, which is a permitted use. However, the owner is requesting to expand the business to include a staging area and contractor shop to store additional equipment and business vehicles on the subject property. • <u>Use:</u> The nature of the request consists of using the subject property to store equipment for the property owner's mobile tire service business, A & A Tires LLC, such as service trucks, equipment, and tires (Staff Report Exhibit B2). The request includes a 30' x 60' pre-engineered metal building to be used for the contractor shop (Staff Report Exhibit B5). The contractor shop is proposed to be used for temporarily storing old and new tires and tire repair equipment (Staff Report Exhibit B3). • <u>Number of Employees:</u> The applicant is proposing to have three (3) employees. The employees come on-site to load and unload the needed supplies; the work is conducted off-site (Staff Report Exhibit B2). • <u>Customers:</u> According to the applicant's Operation Plan (Staff Report Exhibit B3), customer visits to the contractor shop are expected to be rare. <i>See condition number 12.</i> • <u>Hours of Operation:</u> The hours of operation proposed are Monday through Sunday, 8:00 am – 5:00 pm, per the land use worksheet (Staff Report Exhibit B4). On average, deliveries will occur 1 to 3 times a week (Staff Report Exhibit B2.1). • <u>Parking:</u> The proposal includes parking for the property owners' company vehicles and employees as needed. • <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 B2.1). During staff's site visit on November 21, 2025, staff observed a portable restroom. <i>See condition number 11a.</i> • <u>Tire Disposal:</u> According to the email correspondence on August 25, 2025, the applicant has a contract with a local tire reclaim business in Caldwell, and the tires will be disposed of as often as needed (Staff Report Exhibit B2.1).	
Criteria Met?	3	Is the proposed use consistent with the comprehensive plan?
Yes		
Analysis	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 C2.17). The designation is intended to create a buffer between residential and agricultural uses along the City of Middleton's area of impact. However, the City of Middleton's area of impact has recently been adjusted, getting pulled back closer to the City of Middleton. With that change, staff cannot anticipate what the impact will be on the future designation of parcels in this area. Approximately 0.90 miles west of the subject property, there is a future agricultural land use designation, and approximately 0.90 miles southwest of the subject property is zoned commercial and industrial. The future land use is trending towards a mix of residential, commercial, and agricultural uses. 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: “Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.” 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 of the Staff Report.</i> • <u>Population Goal:</u> ○ G2.01.00: “Incorporate population growth trends and projections when making land use decisions.” <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: “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.). <i>See the conditions on page 9 of the Staff Report.</i> • <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. <i>See the conditions on page 9 of the Staff Report.</i>													
Criteria Met?	4	Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?												
Yes														
Analysis	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 C2.6, and C2.7. The property to the west of the subject parcel has an approved conditional use permit for a staging area and contractor shop (CU2024-0001). There are agricultural operations to the east of the subject property, and approximately 0.75 miles to the southwest, there is a commercial zone designation. 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><tr><th>Direction</th><th>Existing Use</th><th>Primary Zone</th><th>Other Zone</th></tr><tr><td>N</td><td>Primary Residence</td><td>R1</td><td>A</td></tr><tr><td>S</td><td>Empty Lot</td><td>A</td><td>R1</td></tr></table>		Direction	Existing Use	Primary Zone	Other Zone	N	Primary Residence	R1	A	S	Empty Lot	A	R1
Direction	Existing Use	Primary Zone	Other Zone											
N	Primary Residence	R1	A											
S	Empty Lot	A	R1											

E	Agricultural with Primary Residence	A	--
W	Primary Residence with CUP – Staging Area	A	R1
“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 have been three (3) Conditional Use Permits approved for a staging area and contractor shop, a school, and a planned unit development. Three (3) Rezones or Conditional Rezones from “A” zone to “R1” zone. There have been two (2) Rezones or Conditional Rezones to a Commercial Zone. A total of eight (8) Subdivisions have been approved within a 1-mile radius. The approved land use cases can be seen in **Staff Report Exhibit C2.7**.

Within a 1-mile radius of the property, there has been one (1) gravel pit and two (2) feedlots approved. Within a 2-mile radius, there are two (2) additional feedlots and two (2) gravel pits approved (**Staff Report Exhibit C2.9**).

There are forty-five (45) subdivisions with an average lot size of 1.81 acres and seven (7) subdivisions in platting with an average lot size of 1.65 acres (**Staff Report Exhibit C2.8**).

Character of the Area:

The area is characterized by a mix of uses ranging from primarily residential and agricultural to some industrial and commercial operations within a 2-mile radius.

Potential Impacts:

As proposed, the staging area and contractor shop are not anticipated to significantly increase the sound levels in the immediate vicinity. Per the letter of intent (**Staff Report Exhibit B2**), the nature of the work is remote, with loading and unloading onsite. As conditioned, the hours of operation are limited to Monday through Sunday, 8:00 am – 5:00 pm (**Staff Report Exhibit B2.1**), and the proposed use shall be in general conformance with the applicant’s site plan (meaning it cannot expand outside of the area shown without amending the conditional use permit. *See condition number 7*.

During staff’s site visit on November 21, 2025, the property owner advised that the proposed use is on the east 1-acre portion of the property, behind the primary residence. Staff discussed the need for a sight-obscuring fence. *See condition number 10*.

The proposed use may increase the dust levels in the immediate vicinity due to the storage and parking areas being 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 number 9*. See further analysis under section 07-07-05(06 & 07) for discussion and conditions.

The applicant has not indicated that they plan to install lighting for the associated use; there were no exterior lights observed during the site visit conducted on November 21, 2025. 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 number 4*.

The applicant’s business is a mobile tire repair service, which has the potential for becoming a vehicle service facility on the subject property. A vehicle service facility is not an allowed use in an agricultural zone. *See condition number 12*.

See CCCO §07-07-05(7) for potential traffic impact analysis.

Criteria Met?

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Yes		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. According to the letter of intent, water for the contractor shop will be provided via a new well (Staff Report Exhibit B2). The existing and future 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 September 5, 2025, and there were no concerns raised (Staff Report Exhibit E3). During the site visit on November 21, 2025, staff observed a portable restroom onsite. As conditioned, the applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property. <i>See condition numbers 11 and 11a.</i>	
	Irrigation: The applicant has an irrigation well with gravity irrigation (Staff Report Exhibit B4). Agency notice was sent out to Black Canyon Irrigation District on September 2, 2025, and December 11, 2025. No comments were received. It's not anticipated that the irrigation system will be impacted by the proposed use. <i>Condition number 5</i> 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 (Staff Report Exhibit B4), stormwater drainage on the subject property will be retained by borrow ditches. It appears the use does not require or affect stormwater drainage on the property.	
Utility Systems: Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on September 2, 2025, and December 11, 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.		
Criteria Met?	6	Does legal access to the subject property for the development exist or will it exist at the time of development?
Yes		
Analysis	The subject property does have legal access for the development and will exist at the time of the development.	
	The subject parcel has approximately 189 feet of frontage on Stone Road along the western boundary. Stone Road is classified as a local road.	
	According to the comment received from Highway District No. 4, as seen in Staff Report Exhibit E5 , the existing approach can be utilized for the proposed commercial activity, subject to conditions. <i>See condition number 3.</i>	
Criteria Met?	7	Will there be undue interference with existing or future traffic patterns?
Yes		
Analysis	Undue interference with the existing or future traffic patterns is not anticipated. Any potential impact will be reviewed by the local highway district jurisdiction.	
	It's anticipated that there will be a total of three (3) employees who will be picking up materials as needed. According to the applicant's operation plan, it is anticipated that customers coming onsite will be rare (Staff Report Exhibit B3).	

	The comment received from Highway District No. 4 on September 22, 2025, stated that HD4 does not oppose the requested land use changes. HD4 requests a traffic impact fee of \$4,756. The ITE Trip Generation Manual estimates there to be 9 daily trips (Staff Report Exhibit E5). <i>See condition number 3a.</i>	
	ITD’s comment received on September 4, 2025 (Staff Report Exhibit E2), states that the application will not impact the state highway.	
Criteria Met?	8	Will essential services be provided to accommodate the use including, but not limited to, school facilities, police and fire protection, emergency medical services, irrigation facilities, and will the services be negatively impacted by such use or require additional public funding in order to meet the needs created by the requested use?
Yes		
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 R22073 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 September 2, 2025, and December 11, 2025. No comments were received by the school district. Police and Fire Protection: Parcel R22073 is under the jurisdiction of the Middleton Rural Fire District. Middleton 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 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. <i>See condition number 13.</i> Agency notice was sent on September 2, 2025, and December 11, 2025. The Middleton Rural Fire District provided comments on September 2, 2025, as seen in Staff Report Exhibit E1. The Middleton Rural Fire District advised that the requested use will not negatively impact services. The nearest fire station is Station 53, approximately 4.2 miles away from the subject property, with an estimated response time of 7 minutes. Future response will be provided by Station 54, once funding is secured. Station 54 is 3.2 miles away from the subject property, with an estimated response time of 3.2 minutes. 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 September 2, 2025, and December 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. Irrigation Facilities: The proposed use is not anticipated to impact the irrigation facilities. Agency notice was sent out to Black Canyon Irrigation District on September 2, 2025, and December 11, 2025. No comments were received. <i>See condition number 5</i>, which ensures the applicant shall not impede, disrupt, or disturb the existing irrigation structure without approval from the irrigation district.	

Table 2. Use Standards – Contractor Shop CCCO §07-14-09

Per CCCO §07-14-03(1): The provisions of this article apply to all properties where a use is listed as an allowed use, a conditional use, or a director's decision in section 07-10-27 of this chapter (land use matrix).		
County Ordinance and Review		
Criteria Met?	Code Section	Analysis
Yes	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. <i>See condition number 10.</i> The applicant's proposal includes a 30' x 60' pre-engineered metal building, for	

	which general maintenance on the equipment will be conducted, and the storage of equipment (Staff Report Exhibits B2.1 and B5). According to the Operational Plan (Staff Report Exhibit B3), it is anticipated that customer visits to the shop will be a rare occurrence. All other work is done off-site. <i>See condition number 12.</i>
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Table 3. Use Standards – Staging Area: CCCO §07-14-29

Per CCCO §07-14-03(1): The provisions of this article apply to all properties where a use is listed as an allowed use, a conditional use, or a director's decision in section 07-10-27 of this chapter (land use matrix).		
County Ordinance and Review		
Criteria Met?	Code Section	Analysis
Yes	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, except for loading and unloading of supplies on-site, and 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 B2 and B4).
Criteria Met?	2	Business vehicles shall be operable and parked on site, not on a public or private road.
Yes		
Analysis		Per the letter of intent, parking will be on-site (Staff Report Exhibit B2). No parking will take place on a public or private road. <i>See condition number 7b.</i> Based on the Planning Staff's site visit on November 21, 2025, there does not appear to be any inoperable business vehicles on the property (Staff Report Exhibit C).
Criteria Met?	3	Persons not employed on the premises may visit the premises for the purpose of picking up equipment and materials to be used elsewhere, including trucks offloading or transferring equipment and/or materials to other vehicles.
Yes		
Analysis		Per the land use worksheet, there will be approximately three (3) employees total who will visit the premises to pick up equipment to be used elsewhere (Staff Report Exhibit B4).
Criteria Met?	4	Employees may meet on the premises to share rides to and from job sites.
Yes		
Analysis		It is not anticipated that the above will occur. However, 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.
Criteria Met?	5	Employees' vehicles shall be parked on site and not on a public or private road.
Yes		
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. There shall be no parking on a public or private road. <i>See condition number 7b.</i>

Table 4. Area of City Impact

CCCO §09-09-17: Middleton Area of City Impact – Application Procedures: Within the Middleton area of city impact, the following ordinances apply.		
County Ordinance and Review		
Criteria Met?	Code Section	Analysis
Yes	09-09-17(1)A	Land Use Applications: All land use applications submitted to the county including, but not limited to, conditional use permits, variances and land divisions requiring notification of a public hearing, shall be referred to the city in the same manner as provided for in subsection 09-09-11(3) of this article.
Analysis		Area of City Impact: The City of Middleton's agency notice was sent out on September 2, 2025, and December 11, 2025. No comments were received. The subject parcel will not be in the area of impact for the City of Middleton come January 1, 2026. The proposed use is not anticipated to negatively impact the City of Middleton.

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission or Hearing Examiner **approves** Case # CU2025-0018, a conditional use permit for 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.
2. A building permit shall be obtained for the pre-existing shipping containers. All appropriate building permits shall be obtained within **180 days from the approval of the Conditional Use Permit**.
 - a. The applicant shall obtain a building permit for the 30' x 60' pre-engineered metal building prior to commencement of use.
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 (**Staff Report Exhibits B2, B2.1, and B5**).
 - a. The hours of operation shall be Monday – Sunday, 8:00 am – 5:00 pm, as outlined in the Land Use Worksheet (**Staff Report Exhibit B4**).
 - 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.
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-obscurer fence shall be constructed on the north, east, and south property lines located on the eastern 1-acre portion of the subject property, **within 12 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**.

- a. The number of portable restrooms and maintenance shall be as recommended by Southwest District Health.
12. The applicant shall not repair or service customers' vehicles on parcel R22073.
13. The applicant shall meet all applicable Middleton Rural Fire District requirements for the proposed uses. Evidence shall be a letter of review and approval from Middleton Rural Fire District, provided at the time of building permit issuance for condition 2.
14. The conditional use permit for a staging area and contractor shop shall be limited to Abraham Aguilar Gonzalez and family. Should ownership of parcel R22073 change from Abraham Aguilar Gonzalez or an immediate family member, the conditional use permit for a staging area and contractor shop shall terminate.
15. The applicant shall store all tires related to the use within the 30' x 60' shop or shipping containers. Tire storage shall be subject to the applicable fire district, DEQ, and building department regulations.

DATED this 15 day of January, 2026.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO


Robert Sturgill, Chairman

State of Idaho)

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County of Canyon County)

On this 15 day of January, in the year 2026, 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