



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

In the matter of the application of:

Ortiz – CU2025-0021

The Canyon County Planning and Zoning Commission considers the following:

Case No. CU2025-0021: The applicant, Alfonso Ortiz, represented by Veronica Sahagum, is requesting a Conditional Use Permit for a staging area and contractor shop on approximately 9.99 acres in an “A” (Agricultural) zone for a landscaping business. The applicant is proposing storage for the company equipment, including skid steers, boulders, and trees. The loading and unloading of materials occur onsite approximately once a week. The hours of operation are 7 am – 6 pm, Monday through Friday. The subject property is located at 8232 Purple Sage Road, Middleton, also referenced as Parcel R37491, a portion of the SE quarter of Section 27, T5N, R2W, 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 CU2025-0021.
 - 1. All exhibits are located in the case staff report dated January 22, 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), 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, CU2025-0021, was presented at a public hearing before the Canyon County Planning and Zoning Commission on January 22, 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 decides as follows:

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>A landscape business is an allowed use in the agricultural zone; however, there are no standards or definition for such use in code. It was determined by staff on August 15, 2025, that the property owner would need to apply for a conditional use permit for a staging area and contractor shop for the property owner's landscape business, as business vehicles, equipment, and materials are stored onsite.</i> <i>The applicant submitted a conditional use permit for a staging area and contractor shop on September 2, 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.” 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, Alfonso Ortiz, requests a conditional use permit to establish a staging area and contractor shop for his business, Spring Falls Landscaping, on approximately 3.50 acres of the 9.99-acre property, designated as R37491 (Staff Report Exhibit B3). • <u>Use</u>: The nature of the request consists of using the subject property to store equipment for the property owner's landscaping business, Spring Falls Landscaping, such as vehicles, trailers, skid steers, boulders, trees, and miscellaneous materials (Staff Report Exhibit B2.1). The property owner's tree farm is located on the 3.50 acres proposed for the staging area. A tree farm is considered a nursery and is an allowed use in the “A” (Agriculture) zone (Staff Report Exhibit B7). The request includes a pre-existing shop where minor maintenance of the work vehicles takes place, such as oil changes (Staff Report Exhibit B2.1). • <u>Number of Employees</u>: The applicant is proposing to have six (6) employees who keep their work trucks at home with them. The employees occasionally come on-site to load and unload the needed supplies with the property owner; the work is conducted off-site (Staff Report Exhibit B2.1). The majority of the work conducted onsite is in relation to the applicant's tree farm (nursery) and is run by the property owner and immediate family (Staff Report Exhibit B2). • <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 – 6:00 pm, per a meeting with staff and the property owner (Staff Report Exhibit B2.1). On average, the loading and unloading of materials occur once a week, primarily during the beginning and end hours that are proposed (Staff Report Exhibits B2 and B2.1). • <u>Parking</u>: The proposal includes parking for the property owners’ company vehicles and employees as needed (Staff Report Exhibit B3). • <u>Restrooms</u>: There is currently an individual septic tank servicing the residence and shop on site; no additional restrooms are proposed. The Pre-Development Notes with Southwest District Health state, “Based on the information provided, the proposed staging area will not impact the existing septic systems serving the 3-bedroom residence and the 1-bathroom shop on the property” (Staff Report Exhibit E2.1).	
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 B2.16). 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 1.60 miles west of the subject property, there is a future commercial land use designation, and approximately 0.25 miles north of the subject property is zoned agricultural. 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: <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 of the Staff Report.</i> ● <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.). <i>See the conditions on page 9 of the Staff Report.</i> ● <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. <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 and agricultural uses as seen in Staff Report Exhibits C2.5 and C2.6. There are agricultural operations within close proximity to the subject property. 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>Agricultural with Primary Residence</td><td>A</td><td>--</td></tr><tr><td>S</td><td>Productive Agriculture</td><td>RR</td><td>A</td></tr><tr><td>E</td><td>Kingsbury Meadows Subdivision (Average 1-acre lots)</td><td>A</td><td>R1</td></tr></table>		Direction	Existing Use	Primary Zone	Other Zone	N	Agricultural with Primary Residence	A	--	S	Productive Agriculture	RR	A	E	Kingsbury Meadows Subdivision (Average 1-acre lots)	A
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E	Kingsbury Meadows Subdivision (Average 1-acre lots)	A	R1														

W

Agricultural with
Primary Residence

A

RR

"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 sixteen (16) land use cases approved. Eight (8) rezone or conditional rezone to a residential zone, seven (7) subdivisions, and one (1) conditional use permit for a special events facility (**Staff Report Exhibit C2.6**).

There have been thirty (30) subdivisions approved (**Staff Report Exhibit C2.7**) in a 1-mile radius from the subject property.

Character of the Area:

The area is characterized by a mix of uses ranging from residential and agricultural. The subject property is within one and two miles of several agricultural operations. Within 600 feet of the subject property, there are 28 residential properties, all located in the agricultural zone. Located south of Purple Sage Road, there is a land use designation of "RR" (Rural Residential), which is in productive agriculture. In early 2008, R37608 (along with 4 other parcels, totaling 463 acres) was approved to be conditionally rezoned from "A" (Agricultural) to "R-R" (Rural Residential) (CR2007-3) per the provisions of the Canyon County Zoning ordinance at the time. The approved conditional rezone includes a development agreement and thirty-five (35) conditions. To date, a plat has not been submitted, and conditions have not been met. Until conditions are met, the property is not fully recognized as residential. If reversion processes are followed and if the conditional rezone is revoked or abandoned, the property will revert to an "A" (Agricultural) zoning designation.

The subject property's soil is classified as moderately suited soil and primarily as prime farmland if irrigated (**Staff Report Exhibit C2.10**).

Potential Impacts:

As proposed, the staging area and contractor shop are not anticipated to significantly increase the sound levels in the immediate vicinity. Per a meeting with the property owner (**Staff Report Exhibit B2.1**), the nature of the work is remote, with loading and unloading onsite approximately once a week. The upkeep of the tree farm (nursery) is attended to by the property owner and immediate family, which is a permitted use in the "A" (Agriculture). No customers come onsite. As conditioned, the hours of operation are limited to Monday through Friday, 7:00 am – 6:00 pm (**Staff Report Exhibit B2.1**), and the proposed use shall be in general conformance with the applicant's site plan; therefore, it cannot expand outside of the area shown without amending the conditional use permit. *See condition number 7.*

During staff's meeting with the property owner on September 12, 2025, the property owner advised that they built a sight-obscuring fence on the west side of the property, placed a berm on the east side of the property with mature trees, the north side of the property is where their primary residence is located and on the south property line near the road, currently has a fence with grapes and raspberries, fruit trees and some mature evergreens with the purpose for passersby to enjoy some fresh fruit. The applicant was amendable to planting more trees along the south property line for the intended purpose of being sight-obscuring, while still being able to maintain the fruit. You can see the meeting notes in **Staff Report Exhibit B2.1**. *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. The access to the subject property is paved, lowering the dust concern. 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. <i>See condition number 4.</i> See CCCO §07-07-05(7) for potential traffic impact analysis.	
Criteria Met?	5	Will adequate water, sewer, irrigation, drainage and stormwater drainage facilities, and utility systems be provided to accommodate the use?
Yes		
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 B4). 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 and shop on site. Southwest District Health provided comment on September 16, 2025, and there were no concerns raised (Staff Report Exhibit E2). The Pre-Development Notes with Southwest District Health state, “Based on the information provided, the proposed staging area will not impact the existing septic systems serving the 3-bedroom residence and the 1-bathroom shop on the property” (Staff Report Exhibit E2.1). As conditioned, the applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property. <i>See condition number 11.</i> Irrigation: The applicant has an irrigation well (Staff Report Exhibit B4). Agency notice was sent out to Black Canyon Irrigation District on September 16, 2025, and December 18, 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 meeting on September 12, 2025 (Staff Report Exhibit B2.1), 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. Utility Systems: Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on September 16, 2025, and December 18, 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 329 feet of frontage on Purple Sage Road along the southern boundary. The subject property is served by a paved commercial approach. Purple Sage Road is classified as a minor arterial. According to the comment received from Highway District No. 4, as seen in Staff Report Exhibit E5, the approach is suitable for the proposed use and was permitted for the current use by Highway District No. 4 in 2016. <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 the property owner will be coming to pick up materials and leave approximately once a week. The property owner will occasionally bring an employee on-site for assistance with the loading and unloading of materials (Staff Report Exhibit B2.1). According to the comment from Highway District No. 4, the current use as a landscaping materials storage yard and contractor shop has existed since 2016 and was permitted by Highway District No. 4. Future changes to the current use may be subject to transportation impact fees. To see the full comment received from Highway District No. 4, see Staff Report Exhibit E5. <i>See condition number 3a.</i> ITD's comment received on September 19, 2025 (Staff Report Exhibit E4), 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 R37491 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 16, 2025, and December 18, 2025. No comments were received by the school district. Police and Fire Protection: Parcel R37491 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 12.</i> Agency notice was sent on September 16, 2025, and December 18, 2025. The Middleton Rural Fire District provided comments as seen in Staff Report Exhibit E3. The Middleton Rural Fire District advised that the requested use will not negatively impact services. The nearest fire station is Station 53, approximately 5.4 miles away from the subject property, with an estimated response time of 9 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 16, 2025, and December 18, 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 16, 2025, and December 18, 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 has a pre-existing shop, for which general maintenance on the equipment will be conducted, and the storage of equipment. All other work is done off-site.

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 meeting with the applicant on September 12, 2025, 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 Exhibit B2.1). <i>See condition number 10.</i>
Criteria Met?	2	Business vehicles shall be operable and parked on site, not on a public or private road.
Yes		
Analysis		Per the meeting with the applicant, parking will be on-site (Staff Report Exhibit B2.1). 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 D).
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 six (6) 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 D). 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>

Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2025-0021, 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 change of occupancy from residential to commercial occupancy, fire district permits, and approval for a Certificate of Occupancy for the pre-existing shop. 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 (**Staff Report Exhibits B2, B2.1, and B3**).
 - a. The hours of operation shall be Monday – Friday, 7:00 am – 6:00 pm, as outlined in the meeting notes (**Staff Report Exhibit B2.1**).
 - 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 shop.
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, foliage that is sight-obscuring, or a combination of a fence and foliage that is sight-obscuring shall be constructed on the southern property line, **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 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.
13. The conditional use permit for a staging area and contractor shop shall be limited to Alfonso Ortiz and family. Should ownership of parcel R37491 change from Alfonso Ortiz or an immediate family member, the conditional use permit for a staging area and contractor shop shall terminate.

DATED this 22nd day of January, 2026.

**PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO**



Brian Sheets, Acting Chairman

State of Idaho)

SS

County of Canyon County)

On this 22 day of January, in the year 2026, before me Caitlin Ross, a notary public, personally appeared Brian Sheets, 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