



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

In the matter of the application of:

Mena – CU2025-0003

The Canyon County Planning and Zoning Commission considers the following:

Case No. CU2025-0003: The applicant, Cesar Mena, is requesting a Conditional Use Permit for a Staging Area and Contractor Shop on approximately 7.53 acres in an “A” (Agricultural) zone. The applicant has a pool construction business; the proposal is for an office on-site and to store the company equipment, vehicles, and inventory on-site with approximately 5 employees loading and unloading. The hours of operation are 7 am – 5 pm Monday through Friday, with no customers on-site. The subject property is located at 17172 Early Rd, Caldwell, also referenced as Parcel R37689, a portion of the NE quarter of Section 06, T5N, 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 CU2025-0003.
 - 1. All exhibits are located in the case staff report dated March 5, 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, CU2025-0003, was presented at a public hearing before the Canyon County Planning and Zoning Commission on March 5, 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:

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	Criteria
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.”

Criteria Met? Yes	2	What is the nature of the request?
Analysis		The property owner, Cesar Mena, requests a conditional use permit to establish a staging area and contractor shop for his business, Pool & Spa by Cesar LLC, on approximately 1 acre of the 7.53-acre parcel, designated as R37689. • <u>Use</u>: The nature of the request consists of using 1 acre of the subject property to store equipment and inventory for the applicants' pool construction business, Pool & Spa by Cesar LLC. The equipment that is stored on the subject property includes pickup trucks, a dingo, a skid steer, a flatbed trailer, utility trailers, an excavator, and storage containers. The inventory that is stored on the subject property includes pipe pieces and paver pallets that are stored all year and used as needed. The request includes a home office and a pre-existing shop used to store materials (Staff Report Exhibits B2 and B2.1). • <u>Number of Employees</u>: The applicant is proposing to have a total of five (5) employees who come on-site to load and unload the needed supplies; the work is conducted off-site (Staff Report Exhibit B4). The proposal includes one (1) employee to work in the home office (Staff Report Exhibit B2.1). • <u>Customers</u>: According to the applicant's Operation Plan (Staff Report Exhibit B5), 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 – 5:00 pm, per the land use worksheet (Staff Report Exhibit B4). • <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 use of the restroom will be used by the one (1) employee working in the home office (Staff Report Exhibit B2.1). The restroom is not anticipated to be used by the five (5) employees who come on-site to load and unload the needed supplies. <i>See condition number 11.</i>
Criteria Met? Yes	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" with an "Intensive Agriculture Overlay" (Staff Report Exhibit C1). Approximately 570 feet to the east is future designated "Agricultural". However, the property approximately 2,000 feet northwest of the subject property is designated for future "Commercial" use. This suggests the subject property is in an area that is planned for agricultural uses. A staging area and contractor shop are an allowed use in the "Agricultural" zone with a conditional use permit. As conditioned, the proposed use is aligned with but not limited to the following goals and policies of the 2030 Comprehensive Plan: • <u>Property Rights Goals</u>: ○ G1.01.00: "Protect the integrity of individual property rights while safeguarding public health, safety, and welfare." ○ G1.02.00: "Acknowledge the responsibilities of each property owner as a steward of the land, use their property wisely, maintain it in good condition, and preserve it for future generations without becoming a public nuisance." Canyon County values the applicants' and surrounding property owners' private property rights and may support the applicants' project and the surrounding property owners' rights by adding mitigating conditions to the proposed conditional use permit (CCCO Section 07-07-17). <i>See the conditions on page 8 of the Staff Report.</i> • <u>Economic Development Goals and Policies</u>:

	○ G3.01.00: "Promote a healthy and sustainable regional economy by retaining, expanding, and recruiting businesses to favorable locations." ○ P3.01.02: "Support suitable sites for economic growth and expansion compatible with the surrounding area." ○ G3.05.00: "Support a diverse economy in Canyon County and recognize that residential, commercial, and industrial uses are necessary components of overall economic stability." Canyon County supports retaining, expanding, and recruiting businesses and economic growth and expansion, but this must be done in a way that is compatible with the surrounding area, which may include adding mitigation conditions to this conditional use permit that address the community's concerns (noise, traffic, dust, etc.). See the conditions on page 8 of the Staff Report. ● <u>Land Use Goals and Policies:</u> ○ P4.01.01: "Maintain a balance between residential growth and agriculture that protects the rural character." ○ P4.01.02: "Planning, zoning, and land-use decisions should balance the community's interests and protect private property rights." ○ P4.02.01: "Consider site capability and characteristics when determining the appropriate locations and intensities of various land uses." Canyon County supports growth and development as long as it is compatible with the surrounding area and appropriate conditions are added to mitigate adverse impacts that affect other land uses and the surrounding community. See the conditions on page 8 of the Staff Report.																					
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-mile radius, indicate that the land use in the area is agricultural (Staff Report Exhibits C2.5, C2.6, and C2.7). Although there are some residential properties in the area, the majority have agricultural operations on the properties. There are agricultural operations adjacent to the subject property on all sides. A staging area and contractor shop are allowed in an "A" (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 Operation</td><td>A</td><td>-</td></tr><tr><td>S</td><td>Agricultural Operation</td><td>A</td><td>-</td></tr><tr><td>E</td><td>Agricultural Operation</td><td>A</td><td>-</td></tr><tr><td>W</td><td>Agricultural Operation</td><td>A</td><td>-</td></tr></table> "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) Conditional Rezone from "A" zone to "CR-RR" zone. The approved land use cases can be seen in Staff Report Exhibit C2.6. Within a 2-mile radius of the subject property, there are two (2) feedlots approved (Staff Report Exhibit C2.8). There is one (1) subdivision with an average lot size of 2.42 acres approved within a 2-mile radius of the subject property (Staff Report Exhibit C2.7). Character of the Area:		Direction	Existing Use	Primary Zone	Other Zone	N	Agricultural Operation	A	-	S	Agricultural Operation	A	-	E	Agricultural Operation	A	-	W	Agricultural Operation	A	-
Direction	Existing Use	Primary Zone	Other Zone																			
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S	Agricultural Operation	A	-																			
E	Agricultural Operation	A	-																			
W	Agricultural Operation	A	-																			

	The area is characterized as agricultural. The subject property is adjacent to agricultural operations on all sides. Within 600 feet of the subject property, there are five (5) properties with a residence on them; all parcels are located on agricultural parcels. 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 Friday, 7:00 am – 5:00 pm (Staff Report Exhibit B4), 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. <i>See condition number 7.</i> During staff’s site visit on August 8, 2025, it was advised that the proposed use is on the north 1-acre portion of the property, behind the primary residence. <i>See condition number 10.</i> 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. <i>See condition number 9.</i> 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 August 8, 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 on site. Southwest District Health provided comment on May 20, 2025, stating there were no concerns with the home office's one (1) employee using the restroom (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 proposed use is not anticipated to impact the irrigation facilities. Agency notice was sent out to Black Canyon Irrigation District on April 16, 2025, and January 29, 2026. No comments were received. The pre-application meeting notes with Black Canyon Irrigation District state that they do not have any issues with the proposed plan. However, they ask that the lateral on the south end of the property is not interfered with (Staff Report Exhibit B7.1). <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. Stormwater drainage facilities: The applicant did not indicate what they would do with stormwater drainage on the subject property. As conditioned, the applicant shall retain stormwater drainage onsite. <i>See condition number 13.</i>	

	Utility Systems: Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziply, were notified of the application on April 16, 2025, and January 29, 2026. 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 property takes access from Early Road. Early Road is classified as a local road. As conditioned, the applicant shall comply with the applicable highway district’s access requirements. <i>See condition number 3.</i> Agency notice was sent to Highway District No. 4 on April 16, 2025, and January 29, 2026. No comment was received by the materials deadline	
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 five (5) employees who will be picking up materials as needed. According to the applicant's operations plan, there will be no customers on-site (Staff Report Exhibit B5). The subject property takes access from Early Road, which is serviced by Highway District No. 4. As conditioned, the applicant shall coordinate with Highway District No. 4 and obtain the necessary approvals for the intended use. <i>See condition number 3a.</i> Agency notice was sent on April 16, 2025, and January 29, 2026. No comment was received by the materials deadline ITD’s comment received on April 22, 2025 (Staff Report Exhibit E4), states that the application does not meet the threshold for a Traffic Impact Study nor does it pose any safety concern.	
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 R37689 is serviced by the Middleton School District. It is not anticipated that any impacts or accommodations will be needed for the proposed use. Agency notice was sent out on April 16, 2025, and January 29, 2026. No comments were received by the school district. Police and Fire protection: Parcel R37689 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 April 16, 2025, and January 29, 2026. No comment was received by the materials deadline. No comment was received from the Canyon County Sheriff’s Department. Emergency Medical Services: Emergency Medical Services are provided to the property. Canyon County Paramedics/EMT and Canyon County’s Emergency Management were notified of the application on April 16, 2025, and January 29,	

	2026. 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 April 16, 2025, and January 29, 2026. No comments were received. The pre-application meeting notes with Black Canyon Irrigation District state that they do not have any issues with the proposed plan. However, they ask that the lateral on the south end of the property is not interfered with (Staff Report Exhibit B7.1). <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.
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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	Criteria
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 storage of equipment and inventory is contained within (Staff Report Exhibit B2). An on-site office is located within the primary dwelling (Staff Report Exhibit B2.1). All other work is done off-site.	

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	Criteria
Yes	1	All work shall be conducted off site.
Analysis	Per the applicant’s operation plan 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 an office and storing the business vehicles, equipment, and inventory, which will either be in a building or located behind a site-obscuring fence (Staff Report Exhibits B2 and B5). See condition number 10.	
Criteria Met?	2	Business vehicles shall be operable and parked on site, not on a public or private road.
Yes		
Analysis	Per the operation plan, parking will be on-site (Staff Report Exhibit B5). No parking will take place on a public or private road. See condition number 7b. Based on the Planning Staff’s site visit on August 8, 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 five (5) 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>
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Order

Based upon the Findings of Fact, Conclusions of Law and Order contained herein, the Planning and Zoning Commission **approves** Case # CU2025-0003, 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.
 - a. The applicant shall comply with the amount of land devoted to the animals' care per CCCO 07-02-03 within **180 days from the approval of the Conditional Use Permit**. To comply, the property owner would need to reduce the number of animals and/or provide more space devoted to the animals' care. Evidence shall be submitted to Development Services.
 - b. The applicant shall remove the occupied RV from the subject property or apply for the proper permitting, such as a temporary use permit for a 90-day permit or a conditional use permit for an RV park within **30 days from the approval of the Conditional Use Permit**.
2. The applicant shall apply for 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, B3, and B10**).
 - a. The hours of operation shall be Monday – Friday, 7:00 am – 5:00 pm, as outlined in the Land Use Worksheet (**Staff Report Exhibit B4**). Occasional weekend work is allowed, not to exceed 10 weekends a year.
 - 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 shall be constructed on the north, east, and west property lines located on the northern 1-acre portion of the subject property, behind the primary residence, as seen in **Staff Report Exhibit B10, 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, prior to commencement of use.
13. The applicant shall retain stormwater drainage onsite.
14. The conditional use permit for a staging area and contractor shop shall be limited to Cesar Mena and family. Should ownership of parcel R37689 change from Cesar Mena or an immediate family member, the conditional use permit for a staging area and contractor shop shall terminate.

DATED this 5 day of March, 2026.

PLANNING AND ZONING COMMISSION
CANYON COUNTY, IDAHO



Robert Sturgill, Chairman

State of Idaho)

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County of Canyon County)

On this 5 day of March, 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