

**BOARD OF COUNTY COMMISSIONERS**  
**FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

In the matter of the application of:  
**CU2025-0013-APL: Jiménez – Arredondo**

The Canyon County Board of County Commissioners considers the following:

The appellant, Juan Jimenez - Arredondo, represented by Jaime Huerta, is appealing the decision by the Planning and Zoning Commission to deny the request for a conditional use permit to allow for a staging area and contractor shop within an "A" (Agricultural) zoning district.

The subject property is located at 17665 Upper Pleasant Ridge Rd, Caldwell, also referenced as Parcel R35530, a portion of the SW quarter of Section 30, 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 CU2025-0013-APL.
  - B. Findings of Fact, Conclusions of Law, and Order signed by the Planning and Zoning Commission on December 4, 2025.
  - C. An appeal filed by Jaime Huerta was submitted on January 5, 2026, pursuant to Canyon County Code §07-05-07.
  - D. All exhibits can be found in the case staff report dated March 26, 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 per CCCO §07-05-01 and Idaho Code §67-6509.
  - b. The decisions of the commission or the hearing examiner may be appealed to the board by filing a written notice of appeal with DSD within fifteen (15) calendar days of the date the FCOs were signed. The notice of appeal should include a statement of the reasons for the appeal and must be accompanied by a filing fee as established by the adopted fee schedule. *See* CCCO §07-05-05.
2. The Board has the authority to exercise powers granted to it by the Idaho Local Land Use and Planning Act ("LLUPA") and can establish its own ordinances regarding land use. *See* I.C. §67-6504, §67-6512.
3. The Board has the authority to hear this case and make its own independent determination. *See* I.C. §67-6519, §67-6504.
4. The Board can sustain, modify, or reject the Commission's recommendations. *See* CCCO §07-05-03.
5. 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.

6. 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. Idaho Code § 67-6512.
7. The burden of persuasion is upon the applicant to prove that all criteria are satisfied (CCCO §07-05-03).
8. 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).
9. 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. The County's hearing procedures, adopted per Idaho Code §67-6534, require that final decisions be in the form of written findings, conclusions, and orders. CCCO §07-05-03(1)(I).

**The application, CU2025-0013-APL, was presented at a public hearing before the Canyon County Board of County Commissioners on April 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 Board of County Commissioners decides as follows:**

**Table 1. Conditional Use Permit Review Criteria Analysis**

<b>HEARING CRITERIA CCCO §07-07-05: The presiding party shall consider each conditional use permit application by finding adequate evidence to answer the following questions in its FCOs:</b>			
<b>Compliant</b>			<b>County Ordinance and Staff Review</b>
<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Code Section</b> <b>Analysis</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-07-05(1)</b>  <b>Is the proposed use permitted in the zone by a conditional use permit?</b>  A staging area and contractor shop are permitted in the "A" (Agricultural) zone by Conditional Use Permit, pursuant to Canyon County Code of Ordinances (CCCO) §07-10-27.  The applicant submitted a conditional use permit for a staging area and contractor shop on June 20, 2025. See <b>Staff Report Exhibit 3A</b> for the application and submitted materials. <ul style="list-style-type: none"> <li>• CCCO §07-02-03 defines a staging area as "An area where equipment and/or materials are stored for use conducted entirely off-site."</li> <li>• 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."</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-07-05(2)</b>  <b>What is the nature of the request?</b>  The applicant, Jaime Huerta, requests a conditional use permit to establish a staging area and contractor shop for the property owner's business on an approximately 5.95-acre parcel, designated as R35530. <ul style="list-style-type: none"> <li>• <u>Use</u>: The nature of the request consists of using the subject property to store equipment for the property owners' landscaping and fencing business, Jimenez Brothers Landscaping &amp; Fencing LLC., such as vehicles, trailers, tools, and miscellaneous materials (<b>Staff Report Exhibit 3A3</b>). Company vehicles are stored on-site. When the company vehicles are in use, the employee vehicles</li> </ul>

				<p>are stored on-site. The request includes a new metal shop (<b>Staff Report Exhibit 3A2</b>). Staff verified with the Canyon County Building Department (<b>Staff Report Exhibit 3D4.1</b>) that the current structures on the property are permitted for the current use.</p> <ul style="list-style-type: none"> <li>• <u>Number of Employees</u>: The applicant is proposing to have ten (10) employees. The employees come on-site to load and unload the needed supplies; the work is conducted off-site (<b>Staff Report Exhibit 3A4</b>).</li> <li>• <u>Customers</u>: There are no customers who come on-site.</li> <li>• <u>Hours of Operation</u>: The hours of operation proposed are Monday through Friday, 7:00 am – 7:00 pm per the land use worksheet (<b>Staff Report Exhibit 3A4</b>).</li> <li>• <u>Parking</u>: The proposal includes parking for ten (10) employee vehicles and the applicant’s company vehicles (<b>Staff Report Exhibit 3A3</b>).</li> <li>• <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 (<b>Staff Report Exhibit 3A4</b>). During the staff’s site visit on September 5, 2025, the staff observed a portable restroom.</li> <li>• <u>Diesel Tank</u>: During the Site Visit on September 5, 2025 (<b>Staff Report Exhibit 3C</b>), staff observed a diesel tank used for the staging area and contractor shop.</li> </ul>
			<b>07-07-05(3)</b>	<p><b>Is the proposed use consistent with the comprehensive plan?</b></p> <p>As conditioned, the proposed use is consistent with the Comprehensive Plan.</p> <p>The 2030 Canyon County Comprehensive Plan designates the subject parcel as “Agricultural” (<b>Staff Report Exhibit 3B2.17</b>). However, approximately 0.60 miles east of the subject property, there is a future residential land use designation, approximately 0.80 miles north of the subject property is future zoned industrial, and approximately 1.8 miles west of the subject property is future zoned intensive agriculture overlay. The future land use is trending towards a mixed use of residential, industrial, and agricultural.</p> <p>As conditioned, the proposed use is aligned with but not limited to the following goals and policies of the 2030 Comprehensive Plan:</p> <ul style="list-style-type: none"> <li>• <u>Property Rights Goal</u>: <ul style="list-style-type: none"> <li>○ G1.01.00: <i>“Protect the integrity of individual property rights while safeguarding public health, safety, and welfare.”</i></li> </ul> <p>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).</p> </li> <li>• <u>Population Goal</u>: <ul style="list-style-type: none"> <li>○ G2.01.00: <i>“Incorporate population growth trends and projections when making land use decisions.”</i></li> </ul> <p>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.</p> </li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Analysis</b>	

			<ul style="list-style-type: none"> <li>• <b>Economic Development Goal:</b> <ul style="list-style-type: none"> <li>○ 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></li> </ul> <p>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.).</p> </li> <li>• <b>Land Use Policies:</b> <ul style="list-style-type: none"> <li>○ P4.01.01: <i>“Maintain a balance between residential growth and agriculture that protects the rural character.”</i></li> <li>○ P4.01.02: <i>“Planning, zoning, and land-use decisions should balance the community’s interests and protect private property rights.”</i></li> </ul> <p>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.</p> </li> </ul>
		07-07-05(4)	<p><b>Will the proposed use be injurious to other property in the immediate vicinity and/or negatively change the essential character of the area?</b></p> <p>The Board of County Commissioners upholds the Planning and Zoning Commissioners' findings. The Board did not receive sufficient information to ensure that the conditions can mitigate impacts that may negatively alter the character of the area.</p> <p>The staging area and contractor shop may impact the surrounding area due to the increase in noise, dust, increased traffic, and lighting related to the use. After hearing testimony at a duly noticed public hearing on December 4, 2025, the Planning and Zoning Commission found that the proposed use would be injurious to other property in the immediate vicinity based on public testimony.</p> <p>Three (3) members of the public testified in opposition on December 4, 2025.</p> <ul style="list-style-type: none"> <li>• Testimony from Keith Cochran stated that he moved to this area to enjoy an agricultural way of life, and the area is now turning into an industrial park. Keith Cochran expressed concerns for the smaller kids in the area.</li> <li>• Ed McFarland’s testimony stated that he and his neighbors have nice homes that they invested in and moved to this area for peace and quiet. Ed McFarland expressed concern that the applicant will not abide by the hours of operation, and the use will become a full delivery business, operating at all hours. Ed McFarland expressed concerns that there is a school bus stop approximately a quarter mile from the proposed property.</li> <li>• Testimony from Staci VanOstoran expressed concerns that the applicants will not abide by the hours of operation. There have been times before 7 am that Staci VanOstoran is outside feeding or riding horses, and the traffic has already begun. Staci VanOstoran also expressed concerns that the 6-foot sight-obscuring fence the applicant has around his property makes it difficult for the farmer to the west to turn around in his tractor.</li> </ul> <p>Per CCCO §07-05-03, the burden of persuasion is upon the applicant to prove that all criteria are satisfied. After hearing all public testimony and rebuttal from the applicant, the Board found that the request by the applicant lacked information demonstrating that the use can adequately mitigate impacts to the character and</p>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><i>Analysis</i></p>

				properties within the immediate vicinity. Therefore, the Board upheld the Planning and Zoning Commissioners' findings.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-07-05(5)</b>	<b>Will adequate water, sewer, irrigation, drainage, and stormwater drainage facilities, and utility systems be provided to accommodate the use?</b>
			<i>Analysis</i>	<p>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.</p> <p><b>Water:</b> 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 (<b>Staff Report Exhibit 3A4</b>). The existing water uses are anticipated to provide adequate water for the proposed use.</p> <p><b>Sewer:</b> There are no proposed septic tanks for this project. There is currently an individual septic tank servicing the residence on site. Southwest District Health provided comment on July 15, 2025, and there were no concerns raised (<b>Staff Report Exhibit 3D1</b>). The Pre-Development Notes with Southwest District Health state that if a toilet, sink, or shower is added to the proposed shop, the applicant must apply for a new septic permit or tie into the existing septic system if it is a feasible option (<b>Staff Report Exhibit 3D1.1</b>). Per email correspondence in <b>Staff Report Exhibit 3A2.1</b>, the applicant will not be adding a toilet, sink, or shower to the shop. As conditioned, the applicant shall meet Southwest District Health (SWDH) requirements for the proposed uses on the property. During the staff's site visit on September 5, 2025, the staff observed a portable restroom.</p> <p><b>Irrigation:</b> The applicant has gravity irrigation (<b>Staff Report Exhibit 3A4</b>). Agency notice was sent out to Farmer Cooperative Ditch Co. on July 15, 2025, and October 30, 2025. No comments were received. It's not anticipated that the irrigation system will be impacted by the proposed use.</p> <p><b>Stormwater drainage facilities:</b> According to the land use worksheet, stormwater drainage on the subject property will be retained on-site. It appears the use does not require or affect stormwater drainage on the property (<b>Staff Report Exhibit 3A4</b>).</p> <p><b>Utility Systems:</b> Utility agencies, including Idaho Power, Intermountain Gas, CenturyLink, and Ziplly, were notified of the application on July 15, 2025, and October 30, 2025. No agency comments were provided by those services at the time the staff report was written. It is anticipated that the applicant will be able to work with utility providers to gain any additional utilities needed.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-07-05(6)</b>	<b>Does legal access to the subject property for the development exist or will it exist at the time of development?</b>
			<i>Analysis</i>	<p>The subject property does have legal access for the development and will exist at the time of the development.</p> <p>The subject parcel takes access by a single gravel driveway approach to Upper Pleasant Ridge Road. According to the comment received from the Highway District No. 4 in <b>Staff Report Exhibit 3D3</b>, Upper Pleasant Ridge Road is classified as a major collector. Highway District No. 4's comment provided conditions of approval, such as the applicant obtaining an access permit, to improve the approach, and to dedicate an additional 15-foot strip of right of way for Upper Pleasant Ridge Road.</p>

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>07-07-05(7)</b>	<p><b>Will there be undue interference with existing or future traffic patterns?</b></p> <p>The Board of County Commissioners upholds the Planning and Zoning Commissioners' findings. The Board did not receive sufficient information to ensure that the conditions can mitigate impacts regarding existing and future traffic patterns.</p> <p>The Planning and Zoning Commission heard the case on December 4, 2025, and found that the proposed use would cause undue interference with existing or future traffic patterns based on public testimony.</p> <p>Two (2) members of the public testified in opposition on December 4, 2025.</p> <ul style="list-style-type: none"> <li>Keith Cochran's testimony stated that Upper Pleasant Ridge Road is slowly turning into Highway 19, yet it is not classified as a highway. According to Keith Conchran, among at least three properties, approximately 50-80 trucks are coming onto Upper Pleasant Ridge Road a day. Keith Conchran expressed concerns that the traffic is getting more dangerous and that there are smaller kids in the area.</li> <li>Testimony from Ed McFarland stated that Upper Pleasant Ridge Road does have more traffic. Upper Pleasant Ridge Road goes from 30 mph to 50 mph, and the road should never go to 50 mph. According to Ed McFarland, Upper Pleasant Ridge Road should be kept at 30 mph. Ed McFarland also expressed concerns that there is a school bus stop a quarter mile from the subject property.</li> </ul> <p>Per CCCO §07-05-03, the burden of persuasion is upon the applicant to prove that all criteria are satisfied. After hearing all public testimony and rebuttal from the applicant, the Board found that the request by the applicant lacked information demonstrating that the use can adequately mitigate traffic concerns. Therefore, the Board upheld the Planning and Zoning Commissioners' findings.</p>
			<p><i>Analysis</i></p>	<p><b>07-07-05(8)</b></p> <p><b>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 to meet the needs created by the requested use?</b></p> <p>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.</p> <p><b>School Facilities:</b> Parcel R35530 is serviced by the Vallivue School District. It is not anticipated that any impacts or accommodations will be needed for the proposed use. Agency comments were sent out on July 15, 2025, and October 30, 2025. No comments were received by the school district.</p> <p><b>Police and Fire Protection:</b> Parcel R35530 is under the jurisdiction of the Caldwell Rural Fire District. Caldwell Rural Fire District is required to provide services to the parcel. As conditioned, the applicant shall comply with all Fire District requirements per State adopted IFC, and as evidenced by review and approval documentation from the applicable fire district prior to issuance of a certification of occupancy and commencement of activities on the site. All development shall comply with the 2018 International Fire Code and codes set forth by Canyon County. Agency notice was sent on July 15, 2025, and on October 30, 2025. Caldwell Rural Fire</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p><i>Analysis</i></p>	

			<p>District provided comment on October 30, 2025, with conditions of approval (<b>Staff Report Exhibit 3D3</b>).</p> <p>No comment was received from the Canyon County Sheriff's Department.</p> <p><b>Emergency Medical Services:</b> Emergency Medical Services are provided to the property. Canyon County Paramedics/EMT and Canyon County's Emergency Management were notified of the application on July 15, 2025, and October 30, 2025. No comments were received. Overall, the use is not anticipated to be significant enough to cause a negative impact or require additional public funding.</p> <p><b>Irrigation Facilities:</b> The proposed use is not anticipated to impact the irrigation facilities. Agency notice was sent out to Pioneer Irrigation District on July 15, 2025, and on October 30, 2025. No comments were received.</p>
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**Table 2. Article 14 Use Standards Criteria Analysis - Contractor Shop & Staging Area-**

<b>USE STANDARDS CCCO §07-14-03(1):</b> 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).			
<b>Compliant</b>			<b>County Ordinance and Staff Review</b>
<b>Yes</b>	<b>No</b>	<b>N/A</b>	<b>Code Section</b>
			<b>Analysis</b>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-14-09(1)</b>
			<b>Contractor Shop: (1) The use shall be contained within a building or behind a sight-obscuring fence.</b>
			<i>Analysis</i> There shall be a sight-obscuring fence that all vehicles and equipment will be contained behind. The applicant is proposing a shop that will be used to store equipment. All other work is done off-site.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-14-29(1)</b>
			<b>All work shall be conducted off-site.</b>
			<i>Analysis</i> Per the applicant's land use worksheet and letter of intent, all work will be conducted off-site, with loading and unloading of supplies on-site, except what is allowed with the contractor shop criteria, which includes storing vehicles and equipment, which will either be in a building or located behind a site-obscuring fence ( <b>Staff Report Exhibits 3A2 and 3A4</b> ).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-14-29(2)</b>
			<b>Business vehicles shall be operable and parked on site, not on a public or private road.</b>
			<i>Analysis</i> Per the applicant's land use worksheet, parking will be on-site ( <b>Staff Report Exhibit 3A4</b> ). No parking will take place on a public or private road.  Based on the Planning Staff's site visit on September 5, 2025, there does not appear to be any inoperable business vehicles on the property ( <b>Staff Report Exhibit 3C</b> ).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-14-29(3)</b>
			<b>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.</b>
			<i>Analysis</i> Per the land use worksheet, there will be approximately ten (10) employees total who will visit the premises to pick up equipment to be used elsewhere ( <b>Staff Report Exhibit 3A4</b> ).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-14-29(4)</b>
			<b>Employees may meet on the premises to share rides to and from job sites.</b>
			<i>Analysis</i> The above may occur ( <b>Staff Report Exhibit 3A3</b> ). 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.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>07-14-29(5)</b>
			<b>Employees' vehicles shall be parked on site and not on a public or private road.</b>
			<i>Analysis</i> There are ample parking spaces for employee vehicles, as seen during the site visit ( <b>Staff Report Exhibit 3C</b> ). There is space for more parking if needed.

**Order**

Based upon the Findings of Fact, Conclusions of Law, and Order contained herein, the Board of County Commissioners **deny** the appeal of Case #: CU2022-0004-APL, **upholding the denial** of the conditional use permit of a staging area and contractor shop.


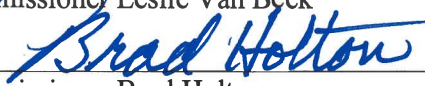
Pursuant to Idaho Code Section 67-6519, the following actions may be taken to obtain approval:

- 1. To provide mitigation measures for the public's concerns.


DATED this 19th day of May, 2026.

**CANYON COUNTY BOARD OF COMMISSIONERS**

- Motion Carried Unanimously
- Motion Carried/Split Vote Below
- Motion Defeated/Split Vote Below

	Yes	No	Did Not Vote
 Commissioner Leslie Van Beek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Commissioner Brad Holton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ Commissioner Zach Brooks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Jess Urresti, Clerk

By:   
Deputy

Date: 5/19/26