

Commissioner Minutes

April 22, 2026 – 1:32 p.m. to 4:25 p.m.

PUBLIC HEARING TO CONSIDER REQUEST BY JUAN JIMENEZ-ARREDONDO, REPRESENTED BY JAIME HUERTA-APPEALING THE DECISION BY P&Z 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; CASE NO.CU2025-0013-APL

Commissioners Leslie Van Beek, Brad Holton and Zach Brooks

Associate Planner Amber Lewter

DSD Planning Supervisor Dan Lister

Mark Flitton, Debbie Flitton, Brad Benke, Russ Arbon, Jayne Arbon, Connie Benke, Vivian Ferkin, Matthew Parks, Brian Austin, Keith Cochran, Jill Kenny, Lynn Whittig, Shaun Ryals, Ryan Whitting, Shayne Cheney, Barb Cheney, Ed McFarlane, Melinda Luttrell, Andrew McFarland, and Jared Larsen

Deputy Clerk Jenen Ross_____

PUBLIC HEARING TO CONSIDER REQUEST BY JUAN JIMENEZ-ARREDONDO, REPRESENTED BY JAIME HUERTA-APPEALING THE DECISION BY P&Z COMMISSION TO DENY THE REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR A STAGING AREA AND CONTRACTOR SHOP WITHIN AN "A" (AGRICULTURAL) ZONE; CASE NO.CU2025-0013-APL

The Board met today at 1:32 p.m. for a public hearing to consider a request by Juan Jimenez-Arrendondo, represented by Jaime Huerta, appealing the decision by P&Z to deny the request for a conditional use permit to allow for a staging area and contractor shop within and "A" (agricultural) zone, case no. CU2025-0013-APL. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Associate Planner Amber Lewter, DSD Planning Supervisor Dan Lister, Mark Flitton, Debbie Flitton, Brad Benke, Russ Arbon, Jayne Arbon, Connie Benke, Vivian Ferkin, Matthew Parks, Brian Austin, Keith Cochran, Jill Kenny, Lynn Whittig, Shaun Ryals, Ryan Whitting, Shayne Cheney, Barb Cheney, Ed McFarlane, Melinda Luttrell, Andrew McFarland, Jared Larsen, and Deputy Clerk Jenen Ross.

Matthew Parks, representing the applicant, offered testimony in favor of the request arguing that the denial was not supported by substantial and competent evidence and conflicts with the recommendation of the staff report. There were only two criteria that the P&Z Commission could not find in the affirmative. He doesn't feel there was any explanation as to why the application was denied. P&Z found the operation would be injurious to the surrounding area but there really isn't any evidence to support this finding. P&Z also found there would be impact to the traffic but HD4 did not oppose the application and there is minimal traffic impact.

Amber Lewter gave the staff report and reviewed a PowerPoint presentation as follows:

The appellant requests that the Board of County Commissioners overturn the denial of CU 2025-0013 for the property owner's fencing and landscaping business. The subject parcel is located at 17665 Upper Pleasant Ridge Road in Caldwell. The proposal is for approximately one acre of the 5.95 acre parcel, which is zoned "A" agricultural. The Planning and Zoning Commission heard the case on December 4th, 2025, at which staff recommended approval with 15 conditions. The Planning and Zoning Commission considered all the evidence and denied the conditional use permit based on the case not meeting criteria number four and number seven. The planning and zoning commission

found that the proposed use would be injurious to the other properties in the immediate vicinity and would negatively change the agricultural character of the area based on public testimony, such as neighbors moving to this location to enjoy the agricultural area, which is now turning into an industrial park along with wanting privacy, peace, and quiet, and a good investment. There were concerns that that applicant would not abide by the hours of operation and would expand into a full delivery business operating at all hours. There was testimony that the six foot site obscuring fence makes it difficult for the farmer to turn around in the tractor. The appellant is stating the proposed use will not be injurious to the other property in the immediate vicinity or negatively change the essential character of the area with the mitigating conditions that were proposed. The appellant states that the area is a mixed use area with nearby feed lots, gravel pits, industrial uses, and other contractor type activities within a two mile radius of the proposed site. The area is not exclusively residential or agricultural; therefore, the appellant argues that a staging area and contractor shop that is allowed in the agricultural zone with a conditional use permit would not change the character of the area. The planning and zoning commission found that the proposed use will have undue interference with the existing and future traffic patterns due to public testimony. Testimony included that Upper Pleasant Ridge Road is turning into Highway 19, but it's not classified as a highway, that approximately 50 to 80 trucks are coming onto Upper Pleasant Ridge Road a day from at least three properties, and that the road goes from 30 miles per hour to 50 miles per hour, and that the road shouldn't go up to the 50 miles per hour. Concerns were expressed that there are small children in the area with a school bus stop a quarter mile from the subject property. The appellant believes that the proposed use will not cause undue interference with the existing or future traffic patterns. Highway District No.4 did not oppose the application and according to ITD trip generation manual, the proposed use is anticipated to have 36 daily trips, with the use limited to 10 employees. The appellant states that the public testimony included unrelated truck traffic and cannot be factually tied to the owner's company and that the road classification and speed enforcement fall within transportation and law enforcement authorities, which is not a lawful basis for denying the application.

Mark Flitton offered opposition testimony concerning dangerous road conditions, number of daily trips, and the lack of repercussions if the business doesn't do what it says it's going to do.

Brad Benke did not offer testimony but noted he agrees with Mr. Flitton.

Russ Arbon testified that since April of 2024 the property has been used for the fencing business and that it doesn't seem that Mr. Jimenz secures the proper permits for adding onto the house or putting in the sewer line to the trailer until he's reported. He has concerns about the hours of operations outside the stated hours, noise, that the area in which the business operates will be expanded, and feels that due to the length of the fence they are trying to hide something.

Jayne Arbon testified in opposition stating that she doesn't feel the applicant hasn't shown evidence they can meet the county's criteria. The property is designated as ag in the comp plan, and there are ag operations surrounding the property. She has concerns about the operation plan such as manufacturing happening on the property, loud industrial noise, activity happening outside of noted business hours, and that it seems like an operation yard vs. storage yard. She is unsure whether the highway district took into account the family living on the property when they gave approval.

Connie Benke and Vivian Ferkin did not offer testimony, but both agree with those that have already testified.

Brian Austin noted that the gravel pit in the area as referenced by the applicant's representative is actually across Hwy 19 which is more than two miles away. He is also concerned that this is changing the character of the area by operating light industrial and that it will set a precedent.

Keith Cochran is concerned with people asking for forgiveness vs. permission, early morning operations, music and parties taking place until 10 p.m. on Friday nights, and the overall lack of care and maintenance of properties in the area.

Jill Kenny referenced the applicant's argument to a similar case that was approved by P&Z but noted the differences in the two cases. She said the Jimenez property is designated ag in the 2030 comp plan and is prime farmland.

Lynn Whittig is concerned about not being able to fumigate and/or use aerial spraying, the roadway and line of sight, and the ability to safely move large farm equipment on and off his property.

Ryan Whittig expressed his frustration with people coming into the area and creating illegal situations that the county and other agencies have no recourse to enforce regulation. He agreed with what his dad (Lynn Whittig) said about moving equipment on and off the field. He feels that traffic concerns should be considered cumulatively, not by individual case.

Barb Cheney did not offer testimony but agreed with what has already been stated.

Ed McFarland agrees with everyone else but questioned Commissioner Holton's statement about only being able to consider this application without considering the cumulative effect.

Melinda Luttrell agrees with the opposition.

Andrew McFarland is concerned about speed on the road and specifically the speed that employees of the contractor are coming over the hill.

Shayne Cheney spoke about how he went through the CUP process several years ago, followed the rules and simply accepted denial decision. He is concerned about the number of cars and speed on Upper Pleasant Ridge Road.

Mr. Parks offered rebuttal testimony. He feels there has been a lot of testimony related to the area around this property but not specifically related to this application. He responded to Commissioner Van Beek's question about the RV on the property stating that it was last used in August and in regard to the septic line being dug, that has now been removed. He doesn't feel that if an applicant is trying to rectify an issue they should be penalized for trying to bring something into compliance and/or submitting an application; the application should be considered for its merits. He agrees with Commissioner Holton's statement that this application needs to be considered on its own as far as traffic is concerned. In regard to this being an ag zone, they are not requesting a rezone, they are requesting a CUP because it fits within the agricultural zoning classification of the comp plan.

In response to a question from Commissioner Holton, Mr. Parks addressed how this does or does not change the character of the area noting there are other permitted properties in the area that are used for things other than agricultural.

The Board recessed from 3:14 p.m. to 3:32 p.m.

Following the recess, Ms. Lewter provided clarifying comments stating that during the site visit there didn't seem to be any manufacturing or industrial on site – it was strictly a staging area and that the contractor shop hasn't been put onto the property yet. During the site visit, it did appear that someone was living in the RV on the property, but it was testified at the P&Z hearing that it was no longer being lived in. In regard to the code enforcement violation, the property owner is trying to gain compliance by working to obtain the conditional use permit for a staging area and contractor shop.

Mr. Lister addressed the concerns expressed about Upper Pleasant Ridge Road, this is not something the county has jurisdiction over, this is under the jurisdiction of Highway District No. 4. In regard to the fencing, there are no setbacks for fencing as it is not a structure. He also addressed how this property was split through the land division process that is still in place today, the well and the high water table. There is a personal residence on the property so they are allowed to have parties and enjoy their property, any noise complaints should be addressed through the Sheriff's Office. The county does not have a code that says if a property is in violation they cannot apply for a permit; a violation should not be a determination in approving or not approving the application. This is a use that is allowed in the ag zone subject to conditions.

Ms. Lewter and Mr. Lister addressed several questions posed by the Board.

Commissioner Van Beek motioned to close public testimony. The motion was seconded by Commissioner Brooks and carried unanimously.

Following Board discussion and deliberation, a majority of the Board concurred that they were unable to make findings for criteria 4 and 7 due to a lack of information regarding mitigation measures related to dust control, access, traffic, and how the general operation would impact the surrounding agriculture. Approval could possibly be gained by showing mitigation measures that address the above noted concerns. Additionally, the Board would like a letter from Southwest District Health confirming the property is in compliance.

Commissioner Brooks made a motion to deny case no CU2025-0013-APL and that FCOs will be brought back at a later date for Board consideration. The motion was seconded by Commissioner Van Beek. The motion carried in a 2-to-1 split vote with Commissioner Brooks voting in opposition of the motion.

Upon the motion of Commissioner Holton and second by Commissioner Van Beek the Board voted unanimously to adjourn the hearing at 4:25 p.m. An audio recording and supporting documents are on file in the Commissioners' Office.