

Speaker 1 ([00:00:01](#)):

Okay. I'm gonna call the meeting to order. This is now 1:32 on the 22nd of April 2026. It's time for today's Canyon County Board of Commissioners public hearing. This will be regarding case number CU2025-0013-APL. So it is an appeal. I'm Chairman Brad Holton. To my left is Commissioner Zach Brooks and Commissioner Leslie Van Beek. The DSD staff report and any additional exhibits received by the established materials deadline have been posted on the county's website on the land use hearing page for anyone to review. Before we get- begin, potential conflicts of interest. Okay. Are there any declarations pertaining to this application such as conversations or meetings outside of this hearing received by any commissioner?

Speaker 2 ([00:00:57](#)):

Thank you, Chairman. No.

Speaker 3 ([00:00:59](#)):

No, Mr. Chairman.

Speaker 1 ([00:01:00](#)):

And no for myself. Is there any commissioner who for reasons of a conflict of interest request to be excused from participating in this specific decision?

Speaker 2 ([00:01:09](#)):

Thank you, Chairman. No.

Speaker 3 ([00:01:10](#)):

No, Mr. Chairman.

Speaker 1 ([00:01:12](#)):

Okay. So I'm gonna ask you to please silence your phones, your electronic devices. The commissioner's room electronically records all public hearings. We have microphones in the ceiling. We can hear your conversation person to person. I don't think you want that to become a public record for time and eternity. If you need to converse with the person beside you, it's perfectly fine to get up and exit the room and talk in the hallway. As chairman, I will maintain order by restricting inappropriate discussion or disorderly conduct. If necessarily, if necessary, I may ask you to step outside in the event you are disruptive or inappropriate. At this time, I'll explain the rules of today's procedure for today's hearing, consistent with Kenyon County Ordinances chapter one, Article 17 and Chapter seven, Article one. The applicant has the burden of proof. The applicant or their representative will go first today and their testimony will be limited to 10 minutes.

([00:02:09](#)):

The board may have questions for the applicant, which will not count against their time. The SD staff report will be next and the board may have questions for staff. Additional s- questions from the board to staff can happen at any time during today's hearing.

([00:02:28](#)):

After those two go first, then it'll be followed up by the individuals who have signed in to testify. So is there anybody in the room in the gallery that's come in that didn't have the opportunity to sign in and

you are wanting to speak to the board? Okay. Since the applicant has the burden of proof, they will go last after all of your individual testimonies have been presented to the board, and they'll have five minutes for rebuttal testimony to answer additional board questions. Once public comment is closed, we will deliberate and render a decision. So, , if you haven't been here before, we're just gonna ... When we call out your name and it'll be by random order, it won't be by the way you signed in, most likely. And we don't care if you're four, positive or neutral, we're just interested in hearing your testimony.

[\(00:03:18\)](#):

Come up to the front, take a seat in front of the microphone, pull the mic up close to your mouth. We can hear you, but if you're speaking to us and you don't have your m- mouth in the microphone, the people behind you can't ... They don't have a clue what you're saying, so keep your mouth close to the microphone, please. We will not be accepting any documents or other written materials at this hearing. All materials to be relied upon as part of the record were required to be submitted by the advertised deadline, which was a minimum of 10 days ago. Materials received by the deadline have automatically been included in the record and we have received them. This deadline is to provide ample time for inclusion in the staff report packet, hearing body review, and full transparency for the public access. Submissions of late documents or other materials does not allow all parties time to address the material or allow sufficient time for public review.

[\(00:04:13\)](#):

So if in your verbal testimony you refer to an exhibit we have received, try to s- say it verbally what you're referring to, for an example, an exhibit number or a location or a description of the written materials. Also, we're gonna ask that you don't have repetitive testimony. If, ... I'm just gonna use an example. I'm not wanting to be pre-prejudiced, but if you're concerned about how much traffic there is, I don't care. I don't need to hear that 20 times. I get it, right? So bring a different point out about the traffic if you're gonna wanna say the traffic. If somebody ... If you're at the end of all of this testimony and it's pretty much been said and your name's still on the list, you can choose to either get up and speak about something that hasn't been spoken about, or you could choose to come up and say, "Pretty much everybody before me said exactly what I wanna say except this one nuance, I wanted to add that blib to it.

[\(00:05:10\)](#):

" It helps in our decisionary process not to get weighted down by too much of one thing. So now we're ready for us to have the o- oath of affirmation.

Speaker 4 [\(00:05:24\)](#):

Amber Lutter, Dan Lister, Mark Flinton, Debbie Flitton, Ben Ben- Brad Benke, Russ Arbonne, Jane Arbonne, Connie Benke, Vivian Perkin, Matthew Parks, Brian Austin, Keith Cochran, Joe Kenny, Lynn Whittig, Sean Riles, Ryan Wig, Barb Cheney, Ed McCarlin, Melinda Lentrell, Andrew McFarland, Jared Larson, Shane Cheney. If I could everybody raise your right hand. Do you swear or affirm that the testimony you give will be the truth, the whole truth, and nothing but the truth, so help you God?

Speaker 1 [\(00:06:06\)](#):

All right. Thank you. All right. So now we're gonna ask that the applicant come up or their representative and you're gonna have 10 minutes to make your presentation. So one important point I forgot, there's always something, right? When you sit down and you get your mic up close, state your name and your address, and then you can begin testimony.

Speaker 5 ([00:06:35](#)):

Thank you. , My name's Matthew Parks, for the record, , 251 East Front Street, Boise, Idaho, 83701. Well, thank you, , commissioners, , for hearing this appeal today. , This is an appeal of a denial of a conditional use permit. , The application was filed by Juan Jimenez Arondo. , My name is Matthew Parks. , The purpose of this appeal ... Can we get to the next slide, please? We're appealing the denial of the conditional use permit application for a 5.95 acre area, , plot that is, , to be used for a contractor's yard and late landscaper, , business. This is not gonna be a retail business. It's just gonna be storage for the materials and the vehicles on site. , The appeal argues that the denial was not, , supported by substantial and competent evidence and conflicts with the, , recommendations of the staff report.

([00:07:55](#)):

, Next slide, please. Oh. , because the commissioner found the, , the, , most of the materials or the criteria were met, we only have two criteria that, , the commissioners disagreed with. , First was being the ... Well, actually, take it back. , Their decision is not a, a well-reasoned, , statement that complies with Idaho law and is not supported by substantial and competent evidence, and we'll get into that a little bit more. And it misapplies the conditional use, , framework within Idaho Code. Next slide. So the re- relief today that we want you to, , reverse the denial and approve, approve the, , CUP with the conditions of approval that were recommended by staff. We have 15 conditions of approval that the staff recommended when the, , application was before the commissioners on December 5th, 2025.

([00:09:11](#)):

Relief is warranted here because the commissioners acknowledge that there's broad, , I guess, compliance with nearly all of the criteria in the code. We just have two minor finder- findings that, , are not supported by the evidence, and we're focused on those. So the legal standard for reason statement is to identify the relevant c- criteria, , state the contested facts, and explain the rationale- rationale connected to facts and to decision ... Excuse me. The deficiency we have is there's no explanation as to why the application was denied. We, , asked for, , mostly, , with the failure to address any potential mitigation or any, , , factors that could have been considered by the commissioners. The statement was, , there's nothing that could be done with this application. And I really wanna contrast this with the same day of this application in December 5th, there was another application for a contractor's yard that was approved, and as you'll see in the staff report, and we'll explain a bit, , later today in the testimony that, , there was really no explanation as to why our application was denied and the other application for a substantially similar, , use, , was approved.

([00:10:44](#)):

So just moving forward with what was in the actual, , I guess, findings by the commissioners, they indicated that, yes, this is a use that's approved by, , the CUP in this, in this zone. It's co- it's consistent with a comprehensive plan. We've got utilities, , that are sufficient for the, the, the use. We have legal access, no problems there. Essential services are going to be provided with no, , impact, and that all of the Article 414, , use standards would be met with the conditions of approval. That being the case, I think the findings should have been, , approved, excuse me, the application should have been approved with, , consistent conditions of approval.

([00:11:32](#)):

I wanna talk to you about the two findings that the planning and zoning commissioners disagreed with. First was that the, , application is ... We're gonna have a injury and character impacts to the surrounding neighborhood. And I think other than the public testimony with anecdotal evidence, there's really nothing in the record to support that. Also, I would recommend, , also, , point back to the fact that staff recommended approval of the, , initial application with these, , conditions of approval. And so what we

have is, , a situation where there's no evidence or rationale, , from the commissioners explaining why these, , criteria are not met. There's no s-, no, , soy, excuse me, noise standing study, no dust, , or lighting analysis and no property evaluation evidence. I think at the end of the day, the conclusion should have been, yes, this does meet all the criteria.

[\(00:12:46\)](#):

, We'll see with the conditions of approval, we do have a condition that, yes, you're going to have a dust, , mitigation plan, you're gonna have, , light shielding consistent with, , Canyon County. So all of these consist- conditions of approval, , should have been adopted and had the, , application approved. The conclusion that we look at is that, well, it does seem to be a little bit arbitrary, especially when we're looking at the other application that same very day that was approved. The other criteria was the impact on the traffic. , Again, all we have, , in the record is anecdotal evidence that it's going to be a, a traffic impact. The highway district number four does not oppose the application. There's, , a minimal traffic impact according to the ITE trip generation. We only have 36 trips, , per day. This is going to be mostly at the beginning of the day and the end of the day.

[\(00:13:49\)](#):

This is consistent with a maybe two or three single family residences, so this is not a big impact. Also, I want to point out that this is upper, , , ridge, , I can't even get this, , way, pl- upper Pleasant Ridge, , road, which is a major collector street, and there's, , this is a situation where this is not gonna have a burden on the roads, , and there's got of, , and we'll see a little bit more with the visuals that staff has prepared showing the, , actual view from the street on the, on the streets. , That I think is a deficiency because there's no objective evidence to point to that say, "Hey, listen, we're, we, we understand that we've got, , no comments from, , the highway district, but still we're going to deny the application based on traffic concerns." There's also some public testimony talking about the traffic impact on the road from all kind of different, , uses, not this application, but basically generally the fact that, oh, there's a lot of traffic on this road.

[\(00:15:09\)](#):

I understand that might be, , , , , something that people have in their mind, but it's not played out by the evidence and also the traffic impact, , on the gen- the roads generally should not be held on, , against my client.

[\(00:15:28\)](#):

, I wanna talk really quickly about the tools that we have in the tool chest to, , have the, , conditions of approval. I think here we're talking about traffic impact or we're talking about dust impact or there's ways to deal with that and the conditions of approval do that very, very well. There's no parking allowed on the street. It's, everything's gotta be off, offsite. We're gonna have a dust study that's gonna be, , prepared and submitted, and I think those tools that we have are gonna mitigate the, , impacts. And I think that's consistent with what staff recommended with the, , approval. I think there was a very good conditions of approval there. One that we have, , we haven't talked about, there is a diesel, , storage tank that, , there was a condition of approval to have that be, , a concrete pan underneath to make sure there's no spillage and my client is, , amenable to, to doing that and actually has been working on getting that, , installed already.

[\(00:16:36\)](#):

So my conclusion would be, well, the commissioners recognized that, yeah, we can have conditions of approval, but there was a statement that said, "No action can be taken to mitigate these impacts." And I'm not sure that explanation holds water. , In conclusion, I, I think we've already got these, , already

covered, but I just wanna point to the fact that it was an application that was approved same day, similar use, and our ap- application was denied, and my final request would be that the, , commissioners today reverse and approve this UP with reasonable conditions, and I will, , stand for any questions.

Speaker 6 ([00:17:22](#)):

Questions?

Speaker 2 ([00:17:24](#)):

Thank you, Chairman. Mr. Parks, did you, by chance, look at any accident reports in this area? We've had other land use that predates and continued, I guess, interest in this area for the multi-use that it serves, but did you bring any traffic reports or pull anything in that area where there's concern on traffic?

Speaker 5 ([00:17:46](#)):

I did not, , prepare any materials, , re- related to the, the accident reports and anything like that. No, commissioner. Okay. I'm sorry.

Speaker 2 ([00:17:53](#)):

No, no problem. And then Dan, , Mr. Parks referenced several times the other application where there's substantive differences that you can highlight or no? ,

Speaker 7 ([00:18:03](#)):

Through the chair, , Amber can sum- summarize that in, during her presentation.

Speaker 2 ([00:18:09](#)):

Okay. Thank you for that. , And then the, the storage of the diesel does ... I understand that a concrete pad has been put in that. I'm gonna wait for Dan. Sorry. Well, that's okay. I, you can finish your question, but my question has to do with the diesel storage tank. Is this classified under ... How does that fall in our code on storing that material on site in an agricultural zone?

Speaker 7 ([00:18:45](#)):

Through the chair, , commissioner, we don't have any code for that. So what, when it comes to a conditional use permit, we, we look at their operations plan, what they want to provide, or propose, and we add conditions making sure they meet the, that agencies who has control over that, their requirements before they commence use or within a certain timeframe. So in this case, if there's any spillage, it'd be DEQ that has requirements for that. They would have to meet their requirements before, , commencing that use or prior to using that for that purpose. You just have to meet the requirements. Sometimes there's no permit, it's just, here's these standards you have to meet, you know, so you have to work with that agency.

Speaker 2 ([00:19:23](#)):

And I'm sorry if I missed it. What's the size of the tank? I

Speaker 7 ([00:19:26](#)):

Don't have

Speaker 2 ([00:19:27](#)):

The size.

Speaker 7 ([00:19:28](#)):

I don't have that information.

Speaker 2 ([00:19:29](#)):

Okay. And maybe Mr. Parks knows?

Speaker 5 ([00:19:30](#)):

I, I, unfortunately, I don't have the specific size on that and, , the applicant is not here today, , to, to answer that question. Okay. I can get that. If, if, if we can look at it, I would say it's probably, you know, maybe 300 gallons. It's really, it's, it's, , it's not a, a facility. This is just, , something you would typically have on a agricultural plot for just farm equipment.

Speaker 2 ([00:19:58](#)):

Okay. And so is the point of this tank on the property to be for fueling the vehicles that run the landscaping business or is it left over from an agricultural operation?

Speaker 5 ([00:20:07](#)):

It is to use the, , excuse me, commissioner. Yes. It's to use the, , landscaping vehicles to fill up on the, for the trucks as they move out on, on the fleet.

Speaker 2 ([00:20:17](#)):

Okay. Thank you.

Speaker 1 ([00:20:25](#)):

So I'm gonna, I'm gonna ask you a question and you can have time to ponder it and perhaps bring it back during rebuttal, but you've mentioned this other application that was granted the same night that you held this. They have put their property up for sale and are moving because they can't meet the conditions that was set upon the approval. So, , I, I just need you to, , consider where that application is at in consideration of you using it as a argumentative point. It, , we see this in the history of Canyon County. Some of the commissioners are just very proud about approving a conditional use permit and then there's so many conditions put on it that it's just not attainable. It's not practical. And I've been tr- I've tried in my tenure not to do that. I either say yes or no, or if the conditions are put on something, then they're attainable.

([00:21:31](#)):

You can, you can, you can measure them, you can figure out if you've met that or you haven't met that. And so sometimes, , in the rush to put in conditions, they are, they're not attainable because they just are not profitable. They're, they're just cost more than they're worth and it's easier to go

([00:21:49](#)):

To a different piece of property. So I would like you to consider that and in your rebuttal, , if you would like or you can do it right now. I don't care.

Speaker 5 ([00:21:58](#)):

I can, I can do it now and I think they'll reserve some time in the rebuttal, but initially, , it's my understanding that that application, the applicant on that, , CUP application, there was a condition of approval to have fencing around the, , the use area and my client, , has already fenced the area and I think the, the pushback from the barns application was, "We just don't want to have a fence. Can we not have to deal with that? ", I think in this area and the barns area, it's a little bit more rural and residential, and I think the shielding and the fencing was more important to the neighbors. In this situation, we, one, we do have a fence, and it already is, , serving the purpose of shielding to make sure that, , the neighbors don't see the, , the, I guess, daily activities.

([00:22:49](#)):

And when I say daily activities, it really is just storage and, you know, , parking vehicles for employees for the day and then going home.

Speaker 1 ([00:22:59](#)):

Okay. All right. Thank you. And-

Speaker 2 ([00:23:02](#)):

Any

Speaker 1 ([00:23:02](#)):

Other questions?

Speaker 2 ([00:23:03](#)):

I do have a question. Okay. It states in the testimony that the RV has been removed, but the site photos from September of 2025, it has it, is it there or not there, the RV?

Speaker 5 ([00:23:15](#)):

The RV, it's my understanding that the RV might still be there, but it's not being used, the person, and we can definitely have that removed if the application is approved. I tried to, , check with my, , client earlier today, and it's my understanding that, again, it is being still stored there, but is not being used for any, , purposes.

Speaker 2 ([00:23:35](#)):

And you don't have any statement from the applicant given that this was coming before the board and that was not allowed as to why they did not move that? ,

Speaker 5 ([00:23:45](#)):

I, I, I don't. , Commissioner, I, I'm, I apologize for that.

Speaker 2 ([00:23:48](#)):

Okay. Thank you.

Speaker 1 ([00:23:51](#)):

All right. Any other questions? All right. Thank you.

Speaker 6 ([00:23:55](#)):

Thank you.

Speaker 1 ([00:23:56](#)):

All right. We'll now turn to DSD staff and have their presentation. Okay.

Speaker 8 ([00:24:03](#)):

Good afternoon, chairman and commissioners. My name is Amber Luder, and today I'm presenting the Jimenez Aradondo appeal, KCU 2025-0013-APL for a stage and area and contractor shop. The appellant requests that the Board of County Commissioners overturn the denial of KCU 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 for agricultural. Per county code 07-07-05, there are eight criteria for conditional use permits. Each question must be answered with adequate evidence to approve or deny a conditional use permit. 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.

([00:25:08](#)):

The next several slides identify the planning and zoning commission's decision and analysis found

Speaker 6 ([00:25:13](#)):

In

Speaker 8 ([00:25:13](#)):

Their SEOs along with the appellant's argument.

([00:25:16](#)):

The commission found that a staging area and contractor shop is permitted in the agricultural zone with an approved conditional use permit. The planning and zoning commission found that the nature of the request was in line with the stationary and contractor shop. The request includes 10 employees, parking spaces, storage of materials on site with loading and unloading of materials conducted on site. The hours of operation are Monday through Friday, 7:00 AM to 7:00 PM. The PNZ Commission found that the proposed use is consistent with the comprehensive plan. The comprehensive plan designates the subject parcel for agricultural. Although this, the future land use is trending towards a mixed use of residential, industrial, and agricultural, the proposal aligns with several goals, policies, and actions as seen in the staff report in exhibit three. 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 industrial park along with wanting privacy, peace, and quiet, and a good investment.

([00:26:24](#)):

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 side of squaring fence makes it difficult for the farmer to turn around in the tractor. All public testimony can be found in the minutes in exhibit two. 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 ag- 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.

[\(00:27:17\)](#):

The appellant states that Idaho law requires objective evidence of harm, not generalized opposition, and that the denial is not supported by substantial evidence. The commission found that the project is compliant with criteria number five, water, irrigation, sewer, and utility systems are available. The commission found that legal access exists. The subject parcel takes access by a gravel driveway approach to Upper Pleasant Ridge Road. Upper Pleasant Ridge Road is classified as a major collector. 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 ... , Sorry, 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.

[\(00:28:21\)](#):

Concerns were expressed that there are smaller children in the area with 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 number four did not oppose the application and according to ITE 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. Here are four photos taken from the parcels approach on Upper Pleasant Ridge Road during staff site visit on September 5th. Photo one was facing west, photo two was facing north, photo three east, and photo four was facing south towards the subject property.

[\(00:29:17\)](#):

More photos can be found in the staff report in Exhibit C. The commission found that essential services will be provided to accommodate the use. Per county code 07-14-09, there is an additional criteria for contractor shops. The Planning and Zoning Commission found that the proposal meets this criteria because the use will be located in a metal shop with a site obscuring fence along the staging area boundaries. Per county code 07-14-29, there are five additional criteria for a staging area. The Planning and Zoning Commission found that the proposed use meets all of the criteria for a staging area. Finding all the work will be conducted offsite. There will be no parking on a public or private road. Employees visit the premises to pick up the company equipment and there's loading and unloading on site. Ride sharing to and from job sites may occur, and there are parking spaces for employee vehicles and space for more parking if needed.

[\(00:30:12\)](#):

Notification was done as required by code. At the expiration of the materials deadline, five agencies provided comments, which can be seen in the planning and zoning staff report in Exhibit 3D. For the planning and zoning hearing, one public comment was received in opposition, which could be found in Exhibit 3E. For the Board of Ca- Can- Canyon County Commissioner's hearing, two public comments were received in opposition, which can be found in Exhibit five.

(00:30:38):

The Board of County Commissioners may approve the appeal, deny the appeal, or table the hearing to request additional information. Thank you for your attention. That concludes my presentation. Staff can now go over the conditions that were proposed for this application or answer any questions the board may have. , I know there was a question about the Barnes case, so that one was in the Middleton area, so quite far away. It was a staging area and contractor shop application heard the same evening. , And I can answer any questions if you have further.

Speaker 3 (00:31:13):

Mr. Chairman? Yes. You made a comment about a fence that, that a farmer said was it would be in the way to turn around or it already is or what. Can you show me which one? I got a picture.

Speaker 8 (00:31:26):

, Not sure if I ... I have a picture of it, sorry. So the s- staging, the applicant has already started the side obscuring fence. It's a vinyl fence. Uh-Huh. And there was testimony, not from the farmer itself, but from a neighbor saying that the f- farmer to the west has difficulty farming their portion of b- due to the fence because they can't do the entire pivot. That was my understanding from the testimony.

Speaker 3 (00:32:03):

Is the fence on that farmer's property?

Speaker 8 (00:32:05):

No. There, they did check and it is on the applicant's property lines correctly.

Speaker 9 (00:32:13):

I think you showed off the access. On the

Speaker 8 (00:32:15):

Access?

Speaker 9 (00:32:15):

Let me see. Does it show off the west the front right

Speaker 6 (00:32:20):

Here?

Speaker 8 (00:32:21):

Right. This, , through the chair, this is the fence they're speaking about for that testimony.

Speaker 2 ([00:32:33](#)):

Chairman? And for clarification, is this the Whittek property that's being farmed that you're referencing or is that a different ...

Speaker 8 ([00:32:42](#)):

I cannot recall the name because it wasn't the farmer itself that was, gave the testimony. It was just one of the neighbors-

Speaker 2 ([00:32:51](#)):

Okay. ...

Speaker 8 ([00:32:51](#)):

On behalf of the farmer. So I can't say for certain.

Speaker 2 ([00:32:54](#)):

No problem. But did ... I was processing information. It does meet the agricultural setbacks, the fence?

Speaker 6 ([00:33:02](#)):

It does.

Speaker 2 ([00:33:02](#)):

Okay. Are you done questioning, Commissioner Brooks? Mm-Hmm. I have a question, and it's on the photos that are found in Exhibit 6A1. And there's an aerial of the property from June of 2020 to the current ownership, which it looks like that's referenced as June of 2022. And just for the record, is there a code enforcement violation on this?

Speaker 8 ([00:33:38](#)):

I, I apologize. Commissioner Van Beek, what is the exhibit number that you're referencing?

Speaker 2 ([00:33:43](#)):

I'm looking at Exhibit 6A1. It's a presentation, I believe it's from Mr. Cochran. And I'm looking in the staff rever-, at the hard copy. I apologize. I'll see if I can find it.

Speaker 8 ([00:34:00](#)):

I do have that.

Speaker 2 ([00:34:01](#)):

Okay. I

Speaker 3 ([00:34:01](#)):

Don't even see it in the electronic.

Speaker 8 ([00:34:05](#)):

The ...

Speaker 1 ([00:34:12](#)):

6AI as a molding page document.

Speaker 8 ([00:34:16](#)):

Commissioner Van Vee, is this the ...

Speaker 2 ([00:34:19](#)):

Yes.

Speaker 8 ([00:34:20](#)):

This is not the subject property.

Speaker 2 ([00:34:23](#)):

Okay. This

Speaker 8 ([00:34:25](#)):

Is a property next to the, , Keith's, but it is not the subject property in question.

Speaker 2 ([00:34:33](#)):

Okay. Thank you for that. And then I understand that they started operating the business before they had a conditional use permit to operate the business. And then in that interim where they need to obtain permission to run the business, are they continuing to operate or did they cease operations?

Speaker 8 ([00:34:52](#)):

Commissioner Van Beef, there is a active code enforcement on this. There was a violation given to the applicant. There was not a cease and desist, so the property owner has still been, , operating their business at this time.

Speaker 2 ([00:35:09](#)):

Okay. Thank you.

Speaker 1 ([00:35:20](#)):

Any other questions?

Speaker 2 ([00:35:38](#)):

And Chairman, while Commissioner Brooks is looking, the purpose then on that set of photos, maybe Mr. Cochran's the best person to ask, but I guess intent is what I'm trying to figure out on the inclusion of that, on the prior and current ownership and how that's, I guess, relevant for today.

Speaker 8 ([00:36:02](#)):

Commissioner Van Beek, , I'm sure Keith can speak more upon it in email correspondence with him. , His intent is to show the nearby area where people ask for forgiveness, , instead of permission was, I believe, his intent.

Speaker 2 ([00:36:22](#)):

Okay. Thank you. I appreciate that. Thank you. Okay. Anything else? Thank you, Chairman.

Speaker 1 ([00:36:30](#)):

All right. Is that it? Yeah. Okay. Thank you. So now we're gonna go into the time period that we're gonna call you by name. So if you would come up, have a seat, pull the microphone up to your, by your mouth and give us your name and address, and then you have three minutes to share what's on your mind.

Speaker 4 ([00:36:49](#)):

Mark Clinton?

Speaker 10 ([00:36:50](#)):

I'd like to give my time to Russ Arvin.

Speaker 1 ([00:36:53](#)):

Doesn't work that way. <Laugh>

Speaker 10 ([00:36:57](#)):

Yeah.

Speaker 1 ([00:36:58](#)):

Okay.

Speaker 10 ([00:36:59](#)):

Oh, well, I'll come up and talk then.

Speaker 1 ([00:37:01](#)):

All right.

Speaker 10 ([00:37:10](#)):

My name is Mark Flinton, 1897 Chicken Dinner Road, Caldwell. , I guess my biggest concern, some of those pictures don't really do justice to how that road really works. If you're westbound on that road, you come over a fairly significant rise with no visibility, and if you're already going 50 miles an hour, it's not long till you're right on that property. I'll tell you how alarming it was. The other night, my wife and I were on our way to dinner on a Saturday night, and a probably a one year old toddler, maybe one and a half year old toddler had come off this subject property and was walking down the white line on the north side of the road. We stopped our vehicle in the middle of the road, turned our emergency flashers on, so worried that someone was gonna come over that hill and hit that young child, and somebody came out from the property with a beverage in their hand and scooped that child up after I honked my horn.

[\(00:38:08\)](#):

So, , that's one concern is if you're coming westbound and if they have a ... I don't know how they're gonna unload their materials because their access point is very restricted going into their driveway. So I don't know if they're gonna be bringing them on semis or how they'll get them in that property and how they'll get them unloaded and turned around. As far as what they've been doing on the property, I drive by there two or three times a day, and I mean, for a couple days, they had a skid steer in the front yard with the bucket up in the air working on it, so they've been using it as a maintenance facility also. So it's, you can say 36 trips a day, which I don't know how the math works. If you have 10 employees, they have to come and go. The vehicles have to come and go.

[\(00:38:52\)](#):

You have to resupply. You have to change maybe implements. I don't know. But it's, it's really more of a commercial hub to run a business. It's not a simple thing like park and ride where you park a vehicle and nothing happens all day, and then someone comes and returns that vehicle and gets their car and leaves. And, you know, we're seeing more of those things out in the country where people are coming in and starting a business with no permits, and there seems to be no repercussion to stop them until we go through these long processes and meetings. It seems like it would be far better if we had a system where we could come in and say, "Hey, this is an appropriate use for this area. Stop. Don't spend any money on this property, and here's what you have to do to get licensed to be able to be out here." So I think in the future, it'd be nice if we had a system that would maybe create some rules and prevent this from occurring before people spend money on their property making improvements.

[\(00:39:52\)](#):

That's all I have. Thanks. Thank you.

Speaker 2 [\(00:39:54\)](#):

Chairman. Mr. Flinton?

Speaker 10 [\(00:39:56\)](#):

Yes.

Speaker 2 [\(00:39:57\)](#):

Can you point on the map where it is that you're located?

Speaker 10 [\(00:40:04\)](#):

I'm on Chicken Dinner Road, so I'm over here.

Speaker 2 [\(00:40:08\)](#):

Okay. And

Speaker 10 [\(00:40:09\)](#):

I drive this road probably two or three times a day.

Speaker 2 [\(00:40:12\)](#):

How long have you lived there?

Speaker 10 ([00:40:14](#)):

Oh, geez. 37 years, probably.

Speaker 2 ([00:40:16](#)):

And your name's familiar. You were a partner with Whipple Orange, so you are, you've been in this area for a number of years? I was

Speaker 10 ([00:40:23](#)):

Born and raised in Nampa. Okay.

Speaker 2 ([00:40:24](#)):

Went to

Speaker 10 ([00:40:25](#)):

Boise State. Moved to Caldwell 46 years ago. Yeah.

Speaker 2 ([00:40:29](#)):

Okay. So you've been here how many years?

Speaker 10 ([00:40:31](#)):

Out in the country, probably 38 years.

Speaker 2 ([00:40:33](#)):

Okay. Thank you. Yep. Thank you.

Speaker 4 ([00:40:38](#)):

Deputy Flinton?

Speaker 10 ([00:40:41](#)):

Testify.

Speaker 4 ([00:40:41](#)):

Oh, I'm here. She

Speaker 10 ([00:40:43](#)):

Doesn't want to testify.

Speaker 4 ([00:40:47](#)):

Brad Benke.

Speaker 5 ([00:40:51](#)):

I want to agree with Mark. <Laugh>

Speaker 1 ([00:40:53](#)):

Okay.

Speaker 5 ([00:40:54](#)):

And then someone else is going to cover my points.

Speaker 1 ([00:40:57](#)):

Okay.

Speaker 4 ([00:40:59](#)):

Russ Arbonne.

Speaker 11 ([00:41:16](#)):

So Russ Orbin, 17729 Upper Pleasant Road. So I'm the neighbor immediately to the west of the property. So when you're looking and asking the questions about the farmer who farms it, it's the owner of the farm ground that's directly on the, to the north. It's the son, Ryan Whittick, is the one who is farming that, and he's here and I think he's gonna testify. So then you can ask the questions related to the ag use because that's who I have farming the property. , What I wanna say is beginning in April 2024, up until the present time, the property has been used for the fencing business and continues to be used until the present time for the fencing business. It's only until somebody reports Mr. Jimenez to the proper authorities to say you can't put an addition onto the house without going a structural change bef- you know, and getting the proper permit.

([00:42:25](#)):

Once it's reported, then he goes and gets that done. You can't dig a sewer line to the trailer that's in question and not go to, you know, the county and say, "Okay, through..." What is that? Southwest District Health. You can't just put it in and then say, "Well, I just did it because I could do it. " , Running the business, when they look at hours of operation, I mean, I have submitted photos with a timestamped with the date and the time, and some of those photos are as early as 5:30 in the morning, and it's not just occasionally. During the summer months when it gets daylight much sooner, they will start their operations very early in the morning, and it's not that they are done by seven or eight in the evening. There are many times they're coming back at nine o'clock at night, and when it comes to noise, yeah, there are times it's very noisy, to where, , you know, I'd like, I'm retired, we live in the country by choice, I wouldn't mind being retired and actually sleeping until seven in the morning, and I get a little sick and tired of the neighbors as they're loading stuff and they drop stuff, or there are times in the winter that they get there and it's cold, so they go up, start their vehicles, run all of their vehicles till they get warm, I guess, but they run sometimes as long as an hour before they get in the vehicles and leave the property.

([00:44:01](#)):

So anyway, it's getting a little bit old. , If he were granted a conditional use permit, it's my opinion that he will eventually expand the area that he wants to conduct his business. When we look at the fence that was put in for the privacy concern, the six foot fence, it extends the entire length of the property, not just from, let's say, the road to where that goes with the one acre, it goes clear to the back of the property, which to me says, "Okay, well, you don't want to see what's going on over here? We'll try to make it so you can't see anything going on over here and we'll just continue to do what we want to do, , as long as we can get away with it. " So, you know, I've been to some other community meetings

recently. There's a lot happening out in the country with people saying, "Wow, look how inexpensive property is out here in the country." We buy it, we set up our business, and then we go and request a conditional use permit.

(00:45:08):

And I think it's time to say, "No, do the conditional use permit, let all of us have a comment on what's going on, and then go from there, not buy the property because it's so much cheaper than buying commercial property, and then come in and say, now we'll try to do the right thing by the neighbors." It doesn't work very well, in my opinion. Thank you for your time.

Speaker 6 (00:45:32):

Any questions? No, Mr.

Speaker 2 (00:45:33):

Chairman. Just one. How long have you lived there?

Speaker 11 (00:45:37):

, That's a good question. 13. 14? My wife says 14 years. I'd

Speaker 1 (00:45:45):

Go with 14. Yeah. <laugh>

Speaker 11 (00:45:48):

I always go with what she recommends. <Laugh>

Speaker 2 (00:45:51):

Good plan. Okay. Thank you for being here.

Speaker 11 (00:45:54):

Thank you. Thank you.

Speaker 4 (00:45:56):

Jane Harbin.

Speaker 12 (00:46:06):

Jane Arbin, 17729 Upper Pleasant Ridge Road. , My husband, Russ, just spoke. I also, I wanted to make a comment on the question about the photo of the fence, the photo of the fence that, , so I live adjacent on the west side to this property, which we're meeting about today. , There was no photo, , entered, I believe, of the actual fence itself, the length. The photo that was presented that was just shown was the fence, , along Upper Pleasant Ridge. So there was nothing reflecting the length of the, the property with regard to the farming of our place. , Good afternoon. My concern is that the applicant has not actually shown that the proposed use can meet the county's approval criteria at this location. The burden's on the applicant to provide the evidence. It's not on us neighbors to prove why that should not move forward.

[\(00:47:13\)](#):

And when you look at the record, there are too many contradictions, too many unanswered questions, and too many assumptions that were never fully supported. This property is designed, this, that we're talking about, the Jimenez property, is designated agriculture in the 2030 comprehensive plan. It is adjacent to agricultural operations on the north, the south, and the west, and the county's farmland report shows it is 100% prime farmland if irrigated. This is not some leftover land with little value. It is irrigated agricultural land with real farming capability and real water rights. Within 600 feet, there are 14 residential properties all on agricultural parcels. This is still an agricultural area, and that matters when you're deciding whether this kind of use belongs there. The applicant's own materials are also inconsistent. As my husband said, the operation plans say no work or manufacturing will be performed on site and that all work takes place offsite, but we as neighbors have reported loud industrial type noises coming from the property, which indicates that more than passive storage may be happening here.

[\(00:48:31\)](#):

The record also includes testimony about employee activity after hours and traffic beginning before 7:00, as Russ had also mentioned. And even in the applicant's own description, there is language about pickup, drop off, loading, unloading, and business activity during business hours. So what exactly does no work on site mean? Because the actual activity described in the record sounds more like an operating business yard than simple storage. The sanitation and occupancy issues also raise credibility concerns. Staff observed an RV that appeared to be occupied on site and a recommended condition required that the RV be removed or properly permitted. Southwood Health D- District was told there was a staging area and dry metal shop, and the file says no toilet, sink, or shower would be added to the shop, but this proposal is also for 10 employees and existing residents, a large family presence, portable restroom use, and RV issues on the property.

[\(00:49:36\)](#):

These systems were designed for a small residential use, not for 10 employees, a large family and RV living laid on top of this business operation. So at some point, it's fair to question whether the applicant had been fully forthright with agencies and whether the record be relied on is really complete. To me, this record, I won't address the highway issue. , Highway District four apparently has some kind of parameter that they use based on the number of employees and daily trips, but I don't know if it included the large family presence already living there, if they took into consideration the RV, or any of the layered residential and business activities on the property. , So to me, this record does not show a carefully planned low impact agricultural compatible use. It shows a use that expanded first and is now asking to be approved later.

[\(00:50:35\)](#):

I hope you'll look closely at these contradictions and not let this move forward on assumptions that you, that were never really proven. Thank you. Thank you.

Speaker 2 [\(00:50:46\)](#):

Chairman, I do have a question, and I apologize. I should have asked your husband because it was in his testimony, but when he referenced a sewer line, , some kind of sewer facility that was made to service the RV, is that, is that ... Was it just an example of things or is that, was that something that you observed?

Speaker 12 [\(00:51:10\)](#):

, We not only observed it, but I don't know the exhibit number, but that's been recorded. We, we have footage of that being done, so you should already have it some- somewhere. We submitted videos of, of the noise and, and all of that, and there should be some, , some photo about the sewer line itself.

Speaker 2 ([00:51:33](#)):

Yep. Thank you. And so Dan, was a case opened by Southwest District Health to examine that sewage?

Speaker 8 ([00:51:41](#)):

, Commissioner Van Beek, it ... There's no, , code enforcement open with Southwest District Health, to my knowledge, for the sewer for the RV.

Speaker 2 ([00:51:52](#)):

Okay. And the links that she's referencing are attached in the case file, and there's like four video links with that. Yeah. Okay. Thank you. Yep. Thank you for your testimony and thank you for the information you've provided.

Speaker 4 ([00:52:06](#)):

Connie Benke. I'm just going to support what Dane Grassley what you've already said. Vivian Perkin.

Speaker 6 ([00:52:15](#)):

I'm going to support what the others have said, every word.

Speaker 4 ([00:52:21](#)):

Brian Austin.

Speaker 13 ([00:52:32](#)):

My name is Brian Austin. I live on, , I have a house on Upper Pleasant Ridge Road. , I want to support everything that's been said here so far, and I'd like to clarify something that I heard regarding the, , reference to light industrial and commercial properties. These, , the, the cl- the, , council for the, the applicant said in his, , opening statement that there is a gravel pit and there are, , industrial operations within two miles. That's an incorrect statement. The, the gravel pit and the operations being referenced are across Highway 19, which is more than two miles away. It is zoned according to the comprehensive plan for that type of activity. It's not egg land, it is, , for light industrial use. So it does, from my perspective, , the applicant is changing the nature by operating an industrial, a light industrial operation there.

([00:53:31](#)):

, I'm concerned about the precedent this sets because there is another cut process being initiated for property on Upper Pleasant Ridge Road, and they're looking at this, this meeting, this outcome, to help justify what they're doing. And I'm concerned about the amount, , you asked us not to repeat things, but I think there's a, there's a, ... We have to look at the amount of total traffic that will be added as each of these cut processes is put in place. And I'm sure you'll do that. I don't mean to infer that you don't, but this sets a precedent, and I think the cumulative amount of traffic that will be resulting from all of these different initiative or these different cut processes, if they're granted, does dramatically increase the volume of traffic and there's a safety concern, , that comes out of that. So outside of that, , don't wanna

repeat things, but that's pretty much is <laugh>, , the, the additional piece of information that I'd like to add.

Speaker 6 ([00:54:33](#)):

Okay.

Speaker 13 ([00:54:33](#)):

So, Leslie, you're, , or Ms. Van Beek, you're going to ask how long I've lived there. I <laugh> I'll beat you to the punch. I've lived there about two years. Okay. Part of my concern is that I've been improving the property that I live on. I've built a shop. My, I do have an agricultural operation, I've, and I've, , restored a home there. I've received permits in advance for everything that I do, and I'm very concerned that we have a process now in place that allows people to operate outside of what those of us who are acting responsibly do. So I just want to make sure that I highlighted that because I have been trying to be a good citizen, a good do be follow Canyon County planning and zoning and building requirements. Yeah. So-

Speaker 2 ([00:55:16](#)):

Thank you, Mr. Austin. I appreciate that. Thank you for anticipating my question.

Speaker 13 ([00:55:19](#)):

Yes. <laugh> Any questions for anybody else?

Speaker 1 ([00:55:23](#)):

I'm good. Thanks.

Speaker 13 ([00:55:23](#)):

All right. Thank you.

Speaker 2 ([00:55:25](#)):

And Chairman, I'm sorry. Mr. Austin, would you, if you didn't point to it, would you point to where you're at?

Speaker 13 ([00:55:34](#)):

...

Speaker 10 ([00:55:41](#)):

To the left, Brian. Sorry. You're not, you're off the end. I'm off. I'm over here. I'll be out.

Speaker 2 ([00:55:47](#)):

Okay. All right. Thank you. I appreciate it.

Speaker 4 ([00:55:53](#)):

Keith Cochran.

Speaker 14 ([00:56:02](#)):

Keith Cochran. I live at 17531 Upper Pleasant Ridge Road here in Caldwell. Respectfully, I'm gonna take my hat off. If you give me a little flack about my hat head, I might just laugh with you. First of all, Commissioner Van Beek, thank you for your attention on the pictures, , because I'm gonna be talking about that here in just a, just a moment. Amber, if you can bring up that first picture of mine. We live in a neighborhood, and we have some really, really nice homes around here. We got great neighbors, mostly that abide by the rules. You mentioned it earlier, Amber, and I thank you for this.

([00:56:45](#)):

There are now three, almost four people, businesses, neighbors, whatever the case you wanna put it, asking for forgiveness rather than permission. They're not doing it the right way. So hit the next, next slide there. You'll start seeing the homes. There's the, , Arba's there. , We respect each other and we're trying to take care of it. However, it's getting worse and worse with these people coming in, once again, asking for the forgiveness rather than permission. This place was turned down through planning and zoning. They still operate. My wife and I have horses. We're up at five o'clock in the morning, sometimes 4:30, and we hear ... We're two doors down, and we still hear the activity going on at 5:00, 5:30 in the morning, especially as other representatives had, had testified that they start early in the morning in the summertime, because it's hot. We understand, okay?

([00:57:42](#)):

How Russ and Jane put up with it right next door would drive me absolutely bunkers. And then as my wife basically testified during the planning and zoning time, come Friday night, yeah, they might be done at 7:00, but they throw one heck of an office party till about 10:00, and there's music going, and there's fun, and there's ... Well, actually, it's not fun because it is music blaring and everything going on left and right. , Again, it's just we moved out to this area to enjoy ourselves. We've been there six years now, moved in during COVID, and have absolutely loved every bit of, bit of it. So these pictures are fairly early on and are moving out, and now you can hit a few more slides and you'll see what it's starting to turn into. , Okay, actually back up just a second there, Amber.

([00:58:33](#)):

That is the house right there. That's what it used to look like before all the fencing, before all the other stuff that's there, simple, nice, landscaped house, okay? And now, even though this is not the actual property, this is what, this is right next door to my house, and this is what it's turning into. You got these Quonset huts, you got this firewood, you got crud all over just junking up our area.

([00:59:05](#)):

That septic system that got hooked up to an RV, the RV is supposed to be moved. Why would they hook up a system, or a septic system to it if they're gonna have to move it anyway? Doesn't make a lot of sense to me on that route. Did they get permits on this stuff? From my understanding, they didn't. Once again, forgiveness rather than permission. And that's about basically all I have. I truly, truly thank you for the opportunity to speak, and I'd love any questions.

Speaker 6 ([00:59:35](#)):

Questions?

Speaker 2 ([00:59:36](#)):

Mr. Cochran, where are you at?

Speaker 14 ([00:59:45](#)):

So I will be ... Nope, this one here.

Speaker 2 ([00:59:52](#)):

Okay, so you're right next door.

Speaker 14 ([00:59:53](#)):

Yep.

Speaker 2 ([00:59:54](#)):

Okay. Thank you.

Speaker 14 ([00:59:59](#)):

There's even The building that was built right next to my property that has been red flagged and now there is insulation blowing all over the place. We cannot ride in our arena if the wind's blowing because the horses go absolutely, sorry, because of all this flapping. I understand that building was supposed to be moved eight months ago. It still has not been moved or torn down.

Speaker 2 ([01:00:23](#)):

So Chairman, Dan, it, to your knowledge, what did the building department put a red tag on a building in this area?

Speaker 8 ([01:00:31](#)):

, So Commissioner Van Beek, the property that he's speaking of is the one that was in the pictures right here. Okay. And, , to my understanding that the property owner was working with the code enforcement to mitigate the concerns. , It has been closed out and there is a certificate of non-compliance filed now.

Speaker 6 ([01:00:59](#)):

Okay.

Speaker 14 ([01:01:00](#)):

But I think you're talking about the, the neighbor to my east. I'm talking the neighbor to the west right there on that Kramer Trail.

Speaker 8 ([01:01:07](#)):

I, I apologize. Can you point it out? That's

Speaker 14 ([01:01:09](#)):

Okay. All right. So here's me. Right along here at Kramer Trail, there's a building that's built on the easement road. Actually, I found, I found out now it's an actual private road, but there's a building that has been built there. So this is our arena.

Speaker 6 ([01:01:25](#)):

Okay.

Speaker 8 ([01:01:26](#)):

Commissioner Van Veen, that one also has a certificate of non-compliance filed during my, , findings. Okay.

Speaker 14 ([01:01:37](#)):

So I'm curious, what's, what's being done? <Laugh>

Speaker 2 ([01:01:39](#)):

But for clarification, the red tag or the certificate of non-compliance was on not the subject property today, property today, but the property to the east.

Speaker 6 ([01:01:49](#)):

Correct.

Speaker 2 ([01:01:50](#)):

Okay. Thank you for that clarification. I appreciate it. Okay. Chairman, one more question, , for Dan or Amber, but the metal building that's on site does not have a restroom. There's portables, toilets out there, correct?

Speaker 8 ([01:02:06](#)):

Commissioner Van Beek, the, , metal building has not, to my understanding, it has not been placed yet. It's a future endeavor. There is portable restrooms on site. , There was a proposed condition of approval to meet Southwest District Health for maintenance and number of portable restrooms.

Speaker 2 ([01:02:25](#)):

Okay. Thank you. Thank you for being here and your testimony.

Speaker 14 ([01:02:28](#)):

Thank you for your time.

Speaker 4 ([01:02:32](#)):

Jill Kenney.

Speaker 6 ([01:02:42](#)):

Good afternoon, commissioners. My name is Jill Kenney, and I live at 22605 Ara Vista Way, Caldwell. I am on the Growing Together Advisory Board, and I also have friends who live very close to the subject property. I am here to testify in opposition to case CU2025-0013-APL. I want to address one of the main arguments in the appeal letter. The appeal points to another case, Barnes Case, CU2025-0012, and suggests that because Barnes was approved, Himanis should be approved too. But those two cases are not alike in ways that matter. The Barnes property was in the city of Middleton area of impact. It was designated rural residential under the county plan, and Middleton's future land map, land use map designated that area mixed use. Staff also identified nearby commercial zoning within about a half a

mile, including C1 and CR-C2, along with multiple approved land use cases and subdivisions within one mile.

[\(01:03:48\)](#):

That is a growth area with a very different land use pattern and very different context. The Himanis property is not in an impact area. It is designated agriculture in the 2030 comprehensive plan. It is surrounded by agriculture operations on three sides and is mapped as 100% prime farmland if irrigated. And the only supposedly similar nearby use identified in this record was not a lawful comparison. Staff described it as an unpermitted use with an open code enforcement violation. So the appeal is trying to compare a mixed use AOI setting with nearby legal commercial zoning to an agriculture area where the closest similar use in the record is by itself unlawful. That is not a fair comparison. There's also a broader fairness issue here. Contractor shops belong closer to services, closer to infrastructure, closer to areas actually planned for mixed use, commercial, or industrial support activity. This is where those businesses can be fully and properly served.

[\(01:04:54\)](#):

Here, the record shows 10 employees, no restroom fixtures proposed in the shop, residential systems already being stretched, portable restroom issues, RV problems, and an effort to operate this kind of business on agricultural land with less infrastructure that would be expected in a more appropriate location. That gives a cost advantage to businesses that try to place themselves in the county on ag land rather than in areas where these uses belong and where other business owners are looking, are following land use in more lawful and thoughtful way. To me, this is exactly why this case matters. It's not just about one parcel. It is about whether agricultural land with good water rights and real farming value gradually becomes the cheaper alternative for contractor yards and similar operations. I hope you'll see that Barnes does not justify this case and that this is the wrong use in the wrong place.

[\(01:05:49\)](#):

Thank you. Thank you.

Speaker 2 [\(01:05:52\)](#):

Thank you.

Speaker 6 [\(01:05:52\)](#):

Questions?

Speaker 2 [\(01:05:53\)](#):

I don't have any Chairman, but thank you for being here.

Speaker 6 [\(01:05:56\)](#):

Thank you. Thank you.

Speaker 15 [\(01:06:12\)](#):

Lynn Whittig, 19720 Malt Road, Caldwell. I guess I've been here before and I'm going to say it again for the record. Excuse me. It's about fumigation and aerial spraying. , Fumigation has to be done exactly right because it's chloropicrine, which is tear gas, or it can be Metam. And the state tells you when you can fumigate. Your ground condition has to be a certain moisture. And if there, you have to watch, we don't have to, but the fertilizer company has to, , obey the, , national weather service, what they say. It's

not the local, it's the national weather service. And so there has to be a little breeze away from any, , residences or any, any other where there's people. And so that's pretty tough when you get this many houses around you. I have good neighbors, don't get me wrong, but it, it affects me.

[\(01:07:15\)](#):

And then when you get a, a business coming in with eight to 10 people, it's almost impossible because they figure that these people are coming and going maybe any time of the day. And so I've only farmed out there 55 years and it's gotten, this was the only house, the one you saw. That was the only house there when I first started farming. And, , as far as the road, it's upper Pleasant Ridge and the ridge is because the road goes flat, then it goes up and over and down again. And my property to the east on the east side of it is directly across from, from this property. And we have a, we have equipment that, , 22 and 24 feet wide and they don't fold and they don't, they, new ones don't fold either, so I can't go down and just buy another one.

[\(01:08:09\)](#):

And I, we also have a semi with a 42 foot trailer that we have to come out of the field with. And I, my field sits, , my lane that goes into the field drops off about five to six feet down. So when we're coming out and looking to the east, there's a ridge there on a road that anybody going 50 mile an hour would have to probably skid in order to miss this because when you come out with a semi-trailer, you're coming out straight out to the far side of the road in turn. It's the only way you can get it out. Mm-Hmm. And also the equipment I have with the tractor, some of it's long enough. Like, like a 24 foot land plane, the width, it folds, but it's about, , 18 feet long. So there again, I'm coming out with a piece of equipment and you can't go fast. <Laugh>

[\(01:09:01\)](#):

It's just impossible if you'd, you, if you'd look at where I have to come out of. And so I wish they'd do something like the Nampa Highway District. If you go over there where I hauled my crops over to Highway 45, once you hit Nampa Highway District, it'll say hillblocks view. They have those signs up and they need something like that on Upper Pleasant Ridge. , As far as, like I say, all the ... I don't want to make my neighbors mad. They're all good, I say. But it's affected me considerably over the years because anytime you build a house, you have trees and shrubs and, you know, when you have winds, you can get plastic and cardboard and cans, and it blows directly into my ditch. And I've been out at 10 o'clock in the evening, in the summertime, you get one of those wind storms coming through.

[\(01:09:57\)](#):

Every tube's plugged up. What do I do? I basically, it's dark. I have to pull my tins and waste the water, and that won't go over very well this year- Oh. ... Without water. So, , trying to think. I might've had something else, but I forgot. <Laugh>

Speaker 1 [\(01:10:14\)](#):

Can you go up and show us, , those, , field entrance exits on, , on the map up there compared to the property?

Speaker 10 [\(01:10:32\)](#):

Across from the red triangle in.

Speaker 15 [\(01:10:35\)](#):

Okay, yeah. This is the edge of my property right here.

Speaker 6 ([01:10:38](#)):

Okay. And

Speaker 15 ([01:10:39](#)):

The, the property right to the east of me, I forg- that's what I was gonna tell you. They have a, a white fencing up also, and with, , every green shrubs and everything about eight or 10 feet high, and that all will also obstruct some of my vision to the east when we're coming out. So it's a very dangerous area, and I've had, over the last about six or seven years, I've had three vehicles run off in my concrete ditch and, and, , break them, so I've just fixed them because it isn't worth the insurance claim, you know? So, and, , I farm from here to Wheats Road. There's 300 acres and south to, to the Phillis Canal.

Speaker 2 ([01:11:23](#)):

Chairman, that was my next question, is the number of acres that you farmed here, and so you are unusual in that you have been farming here for 55 years, but you have a generational ... You have somebody coming behind you that's also farming. Yeah. And so that's- I'm the

Speaker 15 ([01:11:37](#)):

Third generation.

Speaker 2 ([01:11:38](#)):

Okay. Okay. Awesome. Thank you.

Speaker 6 ([01:11:42](#)):

All right.

Speaker 1 ([01:11:43](#)):

Thank you.

Speaker 2 ([01:11:45](#)):

And Chairman, can I ask one more question? Oh, yeah. Mr. Whittig?

Speaker 15 ([01:11:49](#)):

I'm sorry.

Speaker 2 ([01:11:50](#)):

And you mentioned in your testimony that you have aerial spray operations that happen?

Speaker 15 ([01:11:56](#)):

I, I try not to anymore, but I'm afraid if I did that they wouldn't spray it. , Vivian Ferkins here that didn't testify, her son was a, a crop des- or at the aerial applicator, and I think she'll say that they won't fly those, right, when there's too many houses.

Speaker 2 ([01:12:13](#)):

Too many houses in the wind and the liabilities.

Speaker 15 ([01:12:16](#)):

And when you get, when you get a business, that's what I understand that even the fumigation, and I know for a fact I had a neighbor that, , was fumigating, , a field and c- and he had people that moved in from out of state right across, and they both turned him into the state ag department, and they shut him down immediately, can't do anymore, and so I have to do an investigation, so hopefully the investigation's quick enough that your soil moisture holds. And so, and I know the field man for the fertilizer company said they probably would never do that field again for him because of-

Speaker 1 ([01:12:54](#)):

'Cause

Speaker 15 ([01:12:54](#)):

Of the- .... Okay. Well, that's how it affects my business.

Speaker 1 ([01:12:58](#)):

Your operation. Yeah. Right.

Speaker 2 ([01:13:00](#)):

Okay. And just to confirm, I'm, I'm gonna make a statement and, but Ag is one of the most heavily regulated businesses. Yes. Yeah. So there are, it does make it difficult. We

Speaker 15 ([01:13:12](#)):

Have to have private applicator licenses and if we do any, any, , I call it gopher pills, you have to have a fumigation license just for that. So- And

Speaker 2 ([01:13:24](#)):

That, , you mentioned chloropicrine, I think is what you said. Yeah. And so that is particularly difficult for humans in proximity with-

Speaker 15 ([01:13:33](#)):

Well, it has a smell and that's why it, it fumes off slowly. The slower the better, of course. But that's why you have to go with the nice no weather service and it has to be recorded that that's what, at that time of day and everything, that they're real particular

Speaker 4 ([01:13:52](#)):

About

Speaker 15 ([01:13:52](#)):

It. Yeah. You, you gotta

Speaker 2 ([01:13:54](#)):

Find. Thank you for your testimony. Thank you for being here.

Speaker 4 ([01:13:59](#)):

Sean Riles.

Speaker 3 ([01:14:03](#)):

I'd like to discuss. Okay.

Speaker 4 ([01:14:07](#)):

Ryan Whittig.

Speaker 16 ([01:14:18](#)):

My name's Ryan Whittig. I live at 18291 Upper Pleasant Ridge Road. , It's about half to three quarters of a mile to the west of the subject property. , I also farm, , I believe it's roughly four acres that the Arbonnes own that is, , that borders, , the property to the west. , Again, I wasn't the one who made those comments about the <laugh> difficulty of using it, but I can answer any of those questions. And, , and other than that, I think everybody has pretty much, , covered the points that I would like to cover. , There is one part that I will repeat because it's worth repeating. , , A lot of these people are coming in, , and operating illegally, and it seems the county and all of the different entities that, , sort of police these things seem to have absolutely no teeth.

([01:15:10](#)):

, They won't do anything about it, , even though it is causing a lot of problems, , there's another, , similar property, , just in the other direction from my house that is operating the same way. , DEQ has been called for their illegal dumping, , those kinds of things. So these people aren't even on the radar until the, the community members bring it up and report them, and we're the ones doing the footwork, you know. , And, , and even then, you know, the, the highway district on, on that particular property, , came out, saw that it was done illegally. , One of the neighbors that had sort of been, , in communication with them followed up and he said, "Oh yeah, we know about it, but we're too busy. We can't do anything about it. " , In the meantime, we're getting f- we're, they're gonna get flooded out.

([01:15:54](#)):

, One neighbor has already been flooded out because of their improper, , , ingress egress on that property without adding any, , culverts like they're supposed to. So, , you know, the damage is being done. So again, that's, , I'm gonna repeat that because it's, , pretty appalling. , And from there, , I can answer any questions you might have.

Speaker 2 ([01:16:17](#)):

Chairman, what's a surface to groundwater depth?

Speaker 16 ([01:16:21](#)):

Oh, gosh. ,

Speaker 2 ([01:16:23](#)):

Maybe I'll make it a easier question. Is it high water table?

Speaker 16 ([01:16:26](#)):

Very high water table.

Speaker 2 ([01:16:27](#)):

Okay. So you don't have to dig too far. Yeah.

Speaker 16 ([01:16:30](#)):

No. And, and, you know, , like I said, my dad's very close to this. I remember when they put in a new, , septic system, I believe they were hitting groundwater at about 12 feet.

Speaker 2 ([01:16:37](#)):

Okay.

Speaker 16 ([01:16:38](#)):

Yeah. Or 12, 14, something like that.

Speaker 2 ([01:16:40](#)):

Thank you. Yeah.

Speaker 16 ([01:16:40](#)):

Yep.

Speaker 2 ([01:16:41](#)):

Appreciate that.

Speaker 1 ([01:16:42](#)):

Mm-Hmm. So Ryan, in, you, you obviously do multiple different types of crops- mm-hmm. ... Even during the same year. So would a staging area that has eight to 10 vehicles, I don't know how many personnel, eight to 16 personnel, does that impact your agricultural operation when that's five days a week?

Speaker 16 ([01:17:08](#)):

, It certainly can, yeah. Yeah. Like my dad was saying, you know, the, the size of our equipment that we use and that kind of thing going in and out and, , also to reiterate that what some of the other folks have said is that it's the cumulative amount. Like you said a precedent and then the next thing, you know, like I said, there's, there's two within a half, half to three quarters of a mile to the east of me, another one, again, illegally operating, , with, it's even larger than this one. They've got something like 20, , , trucks and trailers that go in and out. So I mean, that right there, you're talking, you know, if you add that and that one up, you're talking 55 trips a day, if not more. Right. , you know, you add another, there's 75 to 100.

([01:17:47](#)):

So it's, it's this huge, , and like I said, Upper Pleasant's a, , a collector, , for sure. We even have, , a TDS fiber company now coming off of Lower Pleasant Ridge, which is M1. So that's, you know, they're within their bounds, but they travel by my house every single day. Mm-Hmm. , and again, they've got, , even, even more, probably a good 15 to 20. So, so it's, you know, yeah, it's a collector. You got all these, , even

the people who are doing it legally, and then you start throwing these into the agricultural residential zone and, , yeah, it's, it's the, the cumulative. So, so yeah, you know, five to 10, , 10, 15 employees, , it's bad enough, but then you keep going and, and it's, it gets worse, so. Okay.

Speaker 1 ([01:18:28](#)):

I was just concerned about ... I receive testimony about those. I legally hear that, but I have to focus in on this application, that red square.

Speaker 6 ([01:18:42](#)):

Sure.

Speaker 1 ([01:18:43](#)):

So again, my question was, would a number of employees out there morning and night, morning and afternoon, morning and evening, does that modify your options of whatever it is, whatever the egg operation you're doing, spraying or harvesting or whatever, is it a direct implication to your operation?

Speaker 16 ([01:19:06](#)):

, , Yes, as much as any other, , increase in traffic. So, so yes. It, it, - Okay.

Speaker 2 ([01:19:13](#)):

And Chairman, can I ask a question? So it's the same question I ask everybody, but I, what I heard is that you farm in this area, this, that you farm over to Wheats Road, but where is it you live on here?

Speaker 16 ([01:19:26](#)):

, I, it's, you can't see it on here, but I can give you a rough idea.

Speaker 2 ([01:19:29](#)):

Okay.

Speaker 16 ([01:19:30](#)):

, so it's just, this is, , Malt Road, my dad lives right up here, , Malt goes, , so actually my house is right there- Okay. ... Just from this field, it'd be right there, , before you get to Wheats Road. Okay. And I farms up to Wheats Road, and then I farm, , on the west side of Wheats Road, , all, all the way over to Pride.

Speaker 2 ([01:19:48](#)):

And are you also farming the, if you look at your parcel number, the 396, which is, , west of Malt Road, so if you go down, yeah- This one here? Yeah. ,

Speaker 16 ([01:19:57](#)):

That's my dad's- Okay.

Speaker 2 ([01:19:58](#)):

...

Speaker 16 ([01:19:59](#)):

Also my dad's, this, , line here.

Speaker 2 ([01:20:01](#)):

Okay. This is

Speaker 16 ([01:20:02](#)):

All my dad and around here, , to this line, basically sweeping all around this edge. And then again, , my dad farms all around my house, Wheats Road would be here, and I'm, , on north and south of Upper Pleasant on Wheats Road, and then a large portion chicken dinner and, , pride.

Speaker 2 ([01:20:20](#)):

So is the 300 acres just for your dad? Okay.

Speaker 16 ([01:20:24](#)):

I've got other close to 400 acres.

Speaker 2 ([01:20:26](#)):

Okay, so about 700 acres?

Speaker 16 ([01:20:27](#)):

750, yeah, something.

Speaker 2 ([01:20:28](#)):

And you're willing to farm a four acre plot?

Speaker 16 ([01:20:31](#)):

-

Speaker 2 ([01:20:32](#)):

That's admirable. <Laugh> Thank you.

Speaker 16 ([01:20:35](#)):

Yep, you bet. Any other ...

Speaker 1 ([01:20:37](#)):

We're good. Okay. Thank you.

Speaker 4 ([01:20:39](#)):

Thank you. Barb Cheney?

Speaker 12 ([01:20:42](#)):

I agree with everything that's been said.

Speaker 4 ([01:20:46](#)):

And McFarland?

Speaker 17 ([01:20:54](#)):

I agree with everything that's been said except for what you just said, , Brad, , about this one and this one. When you approve one, where does it stop? You just open the door for more to happen. So we're trying to protect our pieces of country. That's it. Agriculture's agriculture, commercial's commercial. That's all I have to say. Okay.

Speaker 6 ([01:21:20](#)):

Thank you.

Speaker 4 ([01:21:23](#)):

Melinda Latrell. I agree with the opposition. Andrew McFarland?

Speaker 18 ([01:21:37](#)):

Sure, sorry. Hi, my name's Andrew McFarland. I live at 17476 Upper Pleasant Ridge Road. , I'm currently actually going through my own conditional rezone for rural residential. But the main problem I have with areas, I got to know the Whitakers. I, I've gone around and did everything like everybody said the right way. I wanted to introduce myself. I did the right steps. Whether mine gets approved or not, that's not part of this. But the issue I have is I've got a six-year-old, a 10-year-old, and a niece and nephew, one is possibly gonna be blind and deaf in the future. The biggest issue I have is they say that they follow the traffic. We know it's, it's a super highway. I mean, I'm a contractor. I go out at 5:50 in the morning, I get home at 7:30 at night. My kids play out front and a little playground we made for them.

([01:22:26](#)):

They're 36 trips in and out is fine and dandy, but it's the speed that they're coming. They say they follow the rules. I've almost gotten tagged in my work truck coming out of a driveway. We have to make a circle driveway, kind of like a U-shape to get out onto the main road. They're coming over the hill sometimes, 50 plus. I've had people come over to that at 80 plus. You call the county, you call the highway, you call the cops, nothing gets done on that. We've asked multiple times for future, say one of the kids walks out there, is it gonna be an issue where this stops when my kids get hurt or killed or I get hurt? So with that being said, I understand why they're doing it. I get it. I'm a contractor myself. I travel all over the country. But I moved back here from North Dakota to come back to the farm community.

([01:23:17](#)):

I grew up as a farmer. My father lived out in Parma for years. I grew up in Caldwell. I went to Coldwell High. I ran out here as a kid for track and cross country. I know the Whitaker Farm very well. My kids and myself go out on the fourth and watch them sit out there with their tractors and farm it. I understand where he's coming from because we see people come over that hill and I'm worried with the traffic of this new company that's coming in and then also the other ones that I'm sure are coming up in the future, we already see all their stuff's getting trashed out there is wind is enough enough before somebody gets hurt or it gets shut down.

Speaker 2 ([01:23:58](#)):

Okay. Chairman, I, we've had several people testify on the change in elevation out there. I'm looking at Exhibit B2.12. Amber, when you went out, or I don't know if it was you, but you took the pictures. Is it, is it 10 feet? I can see that east to west. What is ... Tell us a little bit more about what that looks like on the ingress, egress for this and then is it a site obstructing hill where you just can't ... That's what I'm hearing.

Speaker 8 ([01:24:34](#)):

Yeah, Commissioner Van Beef was headed towards the property going west on Upper Pleasant Ridge. It, there was a hill before reaching the subject property and then it, it evened out, before I got to the subject property.

Speaker 2 ([01:24:52](#)):

Okay. So it looks like maybe 15 feet is the closest numbers I can get from the map that's been provided that I've referenced.

Speaker 8 ([01:25:02](#)):

What was the exhibit number? I apologize.

Speaker 2 ([01:25:04](#)):

Exhibit B2.12. Thank you.

Speaker 8 ([01:25:07](#)):

I should just ask about. Would you say a little less than 15% right there, huh? Yeah. Yeah. Not 15. It's not 15. , Commissioner Van Beek, it is less than 15%. It hasn't reached the 15%.

Speaker 2 ([01:25:36](#)):

Okay. Thank you. And I actually referenced the number of feet and it, it's difficult to know how to compare these, but less than a 15% slope, but it could be 15 feet in difference in elevation. I could. Okay. Yeah. Thank you.

Speaker 18 ([01:25:54](#)):

Was there any questions?

Speaker 2 ([01:25:55](#)):

I, I don't think I have any. Thank you.

Speaker 18 ([01:25:57](#)):

Thank you. Thank

Speaker 6 ([01:25:58](#)):

You.

Speaker 4 ([01:26:00](#)):

Jared. Yeah, I believe he just agreed with everything that. Shane Shaney?

Speaker 6 ([01:26:10](#)):

Yeah.

Speaker 19 ([01:26:16](#)):

Shane Sheeney, 17556 Upper Pleasant Ridge Road, lived there for about 40 years. And, , about 30 years ago, I, , before I, , I was wanting to open kind of a business of, , exhaust work at my shop and, , so I came into the commissioners and, and started to talk to them before I did anything and, , and was told that, , no, I couldn't do that because it wasn't agriculture. And so I said, "Okay, if I can't, if it's not agriculture, then okay, I get it. We're farming community." And then so I stopped, okay? I didn't go into it doing it beforehand. I didn't, , you know, say, "Hey, you know, get forgiveness later is what's happening now." And then, , and so, , you know, is it agriculture or is it, , commercial or is it city, you know, at least be consistent, all right?

([01:27:19](#)):

And then the last thing I wanna comment, and unfortunately the parents behind me and, and for my grandkids don't probably wanna hear this, but when I was little, I grew up in this area, even, , way before 40 years that I, at the house I'm at. And on Upper Pleasant, I had a little friend, , and, and he was ... Now you gotta remember, this was like 60 years ago, okay? And he was run over on that street, on the opposite, on the east side, east end of that. Billy Sexton was his name. I'm trying to remember that. And, , and the traffic wasn't even close to being what it is today. We used to ride our bikes all around the country, you know, we'd walk to town and maybe see one or two cars, but Billy was run over and killed by a high speeder that was coming over the hill.

([01:28:10](#)):

And so, , keep your kids off the street, even the one that, , we heard about today that ran out there and was saved, all right? Probably by a, a, a good Samaritan, if you wanna call him that. But, , just, just remember that when you're taking this all into consideration, you know, five cars, when I was a kid, 1,005 cars now, all right? So, , that's all I gotta say. You got any questions?

Speaker 2 ([01:28:43](#)):

Where are you located?

Speaker 19 ([01:28:45](#)):

I said 17556 Upper Pleasant Ridge Road. Can you show up? I am just to the east of that property in the red on the north side of the road.

Speaker 1 ([01:28:54](#)):

East and north?

Speaker 19 ([01:28:55](#)):

Two houses up.

Speaker 2 ([01:28:56](#)):

Okay.

Speaker 1 ([01:28:58](#)):

All right.

Speaker 2 ([01:28:59](#)):

Thank you.

Speaker 1 ([01:28:59](#)):

Thank you. Is there anyone left in the gallery that would want to testify who did, hasn't? Okay. All right. We ready for rebuttal? Okay.

Speaker 6 ([01:29:19](#)):

Yep.

Speaker 1 ([01:29:19](#)):

Let's have the rebuttal.

Speaker 5 ([01:29:34](#)):

Thank you, commissioners and chair. , I wanna focus, , the rebuttal on the fact that we've got, I guess, I would say two types of opposition here. One is to this application, and one is to generally impacts on not related to this, , application. So if we're talking about, , traffic concerns, , area wide or impacts from , other uses or even other properties. I think those are all, , not relevant to the application that's before you. I think if we can focus on the actual application, I think that would be, , helpful for least from my rebuttal. And if we have any specific questions to that, that's fine. , As far the application itself, , there's a couple of things I just want to talk about. First, , Commissioner Van Beek, , we, the, you asked about the RV on the, the property. , So the property was, , there was a, a RV, , there, people were using it.

([01:30:39](#)):

The last use was August last year. We also talked about the septic. , There was a, a septic line dug to the RV site area that has now been removed. So that is not being used and that's, shouldn't be, , considered for the application. Because again, I think what we're hearing is a lot of saying, "Well, if you make a mistake, you, you shouldn't be able to come back to the commissioners and ask for forgiveness and get the permit that you should have got." And that's what we're doing today is the application is, you know, we, we recognize that an application was needed for conditional use. That is the application that is before you. I don't think we should be penalized for complying or, or submitting the application. , I think the question is, is this application on its merits, , should that be, you know, granted as opposed to, well, if you came in and you didn't ask correctly the first time, you're gonna be foreclosed.

([01:31:42](#)):

, I, I think we make mis- people make mistakes and I think it shouldn't be held against people to try to rectify the problems that, or, or, or submit applications that should have been submitted initially.

([01:31:58](#)):

, I think, , Commissioner Holton, you, you, , brought up the point and I think is correct is, well, what is the impact on this property with these, , applications? And I think we've got, again, the criteria, even the planning and zoning commissioners recognize that, yes, we have met all criteria other than those two. So now we're talking just about the, , traffic impact and the, , changing of the, I guess, the, the character of the neighborhood. , I still didn't see any, , testimony related to the traffic impact specifically to this property. I, no one has challenged that, yes, it is gonna be 36 trips. , I think people are saying, yes,

there's probably more in other properties, maybe there's a c- this commu- communulative, , impact, but again, that is not the application that is before you. This is not a situation where you've got a, a, like a residential subdivision application that is gonna have a huge impact.

(01:33:05):

So I think, , again, I'd like to point back to the application that is, is before you today.

(01:33:14):

, I also wanna address concerns that, , this is not, , allowed in an ag area. We're not before you today asking for a rezone. We're asking for a conditional use permit because it fits within the comp plan and the agricultural zoning classification that we have with a conditional use permit. So we're not asking for a change. I think we're just asking to apply the standards in, , the code that deal with conditional use permits. So we're allowed to have this use here. I'd also point out that the landscaping business is an approved use without a conditional use permit in the area, and they're not asking to have a landscape, , I guess, business operate here, but to the concern that, well, this is not fitting within the ag area, and I, I think it does. , One, whether it's gonna be as of, as of right, or with a conditional use permit, which is before you today, which is, okay, do we meet all of these crit- criteria?

(01:34:24):

, And I, I'd still, while I, I very much appreciate the s- the statements from the public today, and I think it was very, , passionate, and I think I, I can't fault them for making those comments, but I would ask that you look at the actual use of the property. A lot of the, the comments were directed to other properties. With that, if you have any questions, I'll stand for those.

Speaker 2 (01:34:56):

Chairman, I do have a question. Was the septic system that was put in for the RV permitted by Southwest District Health?

Speaker 5 (01:35:04):

It was not, and that has been removed.

Speaker 2 (01:35:07):

Okay. And you, to confirm, said August of 2025?

Speaker 5 (01:35:11):

That's ... Yes. That was the last use of the RV for a personal residence. That's my understanding.

Speaker 2 (01:35:19):

Okay. Thank you.

Speaker 6 (01:35:21):

2026.

Speaker 5 (01:35:22):

Excuse me. 2026.

Speaker 17 ([01:35:24](#)):

Oh, so

Speaker 5 ([01:35:25](#)):

August. I'm on, I'm on the wrong here. <Laugh> Sorry. We are correct. That's right. August 2025.

Speaker 2 ([01:35:31](#)):

Thank you. Okay.

Speaker 1 ([01:35:44](#)):

So the, one of the two criteria that you fail on in the Planning and Zoning Commission was you're changing the character of the area. I haven't heard you directly address that, and if you have, I missed it. So would you be so kind as to directly address that?

Speaker 5 ([01:36:06](#)):

Yes. , I, I should have brought it up because there was a comment that in, , my, , presentation that, "Hey, this is not in the character, , of the neighborhood because there's the other's uses." And if I misstated from the staff reports, my understanding that there are these, there are other properties within the area that are legally permitted for, , other uses other than agricultural, that, , gravel, , excuse me, gravel pit, and I could be, be wrong, , but it's my understanding from the staff report- Yes. ... That radius of other properties, they have a couple of, , uses that are, , consistent with ag use, but are also, , other permitted uses. , We do have the code enforcement violations, but those are violations. So I, I wouldn't wanna point to those as permitted uses, but yes, there are other permitted uses in the area.

Speaker 1 ([01:37:07](#)):

Okay. So I wanna hold you where you're at. I wanna ask staff, is, is that how staff sees that? 'Cause I, if the gravel pits are being related, I'd have to concur that they're far north of Highway 19.

Speaker 8 ([01:37:23](#)):

Yeah. So Chairman, there are two gravel pits within two miles, , that are approved a dairy within a mile and industrial zoning, , about approximately 0.78 miles north of the subject property, , where it comes to, in the sense of staging area contractor shops within 600 miles is where I ... 600 feet, I apologize, 600 feet.

Speaker 1 ([01:37:52](#)):

600 miles just thinking, wow, you're getting out of my jurisdiction. Yes.

Speaker 8 ([01:37:56](#)):

So 600 feet is where I looked and there wasn't any approved staging area contractor shops within 600 feet.

Speaker 2 ([01:38:04](#)):

Okay. Chairman, can I follow up for clarification? On the 0.78 miles that I think we heard that testimony that that would put it across Highway 19 to the north, correct? You're

Speaker 1 ([01:38:18](#)):

Talking about two different things. The, across the Highway 19 was gravel pit. She's talking about industrial. So which, which is your question?

Speaker 2 ([01:38:26](#)):

Well, I'm gonna have her clarify on what she-

Speaker 1 ([01:38:29](#)):

Okay.

Speaker 2 ([01:38:30](#)):

... Referenced.

Speaker 8 ([01:38:31](#)):

Yes. So, , I'm gonna pull up the zoning for you right now, Commissioner.

Speaker 2 ([01:38:40](#)):

Okay. It's

Speaker 8 ([01:38:40](#)):

Easier just to see.

Speaker 2 ([01:38:42](#)):

Okay. Thank you.

Speaker 8 ([01:38:46](#)):

Here is ... Well, the subject property disappeared on, in red, , so it's not in red any longer, but this is the, , industrial zoning nearby.

Speaker 7 ([01:39:01](#)):

About 4,000 feet away.

Speaker 1 ([01:39:03](#)):

Simplot. It's Simplot then.

Speaker 2 ([01:39:09](#)):

So Simplot, that's north? Yes. Simplot is also east. They have fields that they grow and sprinkle. How, what's the proximity there from the property, do you know?

Speaker 8 ([01:39:22](#)):

I didn't look to the one to the east. , I could certainly find that information for you. <Laugh> And while I'm looking for this, any further question? 'Cause I lost my personal-

Speaker 1 ([01:39:40](#)):

Dan, the, , the fuel tank that's pictured on the electronic version, page 117, , it's probably either a 3,500 gallon or a 4,500 gallon tank. 1,000. Thank you. 4,000 to a 3,000.

Speaker 3 ([01:40:00](#)):

Mr. Chairman, what? It's a thousand gallon tank. It's 1,000. I have one.

Speaker 8 ([01:40:05](#)):

Yeah. It's Exhibit 3C, photo 16.

Speaker 1 ([01:40:08](#)):

It's that long. Okay. I'll take your word for it. Okay. So that would fall under, , DEQ criteria?

Speaker 7 ([01:40:21](#)):

No, just the, when it comes to en- ensuring it doesn't i- impede the, or disrupt the g- groundwater or is it, , pollute the groundwater? They have requirements for that, but, , the actual having diesel on your property, I don't think it's DEQ. It's something ... Oh, I'm not sure what it is, but ...

Speaker 8 ([01:40:42](#)):

Yeah. So, , Chairman, there was a proposed condition of approval. I believe it was number 14 off the top of my head that did address a containment field for the diesel tank. , Staff worked with, , Director J. Gibbons on the condition on what would be appropriate for that type of tank. Perfect. There was, , some concerns about it at the Planning and Zoning Commission, , if that would be an appropriate containment or not. Staff does have a modification to that condition if it's not adequate for you.

Speaker 9 ([01:41:21](#)):

And ... Okay. It's

Speaker 8 ([01:41:31](#)):

This one, right?

Speaker 9 ([01:41:32](#)):

But that's not, that's, right here. That's the one I did. Okay.

Speaker 2 ([01:41:48](#)):

Chairman?

Speaker 6 ([01:41:49](#)):

Yes.

Speaker 2 ([01:41:50](#)):

I would like to propose a 15-minute break. Before we close public testimony, I want to review, , I guess the video information.

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Speaker 1 ([01:42:02](#)):

Okay. So if we reconvene by 3:30, will that work?

Speaker 2 ([01:42:05](#)):

I think so.

Speaker 1 ([01:42:06](#)):

All right. Let's , let's take a recess for 15 minutes. We'll reconvene as close to 3:30 as we can. We are in recess. Thank you.