

## General Overview

- **Case Summary:** A public hearing was held on April 22, 2026, for the Canyon County Board of Commissioners to review an appeal (Case CU2025-0013-APL). The appeal was filed by Matthew Parks on behalf of Juan Jimenez Arondo, challenging the Planning and Zoning Commission's denial of a conditional use permit (CUP) for a contractor's yard and landscaper business on a 5.95-acre agricultural-zoned property. The applicant's representative argued the denial was not supported by evidence and requested the board overturn the decision and approve the CUP with staff-recommended conditions. Development Services Department (DSD) staff presented their report, which had initially recommended approval but noted the P&Z commission's denial was based on negative impacts to the area's character and traffic. Numerous members of the public, primarily neighbors and local farmers, testified in opposition, citing concerns about traffic safety, noise, unpermitted activities, and the erosion of the area's agricultural character. The applicant's representative provided a rebuttal before the board took a recess.
- **Speaker Background:** This was a public hearing involving multiple speakers. The primary speakers were Matthew Parks, the representative for the applicant; Amber Luder, a representative from the Development Services Department (DSD) staff; and multiple members of the public, including adjacent landowners, long-term residents, and local farmers.

## Key Points

- The applicant's representative, Matthew Parks, argued that the Planning and Zoning Commission's denial of the CUP was not supported by substantial evidence and contradicted the staff's recommendation for approval.
- Parks contended that the two criteria for denial—injury to the character of the neighborhood and traffic impacts—were based on anecdotal testimony rather than objective evidence like traffic or noise studies.
- He stated that Highway District #4 did not oppose the application and that the projected 36 daily trips were a minimal impact.
- Parks frequently compared his client's denied application to another contractor's yard (the "Barnes case") that was approved on the same night, suggesting inconsistent decision-making.
- DSD staff member Amber Luder confirmed that the P&Z Commission denied the permit based on criteria #4 (injurious to property/character) and #7 (traffic interference), citing public testimony as the basis for their findings.
- Luder also confirmed that an active code enforcement violation existed on the property and the business had continued to operate without a cease and desist order.

- Multiple members of the public testified in opposition. Key themes included:
  - The applicant had been operating the business without a permit, had performed unpermitted work (e.g., a sewer line to an RV), and was now asking for "forgiveness, not permission."
    - The business operated outside the proposed hours, with noise and activity starting as early as 5:30 AM and continuing late into the evening.
    - Upper Pleasant Ridge Road was described as dangerous due to a blind hill and high-speed traffic, which would be exacerbated by the business's vehicles.
    - The use was incompatible with the agricultural character of the area and interfered with farming operations, such as moving large equipment and conducting fumigation or aerial spraying.
    - Approving the permit would set a negative precedent, encouraging other non-agricultural businesses to establish themselves on cheaper agricultural land.
- In his rebuttal, Parks argued that many of the public's concerns were related to area-wide issues or other properties, not his client's specific application. He stated that unpermitted work had been rectified and that the applicant was now attempting to comply with county regulations.

### Notable Quotes

- **Matthew Parks (10:05):** "There was really no explanation as to why our application was denied and the other application for a substantially similar, uh, use, uh, was approved." (Context: Arguing that the denial was arbitrary by comparing it to another case approved on the same day).
- **Mark Flinton (37:40):** "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." (Context: Describing a specific safety concern related to the property and traffic on the road).
- **Russ Arbonne (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.'" (Context: Expressing frustration with businesses starting operations illegally before seeking permits).

- **Lynn Whittig (1:08:09):** "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, uh, 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..." (Context: Explaining the direct safety conflict between his farming operations and traffic on the road).
- **Shane Sheeney (1:26:49):** "...and was told that, uh, 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." (Context: Contrasting his past compliance with the current applicant's actions and asking for consistency).

## Detailed Insights

### 1. Main Arguments

- **Applicant (Matthew Parks):** The denial was improper because it was not based on "substantial and competent evidence" and ignored staff's recommendation for approval with mitigating conditions (7:28). The two points of denial (character and traffic) were based on subjective public testimony, not objective data (11:40, 13:17). The proposed use is permissible in an agricultural zone with a CUP, and the impacts could be managed through the proposed conditions (15:28).
  - **Opposition (Public Testimony):** The applicant demonstrated a pattern of non-compliance by operating without a permit and performing unpermitted construction, showing a disregard for regulations and neighbors (41:16). The business's actual operations (noise, hours, traffic) were already negatively impacting the peace, safety, and agricultural character of the neighborhood (42:58, 57:16). The use was fundamentally incompatible with surrounding agricultural operations and created significant safety hazards on a dangerous road (1:06:12, 1:22:05). Approving the application would reward illegal behavior and set a precedent that would further degrade the agricultural area (53:31, 1:04:54).

### 2. Supporting Evidence

- **Applicant (Matthew Parks):**
  - Staff report recommending approval with 15 conditions (8:47).
    - ITE trip generation manual, which estimated a minimal 36 daily trips (13:27).
      - Lack of opposition from Highway District #4 (13:22).
      - Comparison to the "Barnes case" (CU2025-0012), another contractor's yard that was approved (16:47).

- Opposition (Public Testimony):
  - Personal observations of business operations outside of stated hours (42:58).
    - Photos and videos submitted to the record documenting noise and unpermitted work, such as a sewer line being dug for an RV (42:40, 51:10).
    - Personal accounts of traffic danger, including a toddler on the road and near-misses due to a blind hill (37:40, 1:22:43).
    - Testimony from a 55-year farmer about the direct conflict between the proposed use and his agricultural operations (fumigation, equipment transport) (1:06:12).
    - Staff confirmation of an active code enforcement violation on the property (34:52).

## Context and Background

1. **Contextual Information:** The case was an appeal of a denied Conditional Use Permit (CU2025-0013-APL) for a contractor's and landscaper's yard. The property, located at 17665 Upper Pleasant Ridge Road in Caldwell, is zoned agricultural (A). The applicant had reportedly been operating the business on the site prior to receiving a permit, leading to a code enforcement violation. The original denial by the Planning and Zoning Commission was based on findings that the use would be injurious to the character of the agricultural area and would create undue interference with traffic.
2. **Related Events:**
  - A key point of comparison raised by the applicant was the "Barnes case" (CU2025-0012), a similar contractor's yard application that was approved by the P&Z commission on the same night. Opponents and staff distinguished the Barnes case by noting it was in the Middleton area of impact, which was planned for mixed-use development, unlike the subject property which is in a designated agricultural area.
    - Multiple speakers referenced an ongoing pattern of unpermitted commercial operations and code enforcement violations on other properties in the immediate vicinity, framing this application as part of a larger problem of non-compliance in the rural county.
3. **Potential Impact:** Testifiers argued that approving the permit would set a significant precedent. It could encourage other businesses to establish operations on less expensive agricultural land without prior approval, assuming they could later gain "forgiveness" through a CUP. This could lead to a cumulative negative impact on traffic, safety, and the

viability of long-term farming operations, ultimately changing the essential agricultural character of the area. The decision was framed as a test of the county's commitment to protecting its agricultural zones from incompatible commercial encroachment.

### **Argumentative Behavior**

- There was no argumentative behavior from any speaker that met the specific definitions provided. While public testimony was passionate and critical of the applicant's actions, speakers remained cooperative and directed their comments to the board. The applicant's representative presented his arguments and responded to questions without hostility or defiance.