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**Owyhee County
Planning & Zoning**

PO Box 128, Murphy, ID 83650
Phone (208) 495-2095 Fax (208) 495-2051

**Land Use Permit Application
Requiring Public Hearing**

☒ SINGLE FAMILY RESIDENCE ☐ COMMERCIAL ☐ SUBDIVISION ☐ CAFO ☐ INDUSTRIAL
☐ REZONE ☐ OTHER _____

Veronika and Tom Frazier
APPLICANT/ APPLICANT REPRESENTATIVE

4339 Pershall Rd
PROJECT ADDRESS/LOCATION

4339 Pershall Rd
MAILING ADDRESS

SECTION _____ TOWNSHIP _____ RANGE _____

Marsing ID 83639
CITY STATE ZIP CODE

Does this parcel border dry land/range land? **Y N**
(If yes, please include fire mitigation measures on site plan)

775-722-8462
TELEPHONE EMAIL OR FAX

RPOZN05W110001
TAX ASSESSOR'S PARCEL NUMBER(s)

Veronika and Tom Frazier
OWNER'S NAME

Agricultural
CURRENT ZONING OF THE SUBJECT PARCEL

4339 Pershall Rd
OWNER'S MAILING ADDRESS

Residential
CURRENT USE OF THE SUBJECT PARCEL

Marsing ID 83639
CITY STATE ZIP CODE

Residential
PROPOSED USE

775-722-8462
OWNER'S PHONE NUMBER EMAIL OR FAX

450 sq ft.
TOTAL SQ. FT OF ALL PROPOSED STRUCTURES

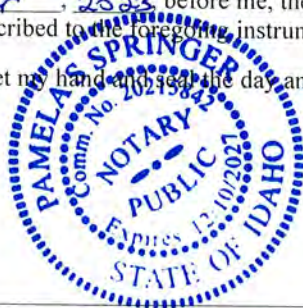
I DECLARE UNDER PENALTY OF PERJURY that I/we, _____, being duly sworn, depose and say that I/we am/are the applicant(s) in the foregoing application, that I/we have read the foregoing application and know the content thereof and state that the same is true and correct to the best of my knowledge. Furthermore, all information and data submitted to Owyhee County in support of my application is true and correct to the best of my knowledge. I/we acknowledge that by submitting this application a member or members of the planning and zoning commission may physically make a site visit to the proposed site and surrounding vicinity. I/we understand that this will be done at an unannounced time without conversation with owners, applicants, or the public.

Dated: 11/27/23 Signed: [Signature]

Dated: _____ Signed: _____

On the 27 day of November, 2023, before me, the undersigned Notary Public, personally appeared, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that s/he executed the same.

IN WITNESS WHEREOF, I have set my hand and seal on this day and year as above written.



Pamela S Springer
Notary Public

Residing at Murphy Idaho
Commission Expires: 12/10/2027

File No. _____ Rec'd by: _____ FOR ADMINISTRATIVE USE Date: _____ Pd. _____ Check No. _____

To whom it concerns:

We are requesting a conditional use permit to allow my elderly mother, Heidi Zipprich, to live on our property at 4339 Pershall Rd in Marsing.

My mom is an 86 year old widow. 3 years ago she decided that she no longer wanted to live by herself and that daily activities and household chores were becoming too challenging for her. She has been living in her trailer for the past three years, however, the trailer is not rated for the cold, her winter temperatures drop to below freezing, and summer temps are over 100 degrees. Both of which are not suitable for acceptable living conditions for an elderly person. My mother is extremely independent and is not ready to give up her independence by moving into our residence. Being a stay at home mom all of her life, she has a very limited monthly income and is not able to pay for independent living at a different location. Heidi is one of those people who is just not capable of sitting around on the couch all day and watching TV. Living out here with us gives her the opportunity to get out and work on the property. She spends her days pulling weeds and keeping the property clean, weed free and representable to the public eye. While I am very thankful that my mom is still able to get outside and do what she loves, having her close allows us to help her out with daily living activities that she is no longer able to do herself. Due to her limited income we supplement her food with things that we raise and grow on the property and make sure that she comes into the house, once in a while, for some hot meals and a warm bath.

We considered adding a studio to the main house, however, the plot and house layout do not make this a reasonable option. As an alternative we are requesting to add a 450 sq/ft addition to the northern side of our existing shop that she could use for herself. This addition will serve as a processing room for personal use when it is no longer needed by her. There would be no change to existing driveways. All existing ways to access the property would remain the same. None of the access points cross other properties. We are in the Gem herd district. The addition will not affect our pastures or livestock fencing. All of the surrounding properties in all directions are multi- acre properties. To the north, south, and west are farms with pastures, livestock, farmhouses, and outbuildings. The house to the west already has a permit for an additional dwelling unit for an elderly parent. The farm to the east is a 75 acre corn field with no structures. The source of domestic water would come from our personal well which she has already been using for the last few years. We do have 4 shares of irrigation water for the property, however, no irrigation water would be used for this project.

Thank you for your time
Veronika and Tom Frazier

1. Whether the intended use is necessary or desirable to the public convenience and welfare.

The intended use is not necessary, however having my mother in law living on the property does make the property more desirable by way of her keeping the goat heads and other noxious weeds off the public road side.

2. Whether the proposed use may create a hazard, nuisance, detriment or other injury to other property in the immediate vicinity or to the health or safety to the citizens of the county in general.

The proposed use will not create any hazards, nuisances, detriments or other injury to other property in the immediate vicinity or to the health or safety to the citizens of the county in general. In fact the proposed use will beautify the area.

3. Whether essential public services, or the general public health or safety, or the general public environment may be negatively impacted by such use or whether there may be a requirement of additional public funding in order to meet the needs created by the requested use.

Being that Heidi already lives on the property there will be no additional requirements or funding required.

4. Whether adequate sewer, water and drainage facilities, and utility and other service systems are to be provided by the applicant to accommodate said use.

We have already upgraded our septic system. The existing water and drainage will not be affected. Existing electrical system is adequate for any additional load.

5. Whether the proposed use may have adverse impact on water supplies, both surface and underground.

Being that Heidi is already living on the property and we have had no issues with our wells' ability to provide enough water. We have no surface water on the property.

6. Whether the geological base on which the use is to be placed may or may not support the proposed use.

The geological base is more than able to support the proposed use.

7. Whether the proposed use at the site may endanger human life, animal life and plant life in the surrounding area and/or the county in general. (i.e. species of animals or plants, or their habitats which might be harmed or interfered with by the proposed use.)

There will be no endangerment of any life on the property, surrounding area, and/or the county in general. In fact the area will be improved to make the environment better for humans, plants and animals in general.

8. Whether the proposed use compliments, benefits, and is compatible with the surrounding land uses.

The proposed use will be adding on to an existing building and made to look like it is part of the existing structure. Color is earth tones and the neighbor has an existing lean-to next to where our building will be and this will block any view from his property to see our new construction. The proposed building will be on the opposite side of our shop from the road and would be barely visible from anywhere off our property

9. Whether special conditions could be imposed upon the proposed use which would so minimize any adverse impacts as to justify the granting of the conditional use permit. In responding to this point, please consider and propose any special conditions which the commission could issue which would minimize or mitigate any adverse impact as described in all of the above questions.

We do our best to homestead on our property and it is our goal to be as self sustainable as possible. We raise as much of our food as we can. Many hours are spent processing, canning, making sausages, and cutting and wrapping meat. Having an additional area to do this out of our tiny home kitchen has been a plan of ours from the time we purchased this property. This would require an area that is heated, has water, and refrigeration. Heidi is in her late 80's. When she is no longer able to live on her own we are going to turn her place into our prep area for our homestead. A special condition could be that when Heidi is no longer able to live on her own that the conditional use permit could be amended.

Instrument # 305177
MURPHY, OWYHEE, IDAHO
2020-10-16 11:14:39 No. of Pages: 3
Recorded for: TITLEONE BOISE
ANGELA BARKELL Fee: \$15.00
Ex-Officio Recorder Deputy: map
Index To: DEED WARRANTY
Electronically Recorded by Simplifile



Order Number: 20384293

Warranty Deed

For value received,

Bradley J. Fewkes and LaDean Fewkes, husband and wife

the grantor, does hereby grant, bargain, sell, and convey unto

Veronika Frazier and Thomas Frazier, Wife and Husband

whose current address is 4339 Pershall Marsing, ID 83639

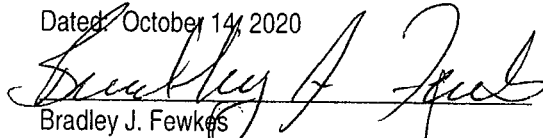
the grantee, the following described premises, in Owyhee County, Idaho, to wit:

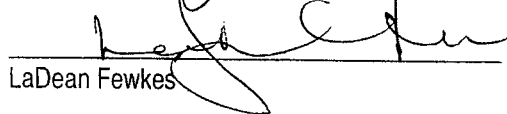
See Exhibit "A" attached hereto and made a part hereof and which is comprised of one (1) page

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Remainder of page intentionally left blank.

Dated: October 14, 2020


Bradley J. Fewkes


LaDean Fewkes

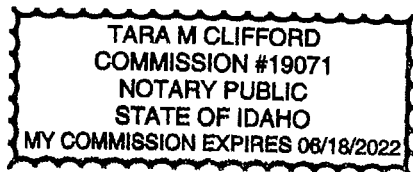
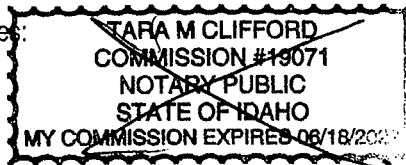
State of Idaho
County of Ada, ss.

On this 15th day of October in the year of 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Bradley J. Fewkes and LaDean Fewkes known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.


Notary Public

Residing In:

My Commission Expires:
(seal)



File No. 514079

B.F. LA

Exhibit 'A'

In Township 2 North, Range 5 West, Boise Meridian, Owyhee County, Idaho.

Section 11: Northeast Quarter of the Northeast Quarter of the Northeast Quarter.

Valuation Summary Sheet

OWYHEE County

11/2/2023 2:37:58 PM

Parcel Number: RP02N05W110001 Property Address: 4339 PERSHALL RD, MARSING, ID 83639

Effective Date: 3/1/2012

Tax Code Area: 9-0000

Expiration Date:

Legal Description: NENENE 11 2N 5W

Legal Party Name	Address	City St Zip
FRAZIER, VERONIKA & THOMAS W/H	4339 PERSHALL RD	MARSING, ID 83639
		Primary Owner

Cat ID	Ext	Rv Year	Unit	Quantity	Value	HO Mkt	HO Exemp	PTR	Other
02	L00	2019	AC	8.100	\$1,742	\$0	\$0	\$0	\$0
10H	L00	2019	AC	1.000	\$61,954	\$61,954	\$15,425	\$0	\$0
19	L00	2019	AC	0.900	\$0	\$0	\$0	\$0	\$0
31H	R01	2019		-	\$440,110	\$440,110	\$109,575	\$0	\$0
32	R02	2019		-	\$12,560	\$0	\$0	\$0	\$0
Totals:					\$516,366	\$502,064	\$125,000	\$0	\$0

Deed Date Deed Reference

3/10/2017 292098
3/10/2017 289481
3/10/2017 283356
10/16/2020 305177

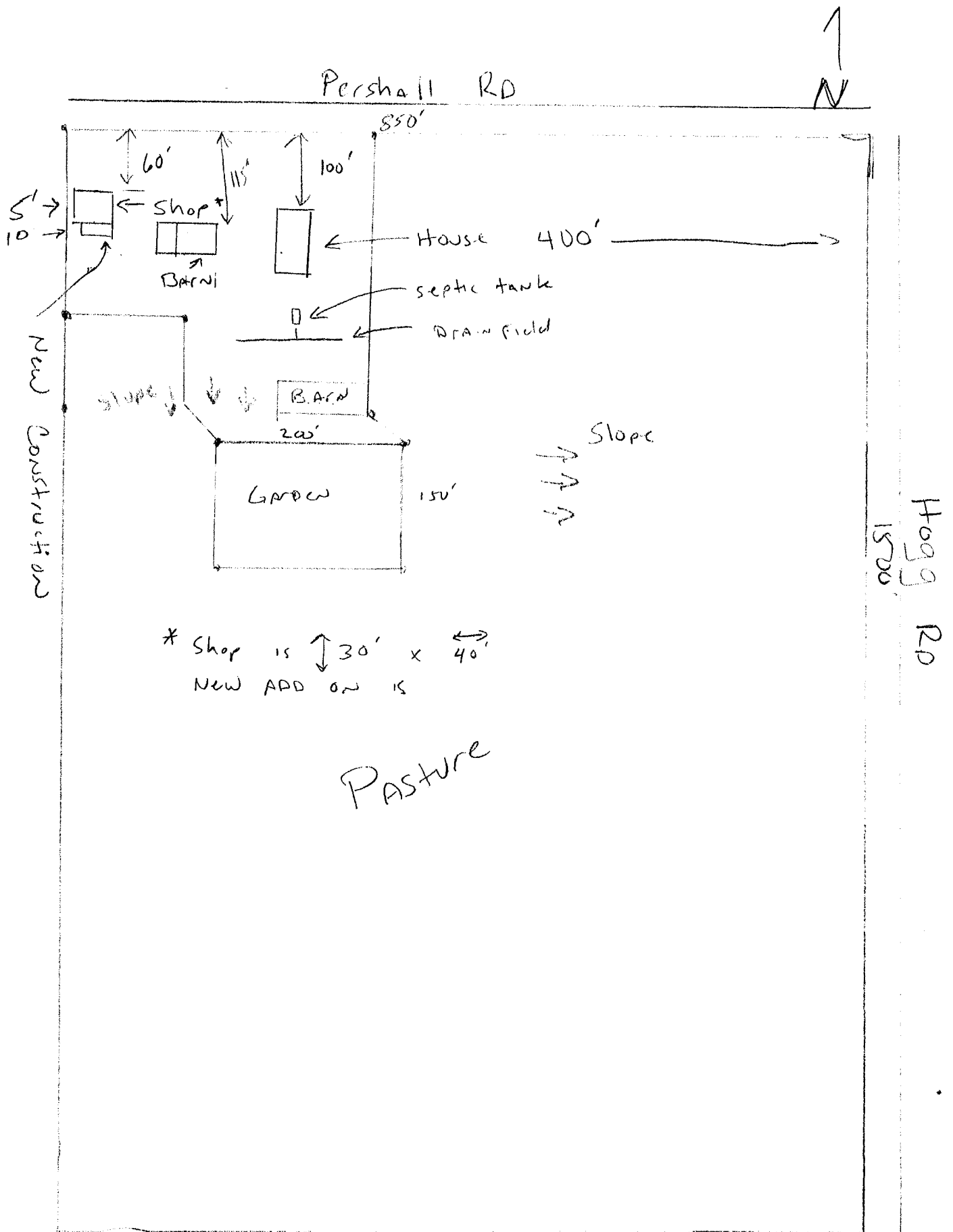
Zone Code:

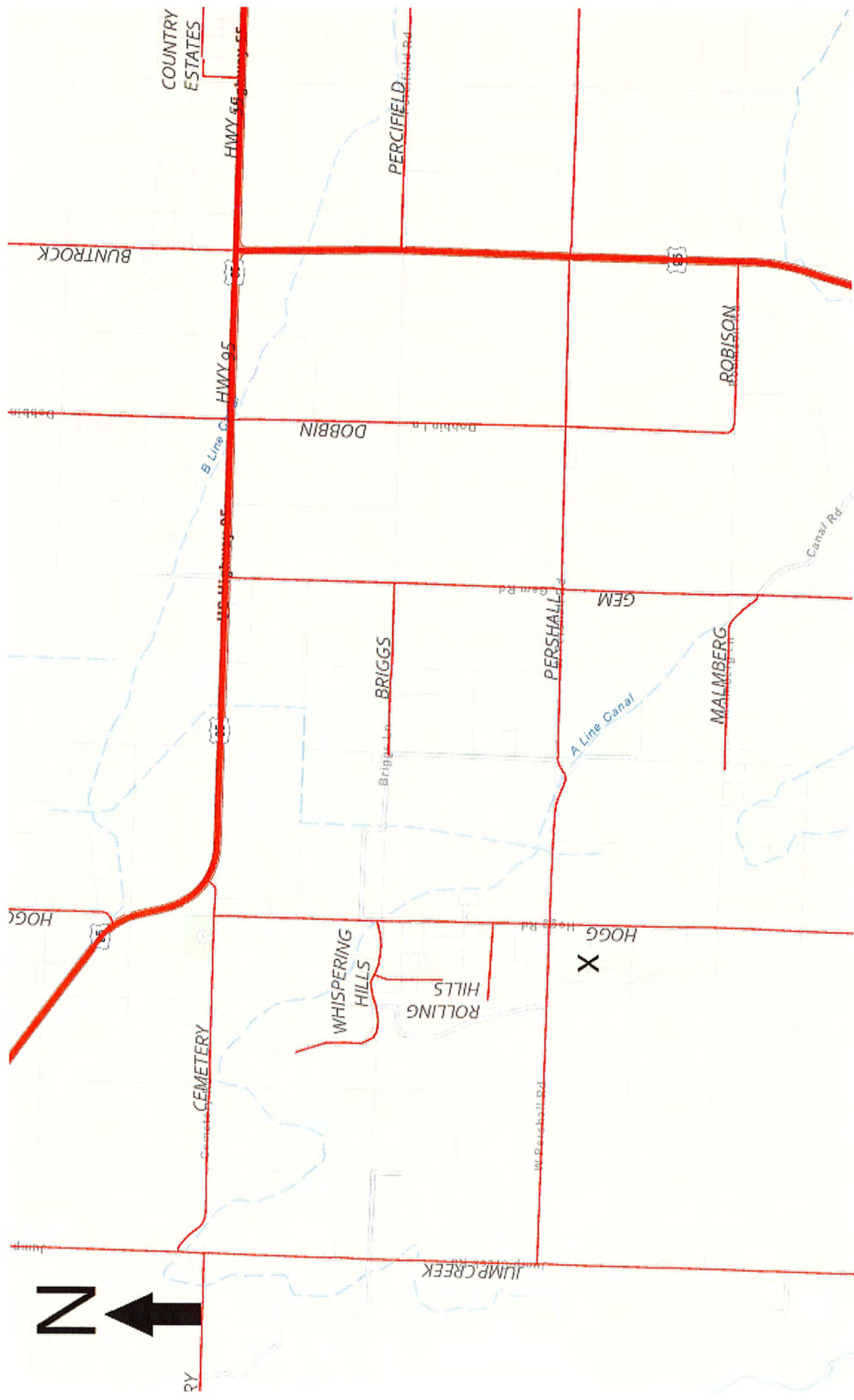
Parcel Type:

Location Code: 3000

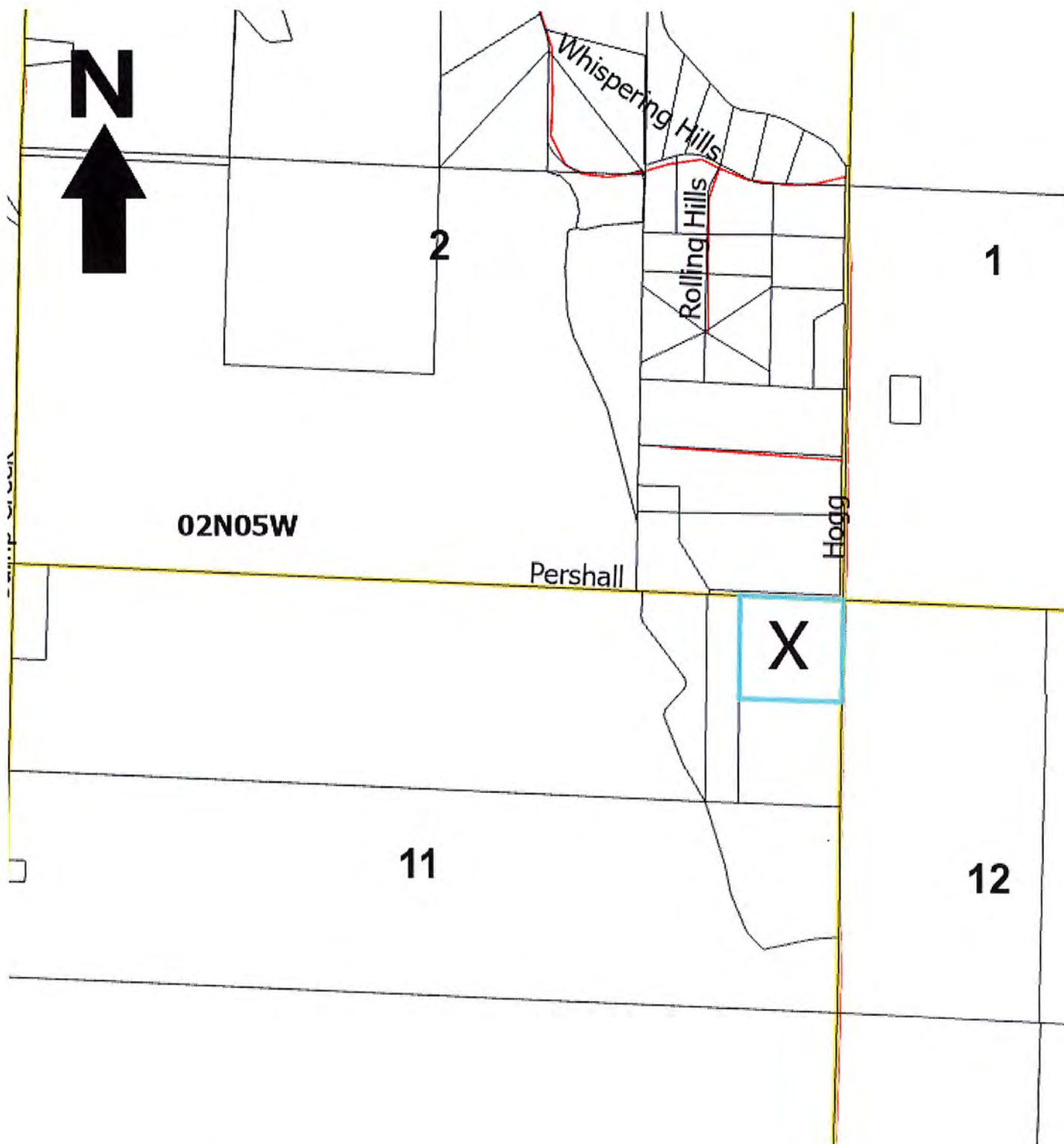
Comments:

SPLIT FROM #> RP02N05W110000A

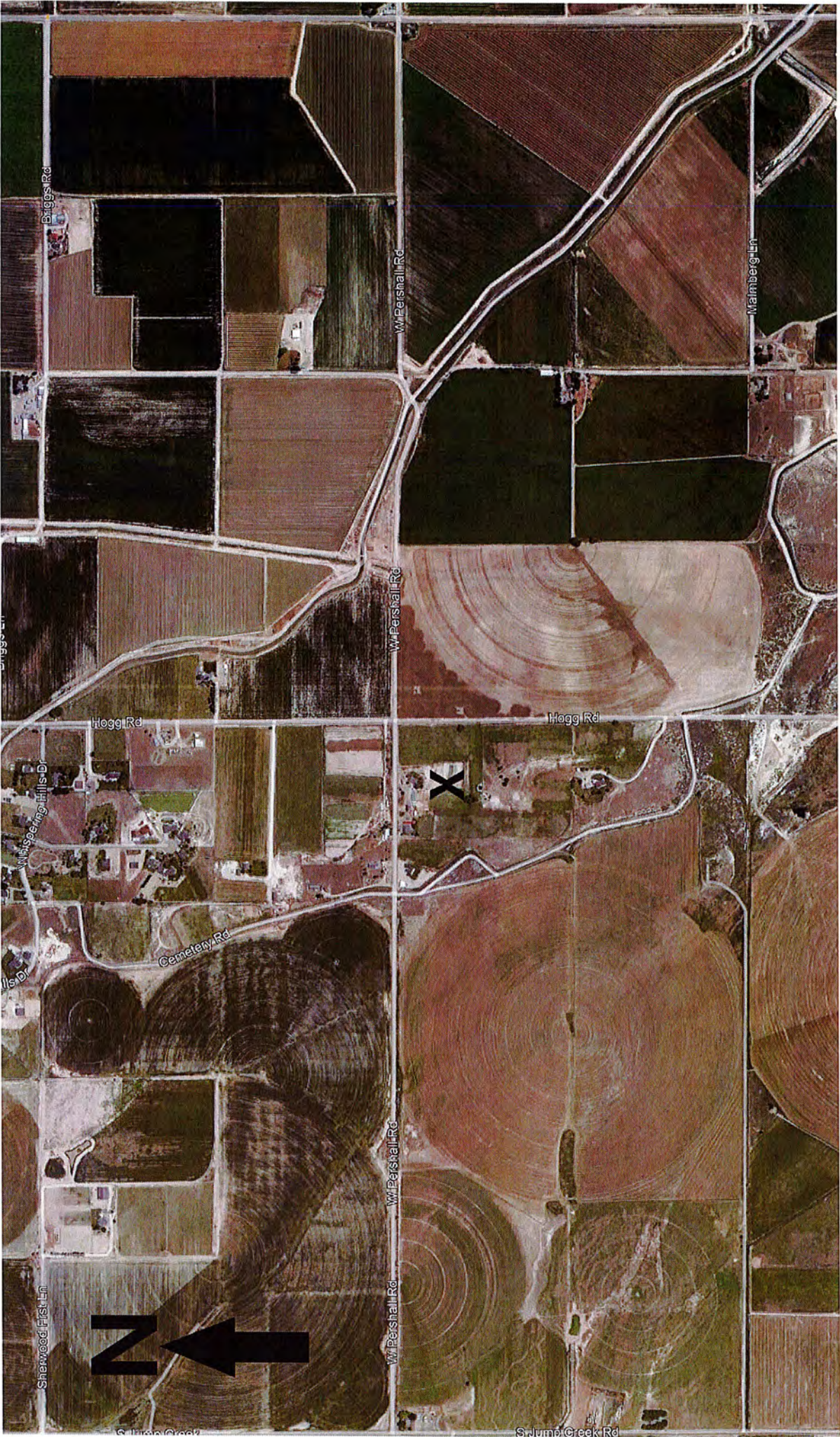




Vicinity Map



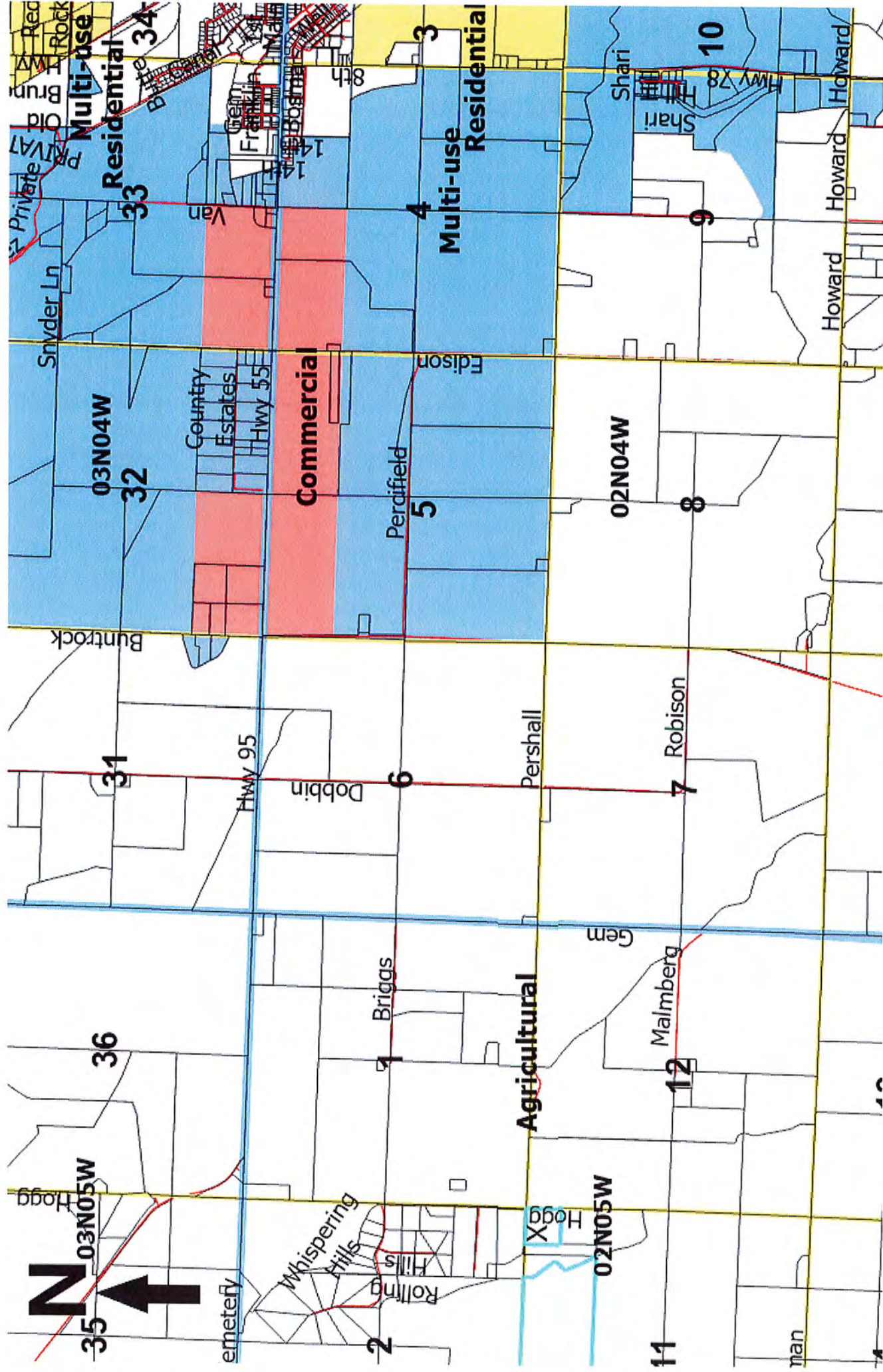
Parcel Map



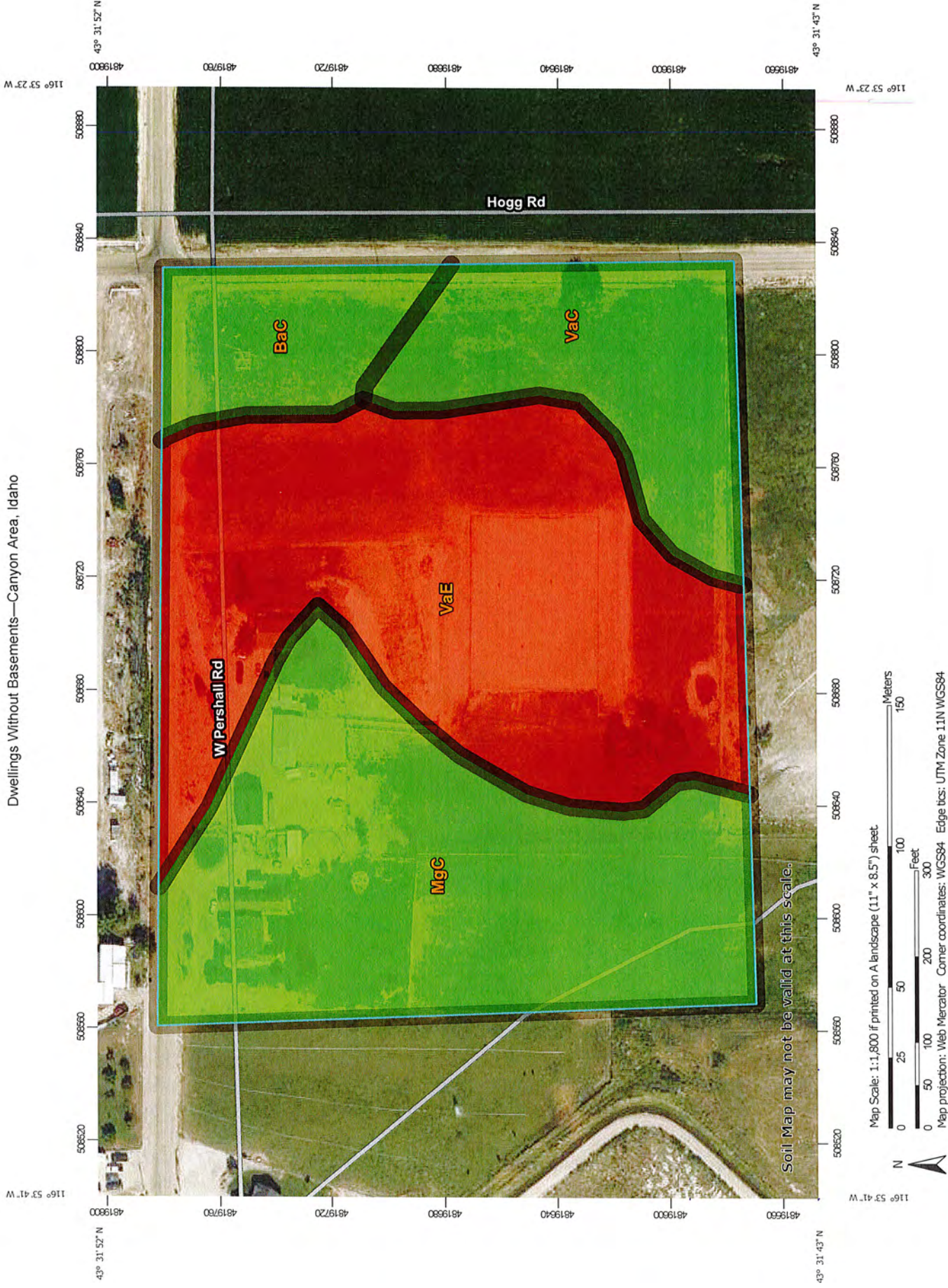
Aerial For



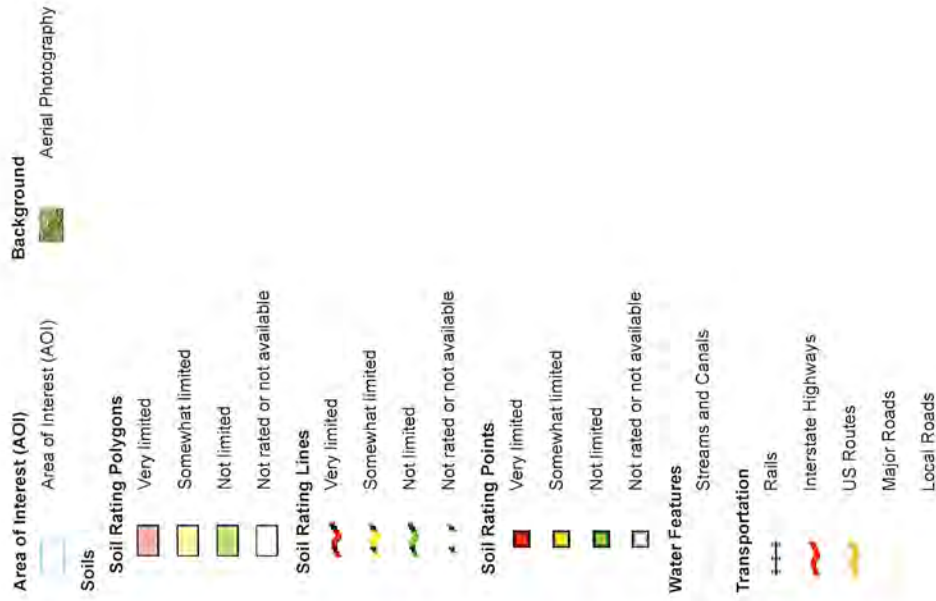
Aerial Close



Zone map



MAP LEGEND



MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Canyon Area, Idaho
 Survey Area Data: Version 20, Aug 31, 2023

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 31, 2020—Aug 2, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Dwellings Without Basements

Map unit symbol	Map unit name	Rating	Component name (percent)	Rating reasons (numeric values)	Acres in AOI	Percent of AOI
BaC	Bahem silt loam, 3 to 7 percent slopes	Not limited	Bahem (85%)		1.1	8.2%
MgC	Marsing loam, 3 to 7 percent slopes	Not limited	Marsing (90%)		4.9	35.4%
VaC	Vanderhoff loam, 3 to 7 percent slopes	Not limited	Vanderhoff (95%)		2.0	14.8%
VaE	Vanderhoff loam, 12 to 30 percent slopes	Very limited	Vanderhoff (90%)	Slope (1.00)	5.7	41.5%
Totals for Area of Interest					13.7	100.0%

Rating	Acres in AOI	Percent of AOI
Not limited	8.0	58.5%
Very limited	5.7	41.5%
Totals for Area of Interest	13.7	100.0%

Description

ENG - Engineering

Dwellings are single-family houses of three stories or less. For dwellings without basements, the foundation is assumed to consist of spread footings of reinforced concrete built on undisturbed soil at a depth of 2 feet or at the depth of maximum frost penetration, whichever is deeper.

The ratings for dwellings are based on the soil properties that affect the capacity of the soil to support a load without movement and on the properties that affect excavation and construction costs. The properties that affect the load-supporting capacity include depth to a water table, ponding, flooding, subsidence, linear extensibility (shrink-swell potential), and compressibility. Compressibility is inferred from the Unified classification of the soil. The properties that affect the ease and amount of excavation include depth to a water table, ponding, flooding, slope, depth to bedrock or a cemented pan, hardness of bedrock or a cemented pan, and the amount and size of rock fragments.

The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect the specified use. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

The map unit components listed for each map unit in the accompanying Summary by Map Unit table in Web Soil Survey or the Aggregation Report in Soil Data Viewer are determined by the aggregation method chosen. An aggregated rating class is shown for each map unit. The components listed for each map unit are only those that have the same rating class as listed for the map unit. The percent composition of each component in a particular map unit is presented to help the user better understand the percentage of each map unit that has the rating presented.

Other components with different ratings may be present in each map unit. The ratings for all components, regardless of the map unit aggregated rating, can be viewed by generating the equivalent report from the Soil Reports tab in Web Soil Survey or from the Soil Data Mart site. Onsite investigation may be needed to

validate these interpretations and to confirm the identity of the soil on a given site.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Marsing Fire Department
PO Box 299
Marsing, ID 83639

Attn: Jerry Mayer

This letter is to inform you that we are applying for a conditional use permit, with Owyhee County, to allow us to build a mother in laws quarters on our property at 4339 W Pershall Rd. The proposed building will be a 450 sqFt addition onto an existing structure on our property. Please let us know if you have any questions or comments on this application.

Map attached.

Thank you for your time;

Tom Frazier
4339 W Pershall Rd
Marsing ID 83639
frazierfamily4@gmail.com
775-722-8462

Gem Irrigation District
South Board of Control
PO Box 67
Homedale, ID 83628

This letter is to inform you that we are applying for a conditional use permit, with Owyhee County, to allow us to build a mother in laws quarters on our property at 4339 W Pershall Rd. The proposed building will be a 450 sqFt addition onto an existing structure on our property. The proposed building will not have any impacts on our pasture or make use of any of our water shares. Please let us know if you have any questions or comments on this application.

Map attached.

Thank you for your time;

Tom Frazier
4339 W Pershall Rd
Marsing ID 83639
frazierfamily4@gmail.com
775-722-8462

Gem Highway District
1016 Main Street
PO Box 453
Marsing, ID 83639

Attn: Keith Berends - Road Supervisor

This letter is to inform you that we are applying for a conditional use permit with Owyhee County, to allow us to build a mother in laws quarters on our property at 4339 W Pershall Rd. The proposed building will be a 450 sqFt addition onto an existing structure on our property. The proposed building will not have any impacts on existing roadways or our driveways. Please let us know if you have any questions or comments on this application.

Map attached.

Thank you for your time;

Tom Frazier
4339 W Pershall Rd
Marsing ID 83639
frazierfamily4@gmail.com
775-722-8462

Marsing School District Superintendent
PO Box 340
Marsing, ID 83639

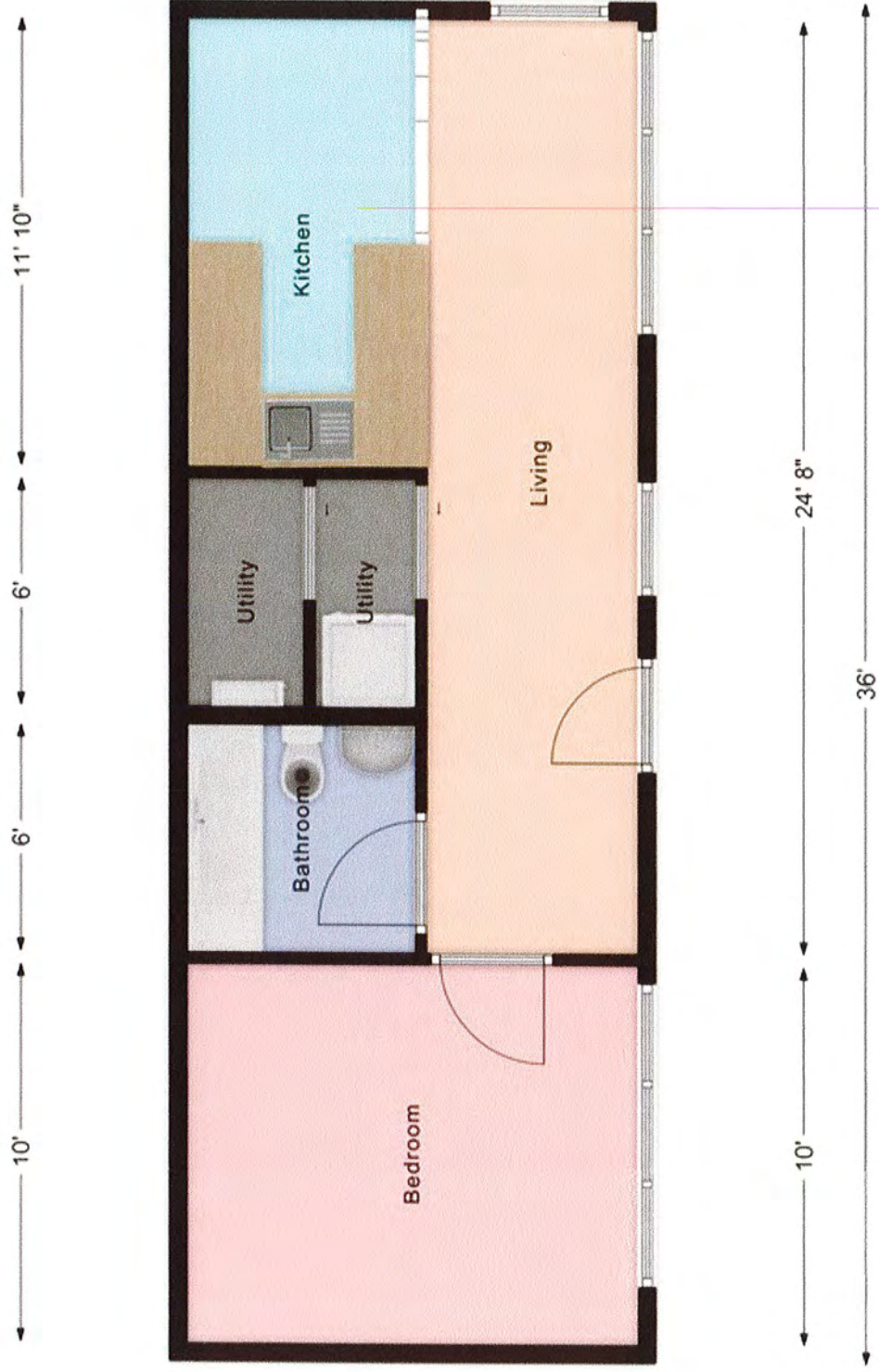
Attn: Norm Stewart

This letter is to inform you that we are applying for a conditional use permit, with Owyhee County, to allow us to build a mother in laws quarters on our property at 4339 W Pershall Rd. The proposed building will be a 450 sqFt addition onto an existing structure on our property. No additional students are involved in this application. Please let us know if you have any questions or comments on this application.

Map attached.

Thank you for your time;

Tom Frazier
4339 W Pershall Rd
Marsing ID 83639
frazierfamily4@gmail.com
775-722-8462





Owyhee County, Idaho

RIGHT TO FARM Disclosure Statement

- A. It is the intent of the Legislature of the State of Idaho pursuant to IDAHO CODE Title 22 Chapter 45, RIGHT TO FARM ACT to reduce the loss to the state of its agricultural resources by limiting the circumstances under which agricultural operations may be deemed to be a nuisance.
- B. It is the intent of the Owyhee County Board of Commissioners and the Planning and Zoning Commission to uphold, support, and enforce the RIGHT TO FARM ACT.
- C. The County of Owyhee fully supports and permits "agricultural operations" as defined in IDAHO CODE 22-4502, Definitions, when operated in accordance with generally recognized agricultural practices which includes conformity with Federal, State, and local laws and regulations and when not adversely affecting public health and safety.

I acknowledge Idaho's RIGHT TO FARM, and I accept the agricultural environment they protect and do agree to live within said environment.

Name: Tom V. Frazier

Name: _____

Address: 4339 Pershall Rd

Legal: Section: 11 Township: 2N Range: 5W

Assessor's Parcel Number: RPO2N05W110001

Signature: [Signature] Date: 11/27/23

Signature: _____ Date: _____

STATE OF IDAHO, County of Owyhee ss.

On this 27th day of November, 2023, before me, the undersigned, a Notary Public in and for said State, personally appeared:

Tom V Frazier

Known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Signature: Pamela S Springer

Name: Pamela S Springer

Residing at: Murphy Idaho

My Commission expires: 12/10/2027



ATTACHMENT A

FIRE APPARATUS ACCESS ROADS

SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

SECTION D102 REQUIRED ACCESS

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other *approved* driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm), exclusive of shoulders (see Figure D103.1).

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as *approved* by the fire chief.

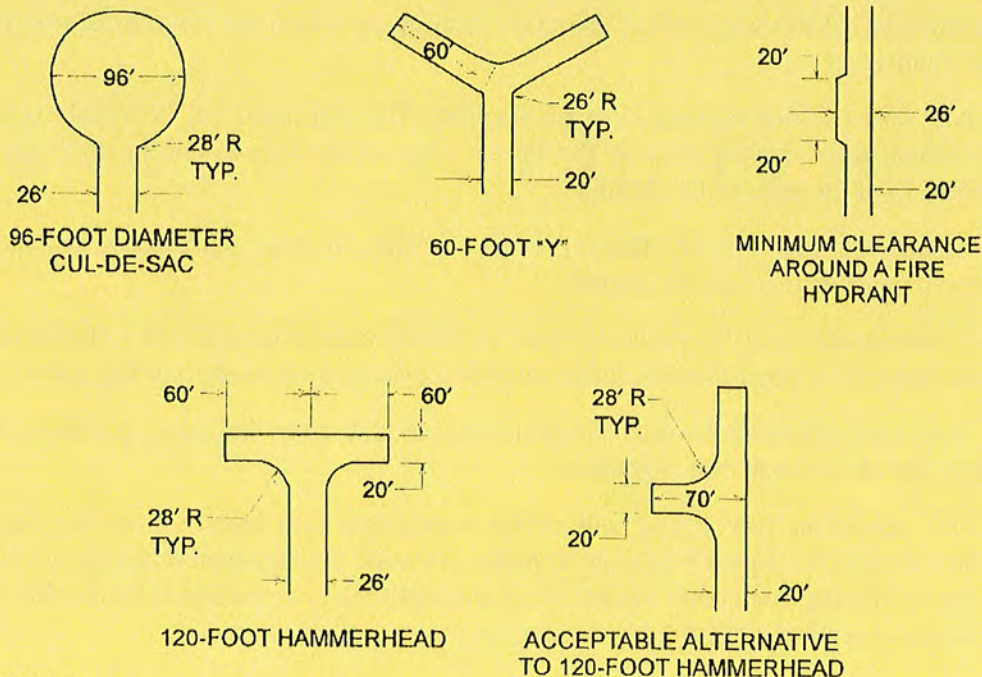
D103.3 Turning radius. The minimum turning radius shall be determined by the *fire code official*.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

TABLE D103.4
REQUIREMENTS FOR DEAD-END
FIRE APPARATUS ACCESS ROADS

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

For SI: 1 foot = 304.8 mm.



For SI: 1 foot = 304.8 mm.

FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

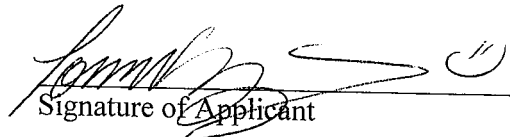
ACKNOWLEDGEMENT OF APPLICANT

I, Tom V. Frazier, the undersigned applicant do hereby understand, acknowledge and agree that the fee in the amount of \$ 1200.00 which I am submitting to the Owyhee County Planning and Zoning Department associated with application file # 24-07, is **non-refundable**.

I further understand, acknowledge and agree that **no portion of such fee shall be returned** unless the application is withdrawn and a request for refund is made in writing by me, or my legal representative, within seven (7) days of application submittal.

I further acknowledge that by requesting a Conditional Use Permit, I am asking that I be excused from the law as it pertains to the subject parcel(s) of my application. This is not a request that is taken lightly by the Planning & Zoning Commission. Applications for conditional use permits are subject to a public hearing and the request can be approved or denied. I understand that there is no expectation of an approval.

Dated this 13 day of December, 2023.


Signature of Applicant

Witnessed: Rachel King

Date: 12-13-23

STANDARD SPECIAL CONDITIONS

- a. Access to the new use must be constructed with an all weather driving surface at least twenty (20) feet wide with a six (6) inch gravel base, graded and compacted, and a turnaround space provided pursuant to the 2012 International Fire Code (Attachment A). Written approval of the access from the local fire district must be provided prior to the issuance of a building permit. If subject property is not within the boundaries of a fire district, the access shall be constructed as previously stated, and approved by the Building Official prior to the issuance of a building permit.
- b. Applicants must recognize, and any future occupant or purchaser of subject parcel must be advised, through recorded marketing disclosure and /or deed restrictions, that any agricultural activity, which is in existence on lands adjoining or in the vicinity of the subject property, may not be considered a nuisance pursuant to the Idaho Right to Farm Act. A signed and recorded Right to Farm affidavit must be provided to the Administrator prior to the issuance of a Certificate of Occupancy.
- c. Approval by Southwest District Health of the septic system and well site must be submitted prior to the issuance of a certificate of occupancy for the new use.
- d. This decision will be recorded by the Administrator prior to the issuance of a certificate of compliance, recording fee having been included in the application fee.
- e. The Applicant must comply with all applicable laws and regulations.
- f. All structures, improvements, and construction must be developed according to the presentation given under oath at the public hearing for which the conditional use permit was approved.
- g. Any new exterior lighting must be shielded. The bulb shall not be visible below a horizontal plane running through the lowest point of the fixture, and no light shall be emitted from the sides of the fixture.
- h. Abandoned and/or junk vehicles, debris, rubbish, or other solid waste will not be allowed to accumulate on the property.
- i. A containment area for trashcans must be constructed to minimize the occurrence of wind, animals, or other uncontrollable sources spreading trash to surrounding areas.
- j. Applicant will control weeds and pests (including, but not limited to, gophers) on the parcel for which the permit is granted.
- k. This conditional use permit will expire twenty-four (24) months from the date the written decision is signed if substantial progress toward development of the use permitted by the conditional use permit has not been accomplished or an extension of the life of the permit has been requested prior to the expiration of the permit.