

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

Couldn't stop the finger before it got there. Are you, are we on? All right, this is Chairman Brad Holton. I'm calling the media to order. We had a brief recess for the applicant and protestors to, , be able to discuss the conditions. Have, have you come to any conclusion on them?

Speaker 2 ([00:31](#)):

Sorry, jump off.

Speaker 1 ([00:32](#)):

Yeah, you can come back up. And again, I'm not trying to rush a decision and we don't have to rush a decision. I'd just like to get done with this,

Speaker 3 ([00:46](#)):

But

Speaker 1 ([00:46](#)):

You all might want the same thing, but I want it done right. And so with that, you can.

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

Thank you, Chairman. , Yes, , Connor Gray, 505 South, , Avenue, Caldwell, Idaho. , , Chairman, commissioners, again, I, I appreciate this. This is, you know, just to clarify, and it's on the record, this is the first time I'm seeing this. , You know, I, I had reached out. I, I, I understand the neighbor's concerns about, , you know, saying it's not our right to be able to, you know, present that, but as, , Chairman Brooks, as you pointed out, that was kind of the whole purpose of why we've been sitting here the last couple months is try to be able to negotiate, negotiate some of that. So that being said, like, if, if I had been sent this, , you know, in the past or even just before the deadline, I, it, it would've been a lot easier for us to be able to look over this and be able to pick and choose.

([01:32](#)):

I mean, like, this is, yeah, we can do that. No, we can't do that. , I do have some serious concerns just from the first glance at it, you know, with the traffic mitigation. Again, I mean, there's -

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

I have no authority

Speaker 2 ([01:46](#)):

To

Speaker 1 ([01:46](#)):

Put that in as a condition, so that would have to be struck. Perfect. Eight sound.

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

Perfect. That's exactly where I was gonna, we're gonna go with that. , You know, the heavy equipment, we have, we've said in part of our application, we're not gonna have any sort of heavy equipment, , business use with that. , But, you know, , a good point was brought up that, well, in order to be able to do some sort of paving, , as we had said that we would do with our site plan, we're gonna have to have some sort of, , heavy equipment to be able to do that. So I just, the, the wording with number five seems a little iffy to me with that. , Again, the, what I would say is the conditions that the commission, , and the staff had presented, I, I'd say reflects this pretty well, and it covers most of, almost all of the basis. , There's, you know, lighting.

(02:31):

, Again, that's part of one of the conditions that the commission, , has in there. Commercial signage, there's already, you know, like a county, , , procedure that we have to follow with that. As far as the, the hours of operation, I did wanna clear that up. Originally, , we had put 80 to 6:0 PM on there because there's, there's two components. There's a staging area, and then there's the actual, , the full-time business employees. And I, it was brought up before we changed from seven to 10 to 20. , The seven to 10 is for the full-time employees in there, and that's, that's when we had wrote 80 to 6:00 PM on it. , But with the staging area and the remaining of the, the people coming in and out, , I have, , we, we started emailing with Arbyne saying, "Hey, this is, can we change this at 7:00 AM?" So that was very, very early in the process with that.

(03:14):

So it was just a, kind of a miscommunication on my end. , So I'll, I'll take ownership with that, but we did let Arby know a couple years ago that we are anticipating 7:00 AM for that. , But again, I, I think what the conditions that were pres - or that were presented from the commission and the staff, I, I feel comfortable. The owner feels comfortable, comfortable with those as well. I just don't think, and I, I think that covers everything probably in here.

Speaker 1 (03:47):

Okay. Questions?

Speaker 4 (03:51):

Mr. Chairman, I have a question on one of the, , proposed conditions for staff if this is an appropriate time for that question.

Speaker 1 (04:01):

It would be.

Speaker 4 (04:02):

Okay. Are we on number five? Could you give me a little, , refresher on what the setback issue is, please?

Speaker 5 (04:14):

Chairman, Commissioner Brooks?

Speaker 1 (04:16):

You're, you're on number five.

Speaker 4 ([04:18](#)):

Number five for, for what we proposed. Yes. It's on the screen, Mr. Chairman. She scrolls down. Yeah,

Speaker 1 ([04:24](#)):

It's on the screen. Thank you.

Speaker 5 ([04:27](#)):

So in regards to the draft proposed conditions, , so I believe this one was going to be labeled as Exhibit eight. So number five reads, "The applicant shall meet City of Nampa setback requirements evidenced by a letter from City of Nampa or meet Kenyon County setbacks moving the shop or applying and getting approval for a variance prior to an approved change of occupancy." So for background on that one, the shop is currently constructed, I believe, five feet from the side property line. , In Canyon County's, , setbacks in the, that zone, it needs to be a minimum of 10 feet. , So they currently don't meet that. So they have the option of either applying for a variance with the county and getting that five foot varied so they can keep the, , shop there or relocate the shop. , The other option is to work with the city of Nampa.

([05:22](#)):

, City of Nampa's side setbacks are five feet, so they would be meeting, , that five foot setbacks if they were able to get approval from City of Nampa. , But either way, they would have to bring that into compliance.

Speaker 1 ([05:40](#)):

Did that answer your question?

Speaker 4 ([05:42](#)):

Yes. Thank you, Mr. Chairman. I'm just curious if it's, , for creating an inconsistency in having that option there.

Speaker 2 ([05:54](#)):

Chairman and Commissioner Brooks, if I may. , I, what we've had this conversation with the City of Nampa about just kind of giving them a heads up that we will be asking for that five foot, , request. They, they had no problem. I, apparently they do it many, many times around here with the county code. So they, they are well aware of it. Not sure if that helps -

Speaker 3 ([06:12](#)):

Okay.

Speaker 2 ([06:12](#)):

Process anything.

Speaker 4 ([06:19](#)):

That's all I had, Mr. Chairman.

Speaker 1 ([06:21](#)):

Where would we like to go from here? <Laugh> I recognize that look.

Speaker 3 ([06:40](#)):

Chairman? Yes. I think maybe closing public hearing for deliberation.

Speaker 4 ([06:47](#)):

Testimony.

Speaker 3 ([06:47](#)):

Test -

Speaker 4 ([06:49](#)):

You said close the hearing. <Laugh>

Speaker 3 ([06:52](#)):

Okay. It's been a long process.

Speaker 1 ([06:56](#)):

You are rattled, aren't you? ,

Speaker 4 ([06:58](#)):

Mr. Chairman, I move that we close public testimony. Okay.

Speaker 3 ([07:02](#)):

Thank you.

Speaker 1 ([07:03](#)):

Do I have a second?

Speaker 3 ([07:04](#)):

Second.

Speaker 1 ([07:05](#)):

Motion's been made and segmented to close public testimony. All those in favor say aye. Aye.

Speaker 3 ([07:09](#)):

Aye. Aye.

([07:11](#)):

Chairman. So I will, I will go ahead and start. I, recognizing we're have another meeting that starts here. I am in favor of upholding the planning and zoning's recommendation of denial on this application simply because Commissioner Brooks has brought it up. We're, we're kind of cherry picking through two different entities, conditions to meet a variance that I'm not assured. Timing is sometimes a factor. The Nampa Airport has been located in this area since 1929. And the residents that are located there have an expectation of a rural way of life and un- unless or until the city of Nampa can fully embrace and condition this in a way that helps mitigate the change that's happening in this area. I inherently don't see a need for the county to step over that process, particularly when this was purchased without, , really, , , I mean, they apologize and ask permission.

(08:15):

I, I don't, , historically on record is saying I don't really agree with that. , The assisted living change that happened there, even though this wasn't a primary residence, I find that credible testimony that the uses are completely different. We have people with boots on the ground testimony talking about the quality of life. So if we look at the reasons for denial from planning and zoning, which will this impact the nature and the character of the area today, it will. They're indicating that the county's continued granting of conditional use permits for, , things that, where we no longer have a JEPA agreement, a joint powers agreement with NAMPA. This is clearly under the county's ability to evaluate testimony of what's there. There are other areas that this could be located where this kind of conflict would not exist, but I'm going to say it again.

(09:15):

I think if we were in that situation, I don't know how to mitigate all of the things that need, , to, to be worked out between these two parties. They're not in agreement on the start time, which is what I want to be next to an industrial operation or, , that started at seven o'clock with the potential for manufacturing, fabrication, painting, similar industrial. There's so many issues that would need to be mitigated by code enforcement, whether it's the number of cars, the amount of activity, the business cap, the, the outdoor alarms I, I get. , They're, that was gracious to say legally permissible. I don't know how to get around the safety component. It, there's going to be backup noises on this property. The traffic mitigation, I know we've thrown that out. That completely belongs to a different jurisdiction, so understanding that, but it doesn't mean that the board is not charged to take into consideration the traffic impact that's in this area, especially when I have someone providing testimony that there's been a death in front of their property.

(10:32):

There's, there's a lot of factors with this. We're hopefully going to go through the questions that we're legally charged to ask on this. But I don't have a way to overcome the, the challenges and the testimony that's been presented. Even though there might be a best intent, there's still, even by their own admission in highlighting condition eight, which was submitted by Mrs. Deboer on the traffic mitigation, that says to me that they recognize it exists outside of their jurisdiction as well. As well, it will bring additional traffic there. , I would say that the road is undersized if Nampa gets there and wants to do whatever they do to incorporate that into the city. God bless them. But I believe that this, with everything that we're evaluating, needs to be covered under and couched in the city of Nampa's conditions, landscaping, infrastructure, all of that.

(11:37):

So that's my position.

Speaker 4 ([11:42](#)):

Okay. Mr. Chairman, surprise, surprise. I am perfectly fine with going with what staff presented to P&Z. , Commissioner Vambeek obviously has more issues with this from the city standpoint than the actual city of Nampa staff. , Because as their letter stated, they don't have any concerns because it is in alignment with their comprehensive plan. So I'm not going to sit here and advocate that we do something for a jurisdiction that they don't see a problem with. , I am fine with the conditions that we have proposed. , I'm, again, I stepped in it by referring to the other conditions that were s- sent later, but I, I'm perfectly fine with, , moving that to a seven foot fence and stating it has to be, you know, vinyl or something, , nicer. I don't, I don't see, , I don't see many of these signs that, or many of these fences that are chain linked with the slats through them, but, , I, I'm okay with amending that one.

([13:08](#)):

Other than that, , this is, this is fairly heavily conditioned. , Any, any expansion, as it mentions in 4H, basically gotta go annex with the city of Nampa. So the concerns that were expressed in allowing this to be further expanded, there's the, , prohibition on that. So we can go through everything, but I think it's, , I think it's unwarranted to be more concerned for the city of Nampa than the city of Nampa is for itself. And I wholly object to adding that to the FCOs making that for a basis of denial.

Speaker 1 ([14:11](#)):

Well, procedurally, since I find myself as the single vote breaking a tie vote, , I need more deliberation time and some quiet time for thought and reflection. I'm gonna make the untenable move of con - I would make a motion that we continue this to the 18th at 1:30.

Speaker 3 ([14:38](#)):

I second.

Speaker 1 ([14:41](#)):

Good. There's something we can agree on maybe. How could you vote no to that?

Speaker 6 ([14:47](#)):

Chairman?

Speaker 1 ([14:48](#)):

So there's. Yes.

Speaker 6 ([14:50](#)):

Will there be public testimony allowed at that time or just open up the meeting, convey why you're gonna vote whichever way you're gonna vote, and then catalog that?

Speaker 1 ([14:59](#)):

That would be my concept unless the board wants to change that. Currently, there's a motion to, to extend this, continue this to the 18th. And staff is asking for clarification whether there would be, , again, continued input from whoever for public input. I, my contingency is no, I have enough information. I just need to make sure if I think that with the changes that's been flown about where I'm

at, and I can't land there as quickly as Commissioner Brooks or Commissioner Van Beek, I need to look at the conditions. Yeah. Since it, to me, it, I feel like it's heavily conditioned. And is it all appropriate or are they all defensible?

Speaker 3 ([15:47](#)):

Yeah. So. And Chairman, with that evaluation, thank you. I would just per - submit that having this, we've already closed public testimony, so this is strictly a time for the board to evaluate the information that we've heard, what's been presented as a late exhibit and accepted. And then to evaluate the appropriateness of this request, given the testimony that's been provided. So I do not, I did not envision. I'm supportive of your, , wanting to evaluate this, , because it does affect everyone in this area, but not with additional public testimony.

Speaker 1 ([16:23](#)):

So I would, , so that, so with clarity, the, , proposal to continue is, , when we reopen, it will be without public testimony of either the applicant or anyone else.

Speaker 3 ([16:36](#)):

Correct.

Speaker 1 ([16:37](#)):

There might be clarifying questions back and forth from the board to DSD staff, but not, not as testimony f- for new information.

Speaker 5 ([16:45](#)):

Yeah. Chairman, if I may add, , for the added exhibit nine, , that the public added, , here today, on number nine, they did wanted to make a quick correction. , So for that ingress egress, it should read, , designate the east driveway for the ingress. So I just do wanna clarify that as you look over those conditions. , So when we do come back and deliberate that, we all have the right information.

Speaker 3 ([17:15](#)):

Chairman, I'm

Speaker 1 ([17:15](#)):

Gonna.

Speaker 3 ([17:16](#)):

Yeah, I'm gonna say that differently. There's a one way in, one way out.

Speaker 5 ([17:20](#)):

That is correct.

Speaker 3 ([17:21](#)):

Okay.

Speaker 4 ([17:23](#)):

Is it correct on the conditions that are proposed conditions?

Speaker 1 ([17:30](#)):

Now you know why I wanted to continue.

Speaker 4 ([17:33](#)):

Well, I don't, I don't, Mr. Chairman, I don't wanna refer to the late exhibit for the drafting of our conditions unless we're changing our draft proposed conditions in a manner to align with something over there.

Speaker 3 ([17:49](#)):

And I think that would - If

Speaker 4 ([17:50](#)):

They've proposed something that's incorrect, I don't wanna worry about that. That's why, that's why I'm seeking clarification. I said, is our proposed incorrect?

Speaker 5 ([18:00](#)):

Chairman, commissioner, so condition 7C would be correct. So, , a part of the draft proposed conditions drafted by staff. It is correct. Okay.

Speaker 3 ([18:13](#)):

And I - That's

Speaker 4 ([18:13](#)):

All I care

Speaker 3 ([18:14](#)):

About. Now I need clarification on my part. When I'm looking online on page 12 of 168, there, I don't have a 7C, help me.

Speaker 5 ([18:26](#)):

So the original conditions were modified. , So those are not up to date what you're looking at.

Speaker 3 ([18:31](#)):

Okay. There

Speaker 5 ([18:32](#)):

Is an updated draft proposed conditions.

Speaker 3 ([18:35](#)):



Chairman, I'm just gonna salute your desire to look more carefully at these. And I would submit as well that as a commissioner, the reason that we accepted the late exhibit was to take into consideration a comprehensive view of mitigation efforts. , That I would want to be able to look at, compare what the board drafted initially with what the chairman charged and going back. , I, I think there's a completely innocent mistake on not understanding how that process worked. So I want to feel free to compare and look at what's been submitted for consideration if you and Commissioner Brooks were to approve this. But that's, I think that would defeat the whole point of having them take a recess to negotiate and look at potential ways to come together.

Speaker 1 ([19:35](#)):

Okay. So before we vote, I just wanna encourage the public as well as the applicant, do not contact the board members directly. , If you have concerns or questions, contact DSD staff, not us.

Speaker 3 ([19:50](#)):

And Chairman, just to say the reason for that is not because we're unfriendly. It's because it would violate state statute. There it is.

Speaker 6 ([19:56](#)):

So. What, what would we be doing with the information we get if the public contacts us? I just wanna make sure expectations are clear.

Speaker 1 ([20:04](#)):

I have, I have no expectations. I, you would handle it like any other random question. I'm just saying don't contact us. If you had questions and I don't want to say on the record what they may or may not be of a question, just contact DSD staff. Since we've closed public testimony and we're only going to come back and do our final deliberation, I don't want any questions or new information sent to me.

Speaker 3 ([20:32](#)):

Got it.

Speaker 1 ([20:32](#)):

I'll delete it. All right. Motion's been made in segment for continuance with the record, , closed when we reopen. All those in favor say aye.

Speaker 4 ([20:44](#)):

Aye. Aye.

Speaker 1 ([20:45](#)):

Aye. Motion carries unanimously. So with that, we have no other business to do. So let's, , consider ourselves adjourned from this agenda item. Thank you.

Speaker 3 ([20:54](#)):

Okay.

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