

Legal Transcript Analysis and Summary

General Overview

- **Case Summary:** This was a public hearing for the Canyon County Board of Commissioners regarding case CU2025-0002-APL, an appeal by Big Horn Traffic Services. The applicant appealed the Planning and Zoning Commission's denial of a Conditional Use Permit (CUP). The hearing was a continuation after the board had previously tabled the matter to allow the applicant and neighbors to discuss proposed conditions of approval. The staff reported that no consensus was reached. The applicant's representative argued for approval based on property rights and adherence to code, while several neighbors testified in opposition, citing concerns about traffic, safety, noise, and the incompatibility of the industrial use with their residential neighborhood. A procedural issue arose when the neighbors submitted their own list of conditions after the deadline, which the board voted to accept into the record, prompting a recess for the applicant to review the new document.

Key Points

- The case was an appeal of a Conditional Use Permit (CUP) denial by the Planning and Zoning Commission.
- The Board of Commissioners had previously tabled the case twice: once for staff to draft modified conditions and a second time for the applicant and neighbors to collaborate on those conditions.
- The applicant and neighbors failed to reach a consensus during their meeting. The applicant's representative stated they were in agreement with the conditions previously outlined by the board.
- Neighbors submitted their own list of proposed modified conditions two days before the hearing, after the official deadline. The board voted to accept this late submittal into the record.
- The applicant's representative, Connor Gray, argued that the project met all criteria in the county code and the Idaho Local Land Use Planning Act, and that the owner had vested property rights.
- Commissioner Van Beek noted that the existing shop on the property did not meet Canyon County's setback requirements, which is why the applicant proposed using the City of Nampa's standards.
- Neighbors expressed a strong preference for the property to be annexed into the City of Nampa, believing the city had stricter codes and better enforcement resources than the county.

- Neighbors' testimony focused on concerns about increased traffic on East Victory Road, safety, noise, dust, light pollution, and the negative impact on the character of their residential/agricultural area.
- The applicant, Jeff Dancer, stated his intent to be a "good neighbor" and was open to discussing some of the neighbors' concerns, such as the type of fencing.
- A discrepancy was noted regarding the start time for hours of operation; the original application requested 8:00 AM, while the proposed conditions listed 7:00 AM.
- The hearing was recessed to allow the applicant time to review the neighbors' late-submitted conditions.

Notable Quotes

- (5:04) Arbai: "The property owners wanted to, um, submit some modified conditions. Those were not included in the reports as they were received after the deadline."
- (13:34) Connor Gray: "A decision based on land rights, uh, that an owner has when they purchase ground here in Idaho. Nothing else."
- (14:47) Commissioner Leslie Van Beek: "That building is not in conformance with County Code, which is why there was a proposal on the part of the applicant to use Nampa city setbacks and not the county setbacks."
- (19:32) Renee Kelly: "We didn't want that. We wanted you guys to have them be annexed into the city. But we feel like we're being forced into agreeing on conditions. I think the city route is the best route."
- (24:34) Tina DeBoer: "Complaints must be a condition of keeping the CUP. A document of violation should put the CUP at risk and trigger revocation proceedings with whatever notice and due process the law requires."
- (36:55) Jeff Dancer: "We're going in to be good neighbors, um, and, and work with them."
- (40:54) Commissioner Leslie Van Beek: "Chairman, I'm in favor of accepting them only because I think in, in the, if there was a misunderstanding of how this process works, I do think it was your suggestion as the board chairman to have them go back and work it out."

Detailed Insights

1. Main Arguments

- **Applicant's Argument:** The applicant argued that they had a vested property right to the proposed use, as they met all legal criteria within the Canyon County Code and the Idaho Local Land Use Planning Act (12:47). They contended that the decision should be based on

these land rights and not on neighborhood opposition (13:34). They also stated they had agreed to all conditions proposed by the board and staff to mitigate impacts (14:15).

- **Neighbors' Argument:** The neighbors argued that the industrial-type business was incompatible with the rural residential character of their neighborhood (22:26). They strongly advocated for denial of the county CUP, believing the better course of action was for the property to be annexed into the City of Nampa, which they felt had stricter development standards and better enforcement capabilities (23:51). They argued that if the CUP were approved, it needed much stricter conditions than those proposed by the county to protect their quality of life, safety, and property values (24:34).

2. Supporting Evidence

- **Applicant's Evidence:** The applicant's representative cited staff and agency reports that showed the project met every criterion in the code with no unaddressed concerns (13:34). He also referenced that the property was zoned agricultural, not residential, and had not been used as a primary residence for approximately 20 years, having previously been an assisted living facility (16:47). He noted that the City of Nampa supports the use, as it is in their industrial zone comprehensive plan (16:31).
 - **Neighbors' Evidence:** Neighbors provided personal testimony about the existing neighborhood character, describing it as an "old-fashioned residence with acreage property" where neighbors support each other (28:16). They referenced existing safety issues on the road, including a past traffic fatality (26:57). They also submitted a document with their own proposed, stricter conditions, including a seven-foot solid privacy fence, limited operating hours, no backup beepers, and paved surfaces to mitigate dust (20:33, 41:21).

Context and Background

1. **Contextual Information** – The hearing concerned case CU2025-0002-APL, an appeal by Big Horn Traffic Services. The applicant sought to overturn the Planning and Zoning Commission's denial of a Conditional Use Permit for a commercial business on property zoned agricultural. The property was located within the City of Nampa's area of impact and was designated for future industrial use in the city's comprehensive plan.
2. **Related Events** – The board had previously held at least two hearings on this application. Following testimony, the board had directed staff to create modified conditions of approval. At a subsequent hearing, the board tabled the case again and directed the applicant to meet with the neighbors to try and reach a consensus on the conditions. The applicant reported that this meeting occurred but was unsuccessful in finding common ground.

3. **Potential Impact** – The board's decision could influence how similar land use conflicts are handled in the county, particularly for commercial/industrial CUP applications in agricultural zones that are near residential properties and within a city's area of impact. An approval would affirm the applicant's argument regarding property rights when code criteria are met, while a denial would prioritize the neighbors' concerns about neighborhood character and quality of life, potentially directing the applicant toward city annexation as the only viable path.

Argumentative Behavior

- An audience member spoke out of order early in the hearing and was warned by the Chairman to follow the rules ([5:45](#)).
- A testifier, Renee Kelly, directly disputed the applicant's representative's narrative about communication, stating she did not feel it was the applicant's "right to know what our conditions were" before the hearing, framing the lack of communication as intentional ([18:39](#)).
- A testifier, Patty Frazier, challenged the board's role after the Chairman explained the county does not control road striping (a highway district responsibility), stating, "Help advocate that for us," expressing frustration with the separation of government functions ([33:01](#)).