

SEPTEMBER 2021 TERM  
CALDWELL, IDAHO    SEPTEMBER 1, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman - **OUT**  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

PUBLIC HEARING TO CONSIDER A REQUEST BY JACK & KRISTEN ALVORD FOR A REZONE; CASE NO. RZ2020-0030

The Board met today at 9:34 a.m. for a public hearing to consider a request by Jack & Kristen Alvord for a rezone, case no. RZ2020-0030. Present were: Commissioners Keri Smith and Pam White, DSD Planner Kate Dahl, TJ Wellard, Jack Alvord, Kirsten Alvord, Kyle Oliveira, Cheyenne Oliveira, Kathy Anderson and Deputy Clerk Jenen Ross.

Ms. Dahl provided the staff report stating that the Alvord's are requesting a zoning amendment of their parcel. It is currently zoned agriculture but they are requesting a rural residential designation. The property is located on Cemetery Rd. in Middleton. The original parcel was 79 acres but has been split 3 times through administrative land division in 2014. They are requesting to rezone a 24-acre parcel which is just outside the Middleton area of impact. There is currently one building permit on the property but they want to obtain an additional building permit so that they have two one-acre lots in order for their children to build homes. There would be a remaining 22-acre parcel that would continue to be used for agriculture. The current future land use in the area is residential. The property is adjacent to two subdivisions that have average minimum lot sizes of less than 2-acres. There are several parcels within the vicinity that have been zoned RR and six that have been zoned R1. Within a one-mile radius of the property there are 20 subdivisions with an average lot size of 1.22 acres. The property does have moderately suited soils. Canyon Highway District, even at full build-out, did not have any concerns. It is in an area that is transitioning from agricultural to residential and what the Alvord's have proposed is consistent with that area. At full-build out there are no significant impacts identified. In regard to the comprehensive plan it does meet the population policy and land use policy no. 1. Some public comment was received from the neighbors with the primary concern being the build-out. Staff is recommending approval. Planning and Zoning has recommended denial as they would like to see this come back with a development agreement. The applicant has chosen to move forward at this point without a development agreement. Site photos were entered as late exhibit no. 9.

Commissioner Smith asked Ms. Dahl if she's had any conversations with the applicants about not rezoning all of the ag ground but just what they needed. Ms. Dahl explained that in her last discussions they've indicated that if need be they are willing to enter into a development agreement but would prefer to keep all their options open as the area transitions to residential.

Mr. Wellard offered testimony stating that the original parcel was just under 80 acres and was split into 3 parcels – one parcel is agricultural only and the other two parcels are 8 and 24 acres each. The Alvord's purchased the 8- and 24-acre parcels and with this rezone they would exhaust their administrative split on the property without developing the property. They have chosen to rezone the property due to what is happening in the area and if the city decides to move into that area they would like to have a buffer from city lots. The properties would be served by individual well and septic and they would lay out the administrative decisions to disrupt the farm ground the least amount possible. The Alvord's would like to split the property in order for their children to build homes and help Mr. Alvord with the farming operation. As part of the Planning and Zoning hearing, the Board stated the denial was due to traffic and that it didn't fit the character of the area. Mr. Wellard disagrees with that analysis as even if the Alvord's were to subdivide the entire property with full build out and a rezone the highway district stated it would not be impactful. Other hearings that occurred that evening with similar situations were approved by the P&Z Board so Mr. Wellard is confused by why some were approved and the Alvord's was denied. At this point it would be adding 3 building permits and setting up the family for the future. In response to a question from Commissioner White, Mr. Wellard stated that full build out would be 11 lots.

Commissioner Smith asked if Mr. Wellard had talked to the Alvord's about the options since there was a denial at Planning and Zoning, if they didn't bring a development agreement to this hearing and if it were to be denied by this Board that the case is over and if it is approved it goes to another hearing? Or possibly even saving the ag as ag ground vs. residential. Mr. Wellard said all the options have been discussed and the Alvord's are open to a development agreement but given some of the other cases that the Planning and Zoning Commission approved they want to see this Board's position. If this Board feels that a conditional rezone with a development agreement would be a better fit they would be willing to do that.

Discussion ensued regarding the options to rezone the parcels in order for building permits to be issued but keeping the majority of the property in ag.

Commissioner Smith said she knows that there is residential and growth in that area but this is outside of the impact area. It is adjacent to the old subdivision so she can understand a couple of building permits but she is not in favor of rezoning the entire property. Her recommendation is for this hearing to be tabled in order to give time for the applicant and their representative to work on a conditional rezone with a development agreement. Commissioner Smith said she is not going to make an emotional decision to rezone all the ag ground. She feels that when they are ready to develop all the ag ground that is when they should come back with an application for the remaining land. Commissioner White said she does make emotional decisions and she has a real issue with personal property rights. She believes this is compatible with the area.

The Board took a brief break from 10:09 a.m. to 10:14 a.m.

Jack Alvord offered comment in favor of the application stating that he understands both personal property rights and the importance of ag land. He wants to continue farming the ag land but wants

his kids to live closer in order to help with the day-to-day operations. In response to a question from Commissioner Smith, he said he would be willing to amend the request to rezone just a portion of the land along Cemetery Rd.

Kristen Alvord offered comment in favor of the application giving the Board a little more background information on her family and their reason for this request.

Jack Alvord read into the record a letter from Kathy Anderson offering support of the Alvord's request.

Kyle Oliveira offered comment in favor of the application and spoke about the amount of development that is encroaching on their property.

Commissioner Smith said the Board is not making decisions based on maps that are not yet adopted, although on some of the plans she's seen dairies and feedlots will be preserved for agricultural. She feels that the impact areas are huge and have caused urban sprawl – the county is working to pull some of those areas back in order to control some of that growth and protect opportunities to farm.

Commissioner White made a motion to close public testimony. The motion was seconded by Commissioner Smith and carried unanimously.

Commissioner Smith recommends directing staff to amend the FCOs to support two R1 parcels, a maximum of 2-acres to be rezoned to R1 and then specifically allow the balance of the farmland to retain the original agricultural building permit. When considering the zoning criteria for an amendment where considering the surrounding land uses, the Board considered the existing dairies and agricultural uses by maintaining as much agricultural land as possible but recognizing transitional zoning or uses along Cemetery Rd. for the two residential parcels. If the land to the south was zoned not agriculture because it's an old subdivision she thinks it would fall closer to the R1 zoning. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to support a 2-acre parcel rezone request to R1 along Cemetery Rd. and for staff to prepare FCOs to support the request.

The hearing concluded at 10:33 a.m. An audio recording is on file in the Commissioners' Office.  
Commissioner Minutes

#### MEETING WITH THE WEED & GOPHER SUPERINTENDENT TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 11:03 a.m. with the Weed and Gopher Superintendent to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White,

Weed and Gopher Superintendent AJ Mondor and Deputy Clerk Jenen Ross. Superintendent Mondor discussed the following with the Board:

- With the help of a part-time employee and a seasonal employee they've been able to get caught up on the backlog of workorders. The seasonal employee recently gave notice with Thursday being their last day.
- Currently the department has 6 fulltime employees.
- Commissioner Smith let Mr. Mondor know that the Board is looking into having his department take over weed code enforcement issues. She informed him that the Board has looked into some of the issues that prevented this from happening several years ago but feels those issues could be worked out. The Board has requested that in the next 30 days Mr. Mondor come up with a plan to take over this portion of enforcement.
- Discussion ensued regarding a possible biologic control for goat heads that will survive the winter weather.

The meeting concluded at 11:19 a.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2021 TERM  
CALDWELL, IDAHO    SEPTEMBER 2, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman - **OUT**  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 577354 to 577399 in the amount of \$80,056.13

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- CDW-G in the amount of \$54,279.00 for Fleet Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for County Line Wine Co LLC dba County Line Wine Co to be used 10/1/21; 9/11/21.

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:53 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Keri Smith, Pam White, Director of Indigent Services Yvonne Baker, Custom Service Specialist Kelly Galloway and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-899, 2021-901, 2021-857, 2021-892, 2021-978, 2021-898.

Case nos. 2019-1446, 2020-807 and 2019-444 meet the eligibility criteria for county assistance. Commissioner White made a motion to issue initial approvals with written decisions within 30 days on the cases as read into the record. The motion was seconded by Commissioner Smith and carried unanimously.

Liens and lien releases were presented for Board signatures.

The meeting concluded at 8:48 a.m. An audio recording is on file in the Commissioners' Office.

#### DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for legal staff update

#### DETAILED MINUTES TO COME AT A LATER TIME

Action Item: Consider signing new alcoholic beverage license for Lifestyle Cafe, LLC dba Lifestyle Café (resolution no. 21-179)

#### CONSIDER APPROVING FINAL PLATS FOR BLACK ACRES AND MEADOW BLUFF ESTATES

The Board met today at 9:53 a.m. to consider approving final plats for Black Acres, Case No. SD2020-0029, and Meadow Bluff, Case No. SD2020-0045. Present were: Commissioner Pam White, Commissioner Keri Smith via conference call, DSD Planning Official Dan Lister, TJ Wellard,

and Deputy Clerk Monica Reeves. The items were considered as follows:

***Final Plat for Meadow Bluff Estates:*** This is an approved rezone to R-1 and the preliminary plat was approved last year with 11 conditions. All improvements have been met, and Orton Engineering has certified that all roads, irrigation, and drainage have been installed. A waters users' and road users' maintenance agreement, and a stormwater drainage and irrigation system maintenance agreement are part of the CC&R's that will be recorded concurrently with the final plat. Staff is recommending the Board sign the final plat. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to sign the final plat for Meadow Bluff Estates Case No. SD2020-0045. Commissioner Smith authorized Commissioner White to sign the final plat in her absence.

***Final Plat for Black Acres:*** The plat was scheduled to be considered today but the applicants did not obtain the Treasurer's signature so they need to postpone it to next week.

The meeting concluded at 9:58 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING – REQUEST BY BRUCE TERRY FOR A REZONE, CASE NO. RZ2021-0017

The Board met today at 10:03 a.m. to conduct a public hearing in the matter of a request by Bruce Terry for a rezone, Case No. RZ2021-0017. Present were: Commissioner Pam White, Commissioner Keri Smith participated via Webex, DSD Planner Jennifer Almeida, Kassie Strohmeier, LaNetta Pfost, Middleton City Planner Roberta Stewart, Attorney Doug Waterman, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. Bruce Terry is requesting a rezone of approximately 6.87 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The subject property, parcel No. R33838010 is located at 8921 Foothill Road. The property is designated as residential on the future land use map and it is within Middleton's Impact Area. The area contains primarily residential uses. There are some agricultural uses to the south of the site, but the overall land use is residential. The rezone is compatible with the surrounding land uses and zoning. Within one mile there are 33 platted subdivisions. The City of Middleton is opposed to the request mainly because the property is adjacent to the city and they believe it should be annexed rather than rezoned, however, the County does not currently have any requirement in its code for the applicant to do that, and the applicant has opted to remain in the County and rezone their property for the purpose of allowing their daughter to build a home on the property. There was a review of agency comments. The P&Z Commission recommended approval of the rezone request on July 1, 2021. Staff is also recommending approval of the rezone.

#### The following people testified in support of the request:

Kassie Strohmeier is the applicant's daughter and her plan is to build a home for her family on the subject property. She does not want to be on city services; she wants to install a propane tank,

and utilize a septic system and well. Commissioner Smith asked Ms. Strohmeyer if she is aware that when she divides the parcel she will be under five acres and the city can force annex the property. Ms. Strohmeyer said she is aware of that. She has not seen utilities in the southeast corner and she believes it would be pointless for her to connect to utilities. Commissioner Smith said it will be the applicant's responsibility to find out how she can connect to services. Staff has indicated services are available, but the Board doesn't tell people where services are and whether they have to extend them.

LaNetta Pfost testified this was originally her parents' property and it was divided when they passed away. She owns the bottom 10 acres and her parents owned the upper 6 acres. Ms. Pfost is 83 years old and with Ms. Strohmeyer being able to live on the property she will help with maintaining the land.

The following people offered testimony in opposition to the request:

Roberta Stewart testified the City of Middleton opposes the application. It is contiguous to city limits and is located to the northwest of Blue Meadows where sewer and water are located. On the city's comprehensive plan, they have a road at the corner and there is a 1/2 portion of 9<sup>th</sup> Street which is a major collector. Blue Meadows has to do half of it and now the other half won't be built because there is no development, but there could be in the future. The rezone is inconsistent with county ordinances and it is not good orderly growth. The more wells and septic systems that are in the area the more of a burden it is on the groundwater and the environment. The rezone will affect the city's growth and its ability to expand its borders. If the Board is inclined to approve the request the city asks that the project be limited to only two (2) residential single-family homes. Regarding forced annexation, Ms. Stewart said she has not seen forced annexation and she does not think the city is inclined to do that, but it is an option and they may be forced to do, although they don't want to. Rebuttal testimony was offered Kassie Strohmeyer who stated her children attend a charter school in the Vallivue School District so it will not be an impact on the schools in Middleton. She also noted her property is closer to the Star Fire station than to the Middleton station. Following testimony, Commissioner White made a motion to close public testimony. The motion was seconded by Commissioner Smith and carried unanimously. Commissioner Smith understands where the City of Middleton is coming from, however, this is a family split and the average lot size in the area of platted subdivisions is 1.46 acres, and for non-platted lots the average size is 5.75 with a median of 1.07 acres. She has a hard time finding this request does not fit the character of the area. Middleton has tools to annex the property after it's been divided if that's the path they need to take. The property owner has the right to make application and the Board is charged with finding compatibility with the ordinance and she is supportive of the request. She does not believe it will negatively affect the character of the area, nor is there any evidence that adequate services are not available. It will be up to the applicant to obtain those services at the time of building permit. Commissioner White does not find any incompatibility issues associated with this request. Following the Board's deliberation Commissioner White made a motion to approve the rezone request from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone, as well as approve the FCO's and the ordinance for Case No. RZ2021-0017. The motion was seconded by Commissioner Smith and carried unanimously.

(See Ordinance No. 21-022.) The hearing concluded at 10:34 a.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2021 TERM

CALDWELL, IDAHO    SEPTEMBER 3, 2021

PRESENT:     Commissioner Keri K. Smith, Chair – via teleconference  
                 Commissioner Leslie Van Beek, Vice Chairman - **OUT**  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves

PUBLIC HEARING TO CONSIDER A REQUEST BY JEFF VAN WINKLE FOR A REZONE, CASE NO. RZ2021-0020

The Board met today at 9:13 a.m. to conduct a public hearing in the matter of a request by Jeff Van Winkle for a rezone from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone, Case No. RZ2021-0020. Present were: Commissioner Pam White, Commissioner Keri Smith via Webex, DSD Planner Jennifer Almeida, Jeff Van Winkle, other interested citizens, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The applicant is requesting a rezone of approximately 5.18 acres from an "A" (Agricultural) zone to a "R-R" (Rural Residential) zone. The subject property, parcel no. R33805010A is located at 7388 Desert Wolf Lane in Star. The future land use for this area is residential, and the property lies within Middleton's impact area. The area is predominately residential in nature, with rural residential zoning within 350 feet of the site and conditional-rezone R-1 property within 928 feet of the site. The proposed rezone is compatible with the surrounding land uses and within one mile there are 26 platted subdivisions. The P&Z Commission recommended approval of the request on July 1, 2021, and staff is recommending as well. Jeff Van Winkle testified he wants to split two acres off his property and sell to a person who is currently building another house next to his property and in order to do the split they had rezone the land first. He will not be making any changes to the remaining 3.18 acres. Directly the east of his property are four lots that have been developed and it's clear that will continue. There is no irrigation available so the land cannot be used for farming crops or raising animals. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner White supports the requested zone change and believes it will fit nicely with the area. Commissioner Smith had no changes to the recommended findings of fact or conclusions of law, and she supports approval based on the prepared FCO's. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the request by Jeff Van Winkle, Case No. RZ2021-0020 and to sign the findings of fact, conclusions of law and order, as well as the ordinance.



(Ordinance No. 21-023.) The hearing concluded at 9:22 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY MARK GUIJARRO FOR A REZONE, CASE NO. RZ2021-0016

The Board met today at 9:29 a.m. to conduct a public hearing in the matter of a request by Mark Guijarro for a rezone from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone, Case No. RZ2021-0016. Present were: Commissioner Pam White, Commissioner Keri Smith via Webex, DSD Planning Official, Mark Guijarro, Mary Medrano, and Deputy Clerk Monica Reeves. Dan Lister provided the oral staff report. The hearing was continued from August 19, 2021 to give the applicant some time to abate the code enforcement violations and have a site visit done by the code enforcement officer. The officer walked the site and identified the previous owner, Mr. Arndt, had left trash, car parts, tires, and weeds on the property. He acknowledged that the current owner is bringing the property into compliance and has abated a lot of the issues and has brought the property into better condition. Staff recommends approval of the rezone request. Mark Guijarro testified he has removed the car parts, tires, abandoned vehicles, and was able to get the Sheriff's Office involved. He spoke to the previous owner and worked with the son and tried to get the two lots as clean as possible. Commissioner White said the property looks amazing, and Commissioner Smith said the applicant has done a great job improving the site. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the request by Mark Guijarro, Case No. RZ2021-0016 and to sign the findings of fact, conclusions of law and order, as well as the ordinance. (Ordinance No. 21-024.) The hearing concluded at 9:37 a.m. An audio recording is on file in the Commissioners' Office.

CANVASS AUGUST 31, 2021 ELECTION RESULTS

On September 3, 2021 Commissioners Pam White and Keri Smith canvassed the results of the August 31, 2021 election. (Commissioner Van Beek was out of the office on September 3, 2021.)

\*Note for the record: On September 17, 2021, Commissioner Leslie Van Beek was contacted by the Elections Office staff requesting her signature on the canvassing document because the Mayor of Homedale preferred that all three Commissioners' signatures be collected. Commissioner Van Beek added her signature to the document after reviewing the election results.

SEPTEMBER 2021 TERM  
CALDWELL, IDAHO    SEPTEMBER 7, 2021

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**  
Commissioner Leslie Van Beek, Vice Chairman - **OUT**  
Commissioner Pam White - **OUT**  
Deputy Clerks Monica Reeves/Jenen Ross

There were no meetings held this day, however, the Board approved claims (electronically) as follows:

APPROVED CLAIMS

- The Board has approved claims 577168 to 577206 in the amount of \$37485.98
- The Board has approved claims 577261 to 577303 in the amount of \$42,202.18
- The Board has approved claims 577327 to 577353 in the amount of \$38,406.51
- The Board has approved claims 577400 to 577452 in the amount of \$24,727.52
- The Board has approved claims 577453 to 577483 in the amount of \$179,579.31
- The Board has approved claims 577484 to 577501 in the amount of \$9,837.00
- The Board has approved claims 577502 to 577510 in the amount of 31,643.34
- The Board has approved claim 577511 in the amount of \$10,307.00

APPROVED CLAIMS ORDER NO. 2125

- The Board of Commissioners approved payment of County claims in the amount of \$1,612,202.36 for a County payroll.

SEPTEMBER 2021 TERM  
CALDWELL, IDAHO SEPTEMBER 8, 2021

PRESENT: Commissioner Keri K. Smith, Chair – via teleconference  
Commissioner Leslie Van Beek, Vice Chairman – via teleconference  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Moad LLC dba O’Michael’s Pub & Grill to be used 9/25/21, 9/18/21, 9/11/21

### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Frontier Precision in the amount of \$2,124.00 for Canyon County Sheriff

### PUBLIC HEARING – REQUEST BY KM ENGINEERING LLP, REPRESENTING EKART HOLDINGS, FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND CONDITIONAL REZONE, CASE NOS. OR2021-0009 AND CR2021-0003

The Board met today at 9:37 a.m. to conduct a public hearing in the matter of a request by KM Engineering LLP, representing Ekart Holdings, for a comprehensive plan map amendment of a 9.11-acre portion of Parcel R36103020 from “Agricultural” to “Commercial”. The request includes a conditional rezone with a development agreement to amend the zoning map from an “A” (Agricultural) Zone to a “C-1” Zone (Neighborhood Commercial) Zone. Present were: Commissioner Pam White, DSD Planning Official Dan Lister, Casey Howell, Joe Ross, Stephanie Hopkins, and Deputy Clerk Monica Reeves. Commissioners Keri Smith and Leslie Van Beek participated via Webex. Commissioner Smith disclosed that her friend lives on the subject property and a long time ago she mentioned she was going to apply for an RV facility and she wondered about the hearing process, so Commissioner Smith explained the process but did not discuss the case itself. Neither Commissioners White nor Van Beek had any disclosures to make.

Dan Lister gave the oral staff report. The subject property is located at 21913 Notus Road in Greenleaf and the request will allow a 9.11-acre portion of the property to be modified into a commercial designation and zone for an RV storage facility. The remaining 5.9 acres will remain designated as agriculture. The development agreement will consist of C-1 zoning to only be allowed for an RV storage facility and so there would be a conditional use permit (CUP) subsequent to this approval and another hearing for that use would be required. Staff has placed a 100-foot buffer at the front of the property for landscaping and trees, and applied exterior lighting requirements that they be shielded downward in a position to reduce offsite glare. This location requires a review by various agencies to ensure water, sewer, irrigation, gas and other facilities are provided at the time of future development. At the time of CUP there would be requirements to show adequate facilities for the storage unit use. This is zoned agriculture and properties within the immediate vicinity are also zoned agriculture with an average lot size of 24.8 acres. The property is located 2,000 feet south of the City of Greenleaf. The future land use plan shows this area to be agriculturally designated, and the Greenleaf impact area shows this to be residential and commercial uses. Feedlots and gravel pits are in the area along with active/inactive mineral extraction uses. There are five subdivisions and all are located within the City of Greenleaf’s jurisdiction. This area has moderately suited soils and is not considered prime farm ground; however, there are still a number of agricultural lots in the location. Although the area is a commercial designation in Greenleaf’s future land use plan, city services are not anticipated to reach this area in the next 10-20 years. There are a lot of weeds, vehicles, and RV’s on the property

which could be a public nuisance. On July 1, 2021, the P&Z Commission recommended denial of the comprehensive plan map amendment because they could not make findings on the future designations being more appropriate than the agricultural zone, however, they did recommend approval of the conditional rezone and development agreement. Staff recommends denial of the comprehensive plan and approval of the conditional rezone with a development agreement and ordinance. A decision to approve the comprehensive plan or deny the rezone would require another hearing because it would alter the P&Z Commission's recommendation. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in support of the request:

Stephanie Hopkins with KM Engineering offered testimony on behalf of the property owner and said the request is for a conditional rezone with a development agreement to provide assurance there will only be one use on the property, an RV storage facility. The C-1 district is recommended so they can make sure to go through the CUP process to give the County an opportunity to make sure they are in compliance, and at that time they will work with the highway district on the access and look at security, fencing, and landscaping. Greenleaf's impact area does indicate a small portion of the site as commercial and that is consistent with their request. A neighborhood meeting was held and no one was opposed to the project; they are in support of an RV storage facility because it would mean less traffic and less of an impact. The C-1 district allows for that use as a conditional use. They are requesting to rezone 9 acres to a C-1 district and leave the remaining five acres in the agricultural zone. The existing residence will serve as an office where the property owners will reside and manage the RV storage facility. Ms. Hopkins agree with the recommendation from staff and the P&Z Commission that the comprehensive plan does not need to be changed in order to allow this use to exist as conditioned in the development agreement. They do not want to landscape the entire perimeter of the site, but the weeds that have been contributing to the public nuisance will be taken care of. Following her testimony Ms. Hopkins responded to questions from the Board.

Joe Ross testified the pond on the property is a two-acre private fishing pond that is landlocked. He addressed the weed situation on the property and said he let the back portion behind the house go for the pheasants and quail, but it won't be a problem to mow or spray them. The storage units will be covered, and the inside will be reconditioned asphalt or non-dust type material to keep the dust down. On the inside it will be a covered pole barn type with a roof and back, and the outside portion will have maintained landscaping. He has not received any notices about the property having a code enforcement issue. He and his wife plan to live on the property and operate the storage facility. Commissioner Smith asked if Mr. Ross has the means and the equipment to maintain the property and he indicated he does. She also asked if he will agree to a condition that would not allow him to apply for a permit until he proves the property is in compliance. Mr. Ross said he will agree to that, and he will bulldoze the front portion and take care of the weeds.

Casey Howell testified he works for the Ekart family and is helping with the design and entitlement process. He believes this project this will serve the surrounding communities and will serve as

overflow from the Caldwell area.

Following testimony, Commissioner Van Beek made a motion to close the public hearing. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek said she is unable to make positive findings that a new zone is more appropriate and she worries about the compatibility with agricultural uses. Commissioner Smith said it will be over 20 years before there is development in that area and she noted the number of nuisances that exist on Notus Road. The request is not consistent with the future land use map, however, we can make findings that are consistent with the text. When you consider the surrounding land uses, and an RV storage facility near existing mineral extraction they are both fairly commercial/industrial in nature. There is not a lot of row crop farming that will be impacted. When the CUP goes through she wants it heavily conditioned to make sure surrounding properties are not impacted. Perhaps there could be a fencing requirement along the boundary property so they don't have any impact to the grazing, but other than that because of the character of the area she is okay as long with the request as long as it is heavily conditioned. Commissioner Van Beek does not support the request. Dan Lister said the Board could add a condition stating prior to the submittal of the CUP all public nuisance violations shall abated. Commissioner White spoke about the lack of adequate storage facilities for boats and RVs in the valley and said she believes this is a good location for a storage facility. She likes that the property owner will be on site. Mr. Lister said the applicant has agreed to the condition to add fencing around the facility. Following the Board's deliberation Commissioner White made a motion to deny the request by KM Engineering, representing Ekart Holdings for a comprehensive plan map amendment, OR2021-0009, in accordance with the written staff report. The motion was seconded by Commissioner Van Beek and carried unanimously. The Board signed the FCO's for the denial of the comprehensive plan map amendment. Commissioner White made a motion to approve the request by KM Engineering, representing Ekart Holdings, for a conditional rezone and development agreement, as well as the ordinance, Case No. CR2021-0003. There is a requirement for the property to be in full compliance with public nuisance laws prior to the CUP, and the property shall be fenced. The motion was seconded by Commissioner Smith. Commissioner Van Beek was opposed to the motion to approve the conditional rezone. The motion carried by a two-to-one split vote with Commissioner Van Beek voting against the motion to approve. The hearing concluded at 10:41 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with the Idaho State Public Defense Commission

DETAILED MINUTES TO COME AT A LATER TIME

Executive session to consider personnel matter pursuant to Idaho Code 74-206(1)(b)

DETAILED MINUTES TO COME AT A LATER TIME

Executive session to consider personnel matter pursuant to Idaho Code 74-206(1)(a) and (d)

SEPTEMBER 2021 TERM

CALDWELL, IDAHO SEPTEMBER 9, 2021

PRESENT: Commissioner Keri K. Smith, Chair – via teleconference  
Commissioner Leslie Van Beek, Vice Chairman – via teleconference  
Commissioner Pam White – **OUT**  
Deputy Clerks Monica Reeves/Jenen Ross

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 10:02 a.m. to consider agenda items. Present were: Commissioners Keri Smith and Leslie Van Beek via Webex, Director of Indigent Services Yvonne Baker (left at 10:04 a.m.), Controller Zach Wagoner, Sr. System Analyst Steve Onofrei and Deputy Clerk Jenen Ross.

***Matters related to medical indigency:***

The following cases do not meet the eligibility criteria for county assistance: 2021-904, 2021-919, 2021-921 and 2021-903. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions within 30 days on the cases as read into the record.

Commissioner Van Beek made a motion to place case no. 2021-920 into suspension. The motion was seconded by Commissioner Smith and carried unanimously.

One release and two liens were presented for Board signatures.

***Consider signing resolution to grant taxing district extensions:***

Mr. Onofrei explained that annually taxing districts have the option to apply for an extension of the deadline to file their L-2 documents. This year requests were received from the Kuna, West Ada, Homedale, Nampa, Caldwell, Vallivue and Marsing school districts. Approval of the resolution will extend the deadline to September 20<sup>th</sup>. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to grant taxing district extensions (see resolution no. 21-180).

The meeting concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2021 TERM

CALDWELL, IDAHO SEPTEMBER 10, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman – via teleconference  
Commissioner Pam White - **OUT**  
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 577131 to 577167 in the amount of \$14,679.19 (*With the exception of claim 577131*)
- The Board has approved claims 577305 to 577326 in the amount of \$80,7910.98
- The Board has approved claims 577100 to 577130 in the amount of \$35,758.76
- The Board has approved claims 577208 to 577260 in the amount of \$55,877.58

DETAILED MINUTES TO COME AT A LATER TIME

Action item: Consider approving final plat for Black Acres Subdivision (SD2020-0029)

DETAILED MINUTES TO COME AT A LATER TIME

Action Items:

- Action Item: Consider signing ratification for Jail Housing Billing Agreement with Ada County (Agreement no. 21-069)
- Action Item: Consider signing FY2022 Canyon County / Norman Family Trust Lease Agreement (Agreement no. 21-068)
- Action Item: Consider signing FY2022 Pickles Butte Sanitary Landfill Geotechnical Expansion Boring Project Solicitation of Bids
- Action Item: Consider signing resolution to adopt the changes to job description of one (1) positions in the Prosecuting Attorney's Office (resolution no. 21-181)

SEPTEMBER 2021 TERM

CALDWELL, IDAHO SEPTEMBER 13, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White - **OUT**  
Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED CLAIMS

- The Board has approved claims for Jury in the amount of \$1058.00

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- WCP in the amount of \$16,044.00 for Information Technology Department
- Right! Systems Inc. in the amount of \$15,653.90 for Information Technology Department
- Right! Systems Inc. in the amount of \$3,858.00 for Information Technology Department

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for The Pretty Bubble Co. LLC dba The Pretty Bubble to be used 9/17/21

#### COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:45 a.m. for an office staff meeting. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, and Deputy Clerk Monica Reeves. The Board reviewed this week's schedule with staff. The meeting concluded at 8:56 a.m. An audio recording is on file in the Commissioners' Office.

#### COMMUNITY INPUT MEETING

The Board met today at 9:02 a.m. for a community input meeting. Present were: Commissioners Keri Smith, Leslie Van Beek, Steve Burton and Sr. Admin Specialist Terri Salisbury. Steve Burton

The following provided comments:  
Steve Burton

The Commissioners provided feedback on the following topics that were discussed:



- Committee of Nine and the need for the City of Middleton to get involved with the Star Annexation
- Comprehensive plan getting updated
- Open P&Z Commissioner positions

The meeting concluded at 9:19 a.m. No Board action was required or taken. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Weekly meeting with the Director of Development Services to discuss general issues, set policy, give direction and action items:

- Action item: Consider signing resolution granting refund to David Ford for a withdrawn application for a zoning ordinance amendment, comprehensive plan amendment and short plat (Resolution no. 21-182)
- Action item: Consider signing resolution granting refund to David Hess for a withdrawn conditional use permit modification application (Resolution no. 21-183)
- Action item: Consider signing resolution granting refund to Randy Wall for a withdrawn property boundary adjustment application (Resolution no. 21-184)

DETAILED MINUTES TO COME AT A LATER TIME

Monthly meeting with the Parks Director to discuss general issues, set policy and give direction

DETAILED MINUTES TO COME AT A LATER TIME

Monthly meeting with Administrative District Judge and TCA to discuss general issues

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE 74-206(1)(A), (B), AND (D) - INTERVIEW AND CANDIDATE EVALUATION FOR DIRECTOR OF HUMAN RESOURCES

The Board met today at 1:35 p.m. for an Executive Session to interview and evaluate a candidate for the position of Director of Human Resources. Commissioner Van Beek made a motion to go into Executive Session pursuant to Idaho Code, Section 74-206(1) (a), (b) and (d). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, and Commissioner Pam White who participated via WebEx, as well as HR staff members Bailey Allen, Ellen Cahalan, Rich Soto, Jennifer Allen, Nicole Ahlstrom, Demi Etheridge, and Cindy Lorta, Assessor Brian Stender, Deputy PA Zach Wesley, Candidate Kim Foster, and Deputy Clerk Monica Reeves. Bailey Allen, Ellen Cahalan, Rich Soto, Nicole Ahlstrom, Demi Etheridge, and Cindy Lorta left at 2:18 p.m. Prosecutor Taylor and Chief Deputy Sheriff Marv Dashiell arrived at 2:19 p.m.

Ms. Foster left at 3:05 p.m. Clerk Chris Yamamoto arrived at 3:20 p.m. The Executive Session concluded at 3:28 p.m. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the Executive Session to tomorrow, September 14, 2021, at 3:30 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### MEETING WITH HR GENERALISTS TO REVIEW NEW FY2022 POSITIONS

The Board met today at 3:29 p.m. with HR Generalists to review new positions for FY2022. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White participated via WebEx, HR Staff members Jennifer Allen, Cindy Lorta, and Demi Etheridge, Clerk Chris Yamamoto, Controller Zach Wagoner, Prosecutor Bryan Taylor, Sheriff Kieran Donahue, Assessor Brian Stender, Assistant Benita Miller, Trial Court Administrator Jamie Robb, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. The Board had asked HR staff to review all of the new positions that had been allocated in the New FY2022 budget and those job descriptions. There are two new positions under the Board of Commissioners: economic development specialist (in DSD) and a new position for the County Fair. There is also a new court systems technician position under the Clerk. HR does not have the job description for the new Fair position so the Board will schedule a meeting for that position once Fair Director Diana Sinner has completed the job description. Cindy Lorta has a job description for the court systems technician position. HR received comparative salary information from other counties and they created spreadsheets that included information from Kootenai, Bannock, and Ada Counties. Demi Etheridge has job descriptions for the Prosecutor's Office, Public Defender Department, TCA, and the Assessor's Office. The majority are existing job descriptions even though they are new positions. There was one updated job description for the PA legal assistant position which was approved last week. There was discussion regarding the comparable salary information and COLA information the HR staff received from other counties. Commissioner Van Beek asked about the chief deputy pay plan and how Kootenai County's plan compares with Canyon County's plan. Commissioner Smith said the other positions are already approved and the compensation has been set so she wants to focus on the two positions in front of the Board today. The court systems technician position has a budgeted amount of \$45,441. Controller Zach Wagoner said the technology advancements have been rapid in the courts area especially with Zoom and other functions and they currently have a technician position and that person is overburdened with work so this new position would provide support. The salary was matched up with the court clerk IV position. Commissioner Smith said none of the other counties have this position and she questioned why we need two positions. Clerk Yamamoto said it's because of the level of cases that are going through the courts. Discussion ensued. Commissioners Smith and Van Beek would like more information on how the other counties handle that and make sure we are comparable and that the wage is appropriate. There was discussion regarding the economic development specialist position. Ada County has a similar position that pays about \$10,000 less than what we have budgeted. Controller Wagoner believes the salary information came from the Cities of Meridian, Nampa and Caldwell and the information varied widely, and the \$71,870 salary amount was a ballpark number to include in the budget. Commissioner Van Beek said the salary is higher than the amount Director Fultz remembered

submitting because it includes the 7.5% increase. An important part of the wage differential to note is the Board is removing the component from Western Alliance for Economic Development (WAED) so there is some trading within the budget on the work that's currently being subsidized. Commissioner Smith said they want someone with five years of high-level management experience in land use planning, community and business development project management, or owned a company with executive level experience or government entity-related to recruitment and retention. That is more than an entry-level position. Also, the word *specialist* seems entry-level and so she asked about using the word *official*. Ms. Allen will talk with Director Fultz about that. Those are the only two positions that needed review. The remainder of the position salaries have been set by the compensation plan and there are no changes to those salaries or the job descriptions. Commissioner Smith wants to get Director Fultz's approval on using the title of economic development *official* vs *specialist*, and she wants to know how other counties are handling the court technician position. Zach Wagoner said there have been numerous questions about posting the positions because the new judges will be here in early October and they will require support staff including technical support and they want to post the positions sooner rather than later to begin the hiring process. Commissioner Smith said all job descriptions have been approved – there no changes to them and so the appropriate thing to do is wait for the resolution to be passed tomorrow which deals with employee salaries. She wants to have the two positions that were reviewed today wrapped up tomorrow if possible. Controller Wagoner said the court system technician position was discussed throughout the budget process and was included in the approved budget. Commissioner Smith agrees that the funding is there, but today the Board is only looking at the job description and salary information for the new positions. Commissioner Van Beek said the Board has not had the opportunity to evaluate and gathering information is the right thing to do. Commissioner White asked what the Board is considering tomorrow afternoon and whether the Board will set salaries because the compensation plan was already approved. Commissioner Smith said the compensation plan has not been approved and tomorrow the Board will consider changes to Resolution No. 19-145 which is where the Board has previously approved the compensation plan for the prior year's budget. She will forward the draft resolution to Commissioner White for review today. A new meeting will be set for September 15, 2021 at 4:15 p.m. with the HR Generalists to consider the resolution for the two new positions discussed today. The meeting concluded at 4:06 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2021 TERM

CALDWELL, IDAHO    SEPTEMBER 14, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

DETAILED MINUTES TO COME AT A LATER TIME

Action Item: Consider signing Day of Prayer and Fasting for Drought Relief Proclamation

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for legal staff update

CONSIDER SIGNING DAY OF PRAYER AND FASTING FOR DROUGHT RELIEF PROCLAMATION

The Board met today at 8:48 a.m. to consider signing a Proclamation for a Day of Prayer and Fasting for drought relief. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Kelli Jenkins, local faith leaders, and Deputy Clerk Monica Reeves. Commissioner Smith read the proclamation into the record, which stated in part, *"We pray for the entire state of Idaho, many counties of which are under drought conditions, and call on the good people of Canyon County to regard October 10, 2021, as a Day of Prayer & Fasting for Drought Relief for the blessings of unity, rainfall, and snowpack over our communities, region, and state."* Ms. Jenkins thanked the Board and Caldwell city leaders for their willingness to support the proclamation addressing the dire drought condition. Local faith leaders spoke of how this a great opportunity for people to come together and unite and express their faith however they want to. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the proclamation. The meeting concluded at 8:58 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY JOEL MERRIAM, REPRESENTING SWAINSON'S POINTE SUBDIVISION, FOR A PLAT VACATION, CASE NO. VAC2021-0001

The Board met today at 9:36 a.m. to conduct a public hearing in the matter of a request by Joel Merriam, representing Swainson's Pointe Subdivision, for a plat vacation, Case No. VAC2021-0001. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Deputy PA Zach Wesley, Joel Merriam, Don Huber, Tami Huber, Ben Iordonescu, Nicoleta Iordonescu, Kim Yanecko, Ken Yanecko, Claudia Haynes, Angela Bratchel, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed she has family involved with the Upper Deer Flat Fire District, but she has not spoken to them about this issue. Dan Lister gave the oral staff report. Joel Merriam is requesting a plat vacation to remove Plat Note #15 from the final plat for the Swainson's Pointe Subdivision which states residential fire sprinklers are required in all residences installed in accordance with NFPA 13 (d), and the Upper Deer Flat Fire District's requirements. The applicant's property is located at 12123 Swainson's Lane, Nampa,

but the request affects all lots within Swainson's Point Subdivision (Parcels R30097100 through R30097112). A petition was submitted by neighbors within Swainson's Point Subdivision, where 9 of the 12 owners support the removal of the plat note. Nampa Highway District is not opposed nor have they provided additional comments. Upper Deer Flat Fire District stated at the time of approval of the Swainson's Point development there were allowances to review this for fire sprinklers due to water supply requirements and the developer at the time agreed to fire sprinklers as a way to demonstrate adequate water supply for the development. The fire district is saying without identifying an alternative water supply, they find the removal of the plat note to be reckless and dangerous for firefighters and residents and therefore they oppose the plat note vacation. The applicant has demonstrated there is a current statutory exemption in state law that allows single-family dwellings and two-family dwellings to be exempt from the requirement of a fire sprinkler installation unless they voluntarily want to do that themselves. The law was passed in 2009, after the creation of the plat. Mr. Lister summarized the comments received from residents as follows: Kim Yanecko finds the sprinklers were approved for the subdivision to meet water supply and fire code requirements. She also believes the CUP and approval of the plat came with the understanding that this would be part of that subdivision and has presented the lack of enforcement of those requirements per the building permits that have been approved for this subdivision and for Valley View Subdivision showing an inconsistency of applying those plat notes. Dinnius and Associates, representing Upper Deer Flat Fire District, opposes this request stating the plat was approved in 2007 when fire sprinklers were required and the developer agreed to those requirements and the property owners bought knowing that they would have to do so. Removal of the plat note is dangerous and inconsistent with fire code. Justin Winkler was required to meet water supply requirements for his house and he chose to do fire sprinklers to meet the fire flow requirements and he believes this is consistent with many houses within that location. He feels the removal is dangerous and unfair because the people who had to install fire sprinklers did so and the others should have to do the same. Mr. Lister said staff is recommending approval of the plat vacation which is consistent with the P&Z Commission's recommendation on June 3, 2021. Commissioner Smith questioned the conditions that were imposed on the original CUP and asked whether the County enforces conditions. Mr. Lister said the current code is silent about fire requirements, and the only time we require a fire permit is if access to the property is over 150 feet in length and then the County will require a fire district permit, other than that it's not required per County code.

The following people testified in support of the request:

Joel Merriam said state law is clear that all single-family homes and multiple family dwellings, up to two units, are exempt from the provisions of the International Fire Code, the International Building Code, and the Idaho Residential Code that requires such dwellings to have automatic fire sprinkler systems installed. It also states that nothing in the section shall prevent any person from voluntarily installing an automatic fire sprinkler system in any residential dwelling. Mr. Merriam spoke about how he's tried to navigate the state law and the requirements of the fire district. There are certain water flow requirements, but the concern is none of the wells in the area will come close to what is required and he questioned why residents have to have the sprinklers when the law says they cannot be required, and the water flow requirements cannot be met. He built a

house without fire sprinklers on the basis of what the law said, and he currently has a temporary occupancy. Following his testimony, Mr. Merriam responded to questions from the Board.

Don Huber, whose son lives in Swainson's Pointe, stated the following entities, organizations, and individuals have confirmed that the Idaho state law is clear that no one can be forced to have residential fire sprinklers: Canyon County building, Canyon County zoning, Canyon County Prosecutor, Canyon County inspectors, the Idaho State Fire Marshal, the Idaho State Legislators who wrote the law, the National Association of Homebuilders, the National Fire Protection Association and several private attorneys. These organizations were conferred with before building within Swainson's Pointe Subdivision as well as within the last several months. The HOA has no such requirement as part of its covenants so this line entry simply needs to be removed from the plat.

Tami Huber lives in Swainson's Pointe and she contacted the state fire chief before building her home and he agreed that they cannot make anybody have fire sprinklers. She asked the Board to remove the note from the plat map so this does not have to be an ongoing issue and so that Mr. Merriam and others can have permanent occupancy in their homes.

The following people testified in opposition of the request:

Kim Yanecko stated the letter written by Attorney Kevin Dinnius for the fire district should be taken into consideration, and although she feels badly for the residents in Swainson's Pointe, there are some issues that need to be discussed. If they are not going to have sprinklers they need to have a separate water source for firefighting. She's concerned they do not have a secondary water source as required by law, and without that the fire district is going to be looking locally for the next source of water. If the Board does remove the plat note at the minimum there should be a requirement for a water source. Ms. Yanecko said the residents purchased their lots knowing it was a requirement, but there is a rumor the building official said not to worry because they would be allowed occupancy without it because there is a question about the fire code and the requirements therein. She referred to Exhibit 56 that was submitted by the fire department. There have been ongoing issues that should have been resolved in prior years. It created a problem when permits were granted when the homeowners knew they had to have sprinklers but the building official allowed no sprinklers and it set a precedent. In other developments there are homes without sprinklers, yet their plat map indicates they have to have sprinklers so why is this a continuing issue and these poor people are here today begging for their plat note to be removed so they can get back into their homes? The only resolution is to follow the fire code and the code at that time said they could put in sprinklers; if that is going to be removed you still have to follow fire code for safety. She's concerned about safety and not being able to put out a fire. She questioned whether hydrants should be required and no longer have plat notes for sprinkler systems. Following her testimony, Ms. Yanecko responded to questions from the Board. Deputy PA Zach Wesley spoke of the requirements in Idaho Code noting that Section 39-4116 states that local governments cannot require residential dwellings to have sprinklers which is why we don't have a County ordinance that requires sprinklers. The County has not adopted the international fire code, but the state has and there is a state agency that local fire districts are deputized under

to enforce that international fire code and they have some independent authority and jurisdiction to enforce the fire codes. Idaho Code does not change the County's authority or exemption for those fire sprinklers. How we get to where we are at now is the County's ordinance does have a fire flow question in the plat phase that we are required to answer and so typically the developers will say in order to meet the fire codes the fire districts are requiring they will voluntarily put a fire sprinkler in and they want that to be part of the plat. The County cannot independently impose that, but the developers are voluntarily offering to put that in place; however, the County does not have independent authority to enforce the international fire code, but we rely on them to tell us if something is in compliance or not and we rely on their authority to enforce their own codes. As to the initial question of *Does Section 39-4116 give the County authority to impose fire sprinklers?* The answer is no. How these things get to the plats is a voluntary condition put on by the developers in the platting phase. Section 39-4116(3) would exempt residential dwellings from a fire sprinkler requirement. Further discussion ensued. Ms. Yanecko said at the time the plat was approved the statute was what it was, but now they need to have some other water source so if the Board removes the plat note. She is not sure the authority lies with the Board to remove the plat note and she said it seems there should be a task force to determine whether this would be an appropriate way to proceed forward. Commissioner Smith said the County has a legally adopted ordinance that defines the process for amending a plat. Claudia Haynes lives within a mile of the development and she said fire suppression is an issue in the area. She questioned whether the developer or future buyers are required to comply with the conditions that were imposed when the project was approved regardless of whether the law changes at a later date. Dan Lister stated the removal of the note removes it from the plat, but if they have requirements in the CC&R's for sprinklers or other requirements those are enforceable by the HOA not the County. Rebuttal testimony was offered by Joel Merriam who said the fire district wants the property owners to have an alternate source of water and his question is: what is that source, and how much water do they have to have? It's his understanding the requirement is for 1,000 gallons a minute to be sustainable for at least an hour, however, the wells won't produce 1,000 gallons a minute. He said with the discussion that's going on today perhaps developers shouldn't be given a choice about fire sprinklers, they should have to put in a water system. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Smith said there was a period of time where fire districts were relying on the County to enforce their standards. Idaho Code is clear, the state fire marshal is the enforcement component and that is relinquished to the fire chiefs, but what was happening is the fire department was going above and beyond in some situations and asking for additional requirements that fell outside of state code requirements in the fire code. They also found a mechanism that was allowing DSD to enforce standards. She said Ms. Yanecko did a good job showing the inefficiencies that happen when we enforce other people's rules. Since Commissioner Smith took office in January of 2021, the Board has been removing those plat conditions when presented. The Board is not saying fire sprinklers are not required or that water sources are not required, it's saying the County is not enforcing the rules for someone else. We are going to stick to what is required in our ordinance. Commissioner Smith supports removing the note that requires a fire sprinkler system because it takes away opportunities for homeowners to meet various code exemptions. This subdivision was approved in 2007 and in 2009 the legislature approved an amendment that said we cannot require fire sprinklers in residences, and

that alone says state code supports us removing that condition. Commissioner White said her biggest question dealt with whether there is emergency access, but that is not an issue in this case. Commissioner Van Beek said good testimony was given but the most relevant testimony is found in Idaho Code, Section 39-4116(3). She said the Board is deeply concerned about the safety and welfare of citizens and it goes to how much government intervention is appropriate and what the personal responsibility is. It makes sense to vacate the plat note. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the plat vacation in Case No. VAC2021-0001 as it relates to Swainson's Pointe Subdivision and that we sign the findings of fact, conclusions of law, and order and the resolution (Resolution No. 21-185.) The hearing concluded at 10:49 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE 74-206(1)(B)

The Board met today at 11:03 a.m. for an Executive Session to discuss a personnel matter. Commissioner Van Beek made a motion to go into Executive Session pursuant to Idaho Code, Section 74-206(1) (b). The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, and Deputy Clerk Monica Reeves. The Executive Session concluded at 11:27 a.m. with no decision being called for in open session.

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with the Director of Information Technology to discuss general issues, set policy and give direction

DETAILED MINUTES TO COME AT A LATER TIME

Monthly Elected Officials' Meeting

DETAILED MINUTES TO COME AT A LATER TIME

Meeting to discuss changes to Res. #19-145 regarding salaries for County personnel  
Action Item: Consider signing resolution adopting changes to Resolution No. 19-145 regarding salaries for County personnel



DETAILED MINUTES TO COME AT A LATER TIME

Continuance of Executive session to consider personnel matter pursuant to Idaho Code 74-206(1)(a) and (d)

Interview and candidate evaluation for Director of Human Resources

\*Continued from 9/13/21

SEPTEMBER 2021 TERM

CALDWELL, IDAHO    SEPTEMBER 15, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White  
                 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Shewil LLC dba Slicks Bar to be used 10/2/21

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Mtn Home Auto Ranch in the amount of \$37,560.00 for Fleet Department
- Pro Vision in the amount of \$1,575.00 for Canyon County Sheriff

PUBLIC HEARING – REQUEST BY ROBERT AND TERESA WALTMAN FOR A REZONE, CASE NO. RZ2021-0021

The Board met today at 9:35 a.m. to conduct a public hearing in the matter of a request by Robert and Teresa Waltman for a rezone, Case No. RZ2021-0021. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planning Official Dan Lister, Robert Waltman, Teresa Waltman, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The applicants are seeking a rezone of Parcel R38007010, 13.3 acres, from an “A” (Agricultural) Zone to an “R-R” (Rural Residential) Zone in order to split their property into a total of three parcels; two parcels in the front and one parcel in the back which currently has a residence. The property is located at 12681 Fred Lane in Middleton. The area is predominately agricultural but there is a lot of rural

residential zoning as well as R-1 zoning in the immediate vicinity. The future land use plan designates this area as residential and there are 13 subdivisions within a one-mile radius with an average lot size of 1.73 acres. The property is within a nitrate priority area with some wells that show contamination issues but none that exceed DEQ's contamination threshold. There is no development agreement associated with this request so although the applicant is going to split it into a total of three parcels they could apply for a total of six lots but that would require platting and another hearing process. Mr. Lister reviewed the agency comments. A letter of opposition was received from the neighbor to the east who sold the property to the Waltmans and she said there are irrigation drainage issues affecting her site so that is something the applicants need to address. There is also concern about access issues associated with Fred Lane and the fact that it's not being paved. Letters of concern were received regarding the positioning of the house being directly along Fred Lane, and further divisions beyond the three parcels in the agricultural area. On July 1, 2021, the Planning and Zoning Commission recommended approval of the request, and today staff is recommending approval as well. Following his report, Mr. Lister responded to questions from the Board. Commissioner Smith said the future owners could divide their lots and then there would be unplanned development and growth resulting in the burden of one person having to make improvements to the roads. It's bad planning and her concerns include: a lack of development agreement or conditions; the proximity to the feedlot; and the fact that the average lot size in the area is 17 acres. There was discussion regarding road standards and access issues.

Robert Waltman testified he wants to split the property because it's more land than he needs. Regarding the concern about drainage issues, he said the neighbor's water goes off her lot when she irrigates and in order to fix the situation he will wait for water to be shut off and then he will fill in the ditch and remove the pipe and build a berm so the water stays on the neighbor's land where it's supposed to stay. He noted that it's illegal to flood another person's land, which the neighbor does constantly. Before next water season the issue will be fixed. Another neighbor has concerns about headlights shining into her home but he does not want to give up his private road so that's why it is set up the way it is. Mr. Waltman testified he will not split his remaining acreage. Commissioner Van Beek asked why Mr. Waltman did not ask for a development agreement.

Teresa Waltman testified she has approval from the fire department and the health district, and has been in communication with staff from the Black Canyon Irrigation District and the Canyon Highway District. The issue with the turn-around arose because it was not disclosed when the Lopez's sold the land and the purchaser had the burden to install it, which was not fair. Everybody agrees that when they list the property for sale the road has to be put back to the original condition. The highway district advised the Waltmans not to give up their private road because it could cause a lot of issues with access. Mrs. Waltman testified they were not advised of the option of having a development agreement which would limit further division. Regarding the neighbor who is flooding others' properties, she said the Waltmans will rectify the situation so a future buyer does not end up with flooded property. Commissioner Smith said the applicants applied for a straight rezone and the Board should be evaluating the full development potential of their request. The Board is not charged with looking at three parcels it is charged with looking at the full rezone request which is a rural residential zone which could have up to seven lots, and a golf course, for example, and determine if that is compatible in an area with feedlots and dairies

and when you apply for a straight rezone we have to take it as that. When you apply for a conditional rezone with a development agreement we can look at what you are applying for because we can limit it to what you said. Mr. Lister said initially when this came in the planner at the time saw the future land use designation in the surrounding area and thought it would be a shoein and didn't give all the options to a division. If they want to go with a development agreement it will cost an extra \$385 and we will have to re-notice a new hearing. Commissioner Smith thinks they will have to amend their application to include the conditional rezone and development agreement, and she wants the map clearly marked with what the applicant intends to do. Mrs. Waltman said they will agree to a development agreement but she is concerned about the delay it cause. Following testimony, Commissioner Van Beek made a motion to close the public testimony. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek made a motion to table this case indefinitely to allow time for the applicant to modify their application in accordance with the discussion on the record. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 10:36 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY SILVIA CASTRO FOR A REZONE FOR CASE NO. RZ2021-0009

The Board met today at 1:36 p.m. to consider a request by Silvia Castro for a rezone, Case No. RZ2021-0009. Present were: Commissioners Leslie Van Beek and Pam White, Commissioner Keri Smith participated via WebEx, DSD Planning Official Dan Lister, CJ Castro, Carlos Rivera, David Gallina, Meg Gallina, William Sleeper, and Deputy Clerk Monica Reeves. Today's hearing was tabled from August 30, 2021. Commissioner Van Beek, who was not present for the first hearing, said she's joining the hearing today but her participation will be limited. Dan Lister reviewed the information the Board required at the previous hearing: A public nuisance was identified and the applicant was required to work on abating the issues; the applicant must contact the fire district and highway district regarding improvements; and staff needs to provide information about the public right-of-way and where it begins and ends and what is part of the applicant's property. Nampa Highway District's jurisdiction ends just before Island's #6 Subdivision and the city's jurisdiction goes through the Islands subdivision and from there it goes through a 30-foot easement which is owned by the city and then it turns south on a 56-foot easement owned by the city and ends at the Castro property. The part of York Avenue after the Wilson pathway is a shared access and it has to meet county requirements for a private road if this rezone is approved and they divide the property, and then the property to the east would be affected by this change and would have to become a private road. The applicant will have to work with the City of Nampa on a 30-foot and 56-foot easement regarding any improvements they need as part of the land division application. They will have to apply for a private road and any easement requirements and road users' maintenance agreements for that section. Mr. Lister reviewed photographs showing the weeds have been mowed and a lot of vehicles have been removed from the property. CJ Castro gave testimony regarding the vehicles on the property and the cleanup and removal that have taken place. He also submitted documentation regarding vehicle ownership. According to Mr. Lister, the only pending matter is getting permits for the storage containers and removal of the truck that's located by the containers. Mr. Castro testified about his conversations with staff from

the fire department regarding road requirements. The roads running north/south may have to be re-graveled and re-compacted, and whatever direction he takes with the road for the two properties to the south will determine the size of the road and the specifications of the road. There is a possibility they will have to widen the road leading towards the home to the east to 16-20 feet because it will serve more than three homes. Commissioner Smith asked Mr. Castro if he has the financial means to complete the road improvements, and Mr. Castro said yes, he has the means to do that when the time comes. Mr. Lister said they have the letter of acknowledgement from the fire department and the highway district, as well as other agencies, and whatever conditions they require it will be conditioned to that land division so when they divide it and prior to building permit issuance, or in some cases prior to occupancy, they have to complete those improvements. The private road construction doesn't have to occur until prior to occupancy and so at that point they will have an engineer certifying the road was constructed to standards. The fire department has to agree with it as well. Discussion ensued about road standards. David Gallina, Meg Gallina, and William Sleeper are opposed to the request but they did not offer testimony. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek has not reviewed the audio from the previous hearing so she will recuse herself from making a decision on this case. Commissioner White asked if staff is satisfied with the information presented by the applicant. Dan Lister said he is satisfied, and through the land division process staff doublechecks the conditions and improvements required by the highway district and the fire district. Commissioner Smith has no changes and said if staff has found the property to be in compliance she encouraged the Castros to keep in compliance with the property per the zoning ordinance. Commissioner White made a motion to approve the request by Silvia Castro for a rezone, including the findings of fact, conclusions of law and order, and the ordinance or Case No. RZ2021-0009. (Ordinance No. 21-025.) The motion was seconded by Commissioner Smith. Commissioner Van Beek abstained. The motion carried unanimously. (Commissioner Smith authorized the use of her stamp on the approval documents.) The hearing concluded at 2:10 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2021 TERM  
CALDWELL, IDAHO    SEPTEMBER 16, 2021

PRESENT:        Commissioner Keri K. Smith, Chair – via teleconference  
                  Commissioner Leslie Van Beek, Vice Chairman  
                  Commissioner Pam White  
                  Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 577644 to 577646 in the amount of \$417.26

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Crescent Brewery LLC dba Crescent Brewery to be used 9/18/21; Heritage Hop Haus LLC dba Heritage Hop Haus to be used 9/18/21

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:47 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Financial Specialist Lina Miller and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-924, 2021-948, 2021-806, 2021-925, 2021-928, 2021-938.

Case no. 2021-1041 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue an approval with written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Case no. 2018-1143: This was a previously approved case by the county, that was brought before the Commissioner a few weeks ago. The Applicant has asked for a partial release of his lien on his land in Marsing that he has had subdivide and sold one of the parcels. As agreed the County will be receiving \$110,000.000 to help pay down his lien and he will keep \$90,000.00 to build a new home. A new lien will be placed on the second parcel. Commissioner White made a motion to approve the partial lien. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens and lien releases were presented for Board signatures.

The meeting concluded at 8:52 a.m. An audio recording is on file in the Commissioners' Office.

#### DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for legal staff update and action item:

- Action Item: Consider signing property transfer agreement with City of Caldwell for property associated with Canyon County Fair Expo Building site

- Action Item: Consider signing resolution authorizing the destruction of Canyon County Clerk Elections Equipment Items (Resolution no. 21-187)
- Action Item: Consider signing resolution granting a transfer alcoholic beverage license to The Tackle Shop LLC DBA The Tackle Shop (Resolution no. 21-188)
- Action Item: Consider signing resolution granting a transfer alcoholic beverage license to Garden City Bar LLC DBA 1918 Lounge (Resolution no. 21-189)

### EMERGENCY MEETING – ANNOUNCEMENT ABOUT CRISIS STANDARDS OF CARE

The Board met today at 10:33 a.m. for an emergency meeting regarding the state's recent announcement regarding crisis standards of care. Present were: Commissioners Pam White and Leslie Van Beek, Commissioner Keri Smith via WebEx, Deputy PA Zach Wesley, PIO Joe Decker, Chief Deputy Coroner Steve Rhodes (also the Mayor of Wilder), Prosecutor Bryan Taylor, Clerk Chris Yamamoto, EOM Christine Wendelsdorf, SWDH Director Nikki Zogg participated via WebEx, and Deputy Clerk Monica Reeves. Assessor Brian Stender joined via WebEx at 10:40 a.m. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to convene an emergency session under Idaho Code, Section 74-204. Staff noted there are no media organizations on file who have requested to be notified of an emergency session. Commissioner Smith said this morning the Board received an email from SWDH Director Zogg and the Idaho Department of Health & Welfare where Idaho issued crisis standards of care for our hospitals, and the Board wants to share that information with employees. Director Zogg said yesterday St. Luke's made a request to go into crisis standards of care and they provided an hourlong presentation and justification for that request to the advisory committee which unanimously supported a recommendation to move the entire state into crisis standards of care. She reviewed stories from hospitals about the lack of beds, lack of staff, etc. The large hospitals we rely on for the most intensive care in the state are maxed out and the critical access hospitals are impacted as well because they don't have the same level of care capacity and are facing limitations in trying to transfer patients. Crisis standards of care will mean the hospitals will have more flexibility in being able to transfer patients. They anticipate in the next couple of weeks there could be instances where those who are expected to be not survivable will be moved to the back of the line for care, and if a bed opens up and their status moves up, they could be moved into a bed for care. Chief Deputy Coroner Steve Rhodes, who also serves as the Mayor of Wilder and the Wilder Fire Chief, said in the last couple of months the Coroner's Office has processed more COVID deaths than it processed last year and it's due to people not wanting to go to the hospital because they don't think there is any space, so they are staying home and dying of respiratory problems. He spoke of how the fire district is doing transports for COVID patients who, after being discharged from the hospital and sent home, are calling 911 and wanting to be transported back to the hospital. Director Zogg talked about how hospitals are sending patients home with monitoring technology so they can monitor them from home if beds are not available. Prosecutor Taylor asked if it's redundant for the County to issue a separate statement versus supporting SWDH in its

statement? Commissioner Smith agreed and said we should share and reiterate that we acknowledge we are in a crisis, and we concur with SWDH and encourage people to follow the recommendations. Clerk Yamamoto agrees. Commissioner Van Beek wants to make the information available on the website and remind people to practice good hygiene and safety. Christine Wendelsdorf spoke of the calls she's received from local hospitals who are looking for tents, cots, and stretchers. Deputy PA Zach Wesley said Chairman Smith has the authority to issue a local disaster emergency declaration, which would have to be ratified by the Board within seven (7) days, that would allow Canyon County to initiate our emergency plans, authorize and furnish aid such as making emergency procurements or provide aid to other hospitals who need it. Commissioner Van Beek said we must weigh the benefits of making that declaration against already having the authority to do it. We did it last time to access funding for purchasing certain things, but she doesn't know with the receipt of ARPA funds if that is a viable use of those. Commissioner Smith said we just put our hospitals in crisis care and we have constituents that cannot and will not be served and we will lose people – this is an emergency. We should not issue a mandate, but we should let the community know this is an emergency. She supports the issuance of an emergency declaration. Deputy PA Wesley will prepare the declaration for the Chair's signature and the Board will ratify it within 7 days. Director Zogg added that an emergency declaration might communicate to the community a sense of urgency about needing to take precautions and follow recommendations. Ms. Wendelsdorf agrees that now is the time to issue a declaration. Prosecutor Taylor said it's appropriate at this stage because it allows more flexibility to provide support to the hospitals and they need it right now. He doesn't want the emergency declarations to go on ad nauseum, but he is in favor of it now. Chief Deputy Rhodes said hospitals have asked for help with body overflow and we have the capability of helping with coolers and trailers and declaring the emergency allows us to help without worrying about having written agreements in place. Clerk Yamamoto favors an emergency declaration because it plays into the ARPA funding in a very big way. Assessor Stender said if it comes to us needing additional PPE and if there is a way someone else could help pay for it, he is in favor of it. Commissioner Smith said having money available to find emergency locations and provide some therapy options, such as monoclonal antibody therapy, that are outside the hospitals would be key right now and that's a big reason why she supports the declaration. Joe Decker will draft a statement to employees and share the information from SWDH and IDHW on our social media pages. The meeting concluded at 11:13 a.m. An audio recording is on file in the Commissioners' Office.

#### CHAIRMAN SMITH SIGNED 2021 LOCAL DISASTER EMERGENCY DECLARATION - CRISIS STANDARDS OF CARE - COVID-19

Following today's emergency meeting, Board Chairman Keri Smith signed the 2021 local disaster emergency declaration – crisis standards of care – COVID-19. The document declares that a local emergency exists and that all efforts may be made to protect the citizens and property of Canyon County through activation of all local disaster emergency plans and state emergency assistance. The declaration shall expire within seven days unless the Board authorizes the continuance of the declaration.

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with HR Generalist to review new FY2022 positions

Action Item: Consider resolution approving new positions, and new job descriptions

\*Continued from 9/15/21

\*Meeting continued to 9/17/21 at 10:30 a.m.

PUBLIC HEARING – REQUEST BY TANNER VERHOEKS FOR A REZONE, CASE NO. RZ2021-0019

The Board met today to conduct a public hearing in the matter of a request by Tanner Verhoeks for a zoning map amendment (rezone) of Parcels R20800, R20801, and R20803 from an “A” (Agricultural) zone to an “R-1” Case No. RZ2021-0019. Present were: Commissioners Leslie Van Beek and Pam White, Commissioner Keri Smith participated via WebEx, DSD Planning Official Lister, Tanner Verhoeks, other interested citizens, TJ Wellard joined via WebEx, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 2:06 p.m. Dan Lister gave the oral staff report. The applicant, Tanner Verhoeks, is requesting a rezone of Parcels R20800, R20801, and R20803 from an “A” (Agricultural) zone to an “R-1” (Single Family Residential) zone. The properties total 18 acres and are located at 12861, 12866 and 12835 Quail Run Lane in Middleton. They are original lots created by the Christensen Homestead Manor Subdivision in 1973 and they have a split available and have access off Quail Run Lane. The applicant wants to divide the property into 12 lots served by a private road system with an average lot size of 1.5 acres. The average lot size within the area is 12.07 acres; the area is predominately zoned agricultural although there are some R-1 and R-R zones in the area. There are 13 subdivisions within a one-mile radius with a 1.73 average acre lot size. The future land use plans show this area to have a residential designation. The property is within a nitrate priority area however, it only requires a land use division application if approved. There was a review of agency comments and potential impacts. The application does not come with a development agreement so the 12 lots are not locked down and with this rezone they could have a potential of 18 lots. There are feedlots, pastures, and row crops in the area. One of the properties associated with this application appears to have a code violation, a public nuisance the storage of materials and waste on the property. On July 15, 2021, the P&Z Commission recommended approval of the request. Following his report, Mr. Lister responded to questions from the Board. Tanner Verhoeks testified in favor of the request as both the applicant and the project civil engineer. The land has been a challenge for the neighborhood for some time and the rezone is their effort to band together, find solutions, and enact change for the better by: taking care of and repairing an eyesore house that has been vacant and in disrepair for years; resolving a public nuisance by clearing a neglected property that has decades of accumulation on it; and bringing road, utility, and community improvements to make the neighborhood a more enjoyable place and improve the sense of community while still promoting the rural lifestyle. The rezone will provide more housing options in this tough market. A neighborhood meeting was held and the feedback has been worked into the design plan. They have considered the irrigation systems, maintenance agreements, proposed community trail, trees, roadway plans and much more. The residents served by Quail Run Lane support this rezone application. According to Mr. Verhoeks, R-1 zoning would protect this area from future density.



He is aware of potential deals close to the subject property that are ready to be annexed into the City of Middleton with R-3 zoning, and in a couple years the property could very well be inside city limits and subject to denser zoning. The property does not have suitable soil due to the topography, and the land has been neglected for several years. Following his testimony, Mr. Verhoeks responded to questions from the Board. Commissioner Smith believes the request will change the essential character of the area. The applicant purchased agricultural land and has administrative land divisions available to him and although he has mentioned things that could help protect the essential character of the area, the Board cannot consider those things without a development agreement in place. There is a dairy within ¼ mile of the subject property, and the average lot size is 12 acres and the median lot size is 4.53 acres. She also noted concerns about access and road improvements. Mr. Verhoeks said he did not know a development agreement was an option when he started the process. At a minimum he will widen the road and bring it up to the compacted gravel standard, but knowing they will have that many houses he fully intends to pave the road. He has no problem with there being a requirement to bring it up to public standards. Commissioner Smith said an option would be to table the hearing and let the applicant work with staff and re-notice the hearing with a conditional rezone with a development agreement to be brought back at another hearing. Upon the motion of Commissioner Smith and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek said providing R-1 zoning would prohibit the applicant from dividing it to a higher density, and she believes there is a market for this size of property. She likes the structured the layout that's been proposed as well as the planned amenities and the remediation that's been done. She noted most of the ground along the Emmett corridor is under contract, and she finds support for granting the request. Commissioner Smith said there are few inconsistencies in how we've been handling cases recently, including that there is no evidence that the public nuisance violation has been corrected therefore she wants confirmation that it has been cleaned-up. Given the proximity to a dairy and the other agricultural uses in the area, residential is not a compatible use especially if we don't have any type of standards. She wants a development agreement and proof that the public nuisance has been abated. Commissioner Van Beek finds less that the character of the area will change noting that the City of Middleton is rapidly expanding its boundaries and wants to put in higher density housing. Commissioner Smith said approving a blanket rezone today does not protect the character of the area; however, with a development agreement you could impose conditions to protect the area. Commissioner White agrees. She has no problem with the requested 12 lots providing the applicant improves the roadway and provides proof that the junk has been cleaned up. Commissioner Smith said in order to protect the dairies, mandatory disclosures on agricultural protection are important and staff can work with the applicant to finetune that. Dan Lister said if the request is tabled the applicant will have to submit an amended application to change their rezone to a conditional rezone and submit a revised letter of intent and a conceptual plan showing the number of lots and agree to lock it down with a development agreement that would include the improvements to the roads and allowing for a disclosure of the right-to-farm act for these properties. They will have to pay a fee of \$385 and staff will re-notice the case a full hearing before the Board. Commissioner White made a motion to table the hearing for Case No. RZ2021-0019 indefinitely to allow time for the applicant to work with staff on the application. The motion was seconded by Commissioner Smith. The motion carried by a two-to-

one split vote with Commissioner Van Beek voting against the motion to table. The hearing concluded at 2:30 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2021 TERM

CALDWELL, IDAHO SEPTEMBER 17, 2021

PRESENT: Commissioner Keri K. Smith, Chair – via teleconference  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 577512 to 577552 in the amount of \$30,751.57
- The Board has approved claims 577647 to 577647 in the amount of \$1900.00
- The Board has approved claims 577553 to 577593 in the amount of \$99,035.43
- The Board has approved claims 577648 to 577683 in the amount of \$124,070.49
- The Board has approved claims 577684 to 577726 in the amount of \$77,787.59
- The Board has approved claims 577766 to 577802 in the amount of \$68,489.57
- The Board has approved claims 577594 to 577614 in the amount of \$55,067.25
- The Board has approved claims 577615 to 577643 in the amount of \$21,872.29

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Carolina Software in the amount of \$2,450.00 for Solid Waste Department

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with HR Generalist to review new FY2022 positions

Action Item: Consider resolution approving new positions, and new job descriptions (Resolution no. 21-192)

Continued from 9/16/21 at 11:00 a.m.

SEPTEMBER 2021 TERM  
CALDWELL, IDAHO SEPTEMBER 20, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for legal staff update and action items:

Action Item: Consider extending the Crisis Standards of Care - COVID-19 - Emergency Declaration (Resolution no. 21-193)

DETAILED MINUTES TO COME AT A LATER TIME

Action item: Consider signing a resolution setting the levy rates for all Canyon County taxing districts (Resolution no. 21-194)

DETAILED MINUTES TO COME AT A LATER TIME

Monthly meeting with Fleet Director to discuss general issues, set policy and give direction

CONSIDER NEW ALCOHOLIC BEVERAGE LICENSE FOR BOB'S TROLLEY HOUSE, LLC DBA BOB'S TROLLEY HOUSE II

The Board met today at 1:34 p.m. to consider a new alcoholic beverage license for Bob's Trolley House II, LLC, dba Bob's Trolley House II. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the new alcoholic beverage license for Bob's Trolley House II. (Resolution No. 21-196.) The meeting concluded at 1:36 p.m. An audio recording is on file in the Commissioner's Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY PRESTON REYNOLDS OF REYNOLDS BROTHERS CONSTRUCTION LLC FOR A REZONE, CASE NO. RZ2021-0012

The Board met today at 1:36 p.m. to conduct a public hearing in the matter of a request by Preston Reynolds of Reynolds Brothers Construction LLC, for a rezone of Parcels R37497010, R37497010A,

R37497010B, and R37497010C from an “A” (Agricultural) zone to an “R-1” (Residential) zone. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planner Elizabeth Allen, an interested citizen, and Deputy Clerk Monica Reeves. The applicant did not appear for the hearing so a continued date was required. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to Friday, September 24, 2021 at 10:00 a.m. The proceeding concluded at 1:41 p.m. An audio recording is on file in the Commissioners’ Office.

WEEKLY MEETING WITH THE DIRECTOR OF DEVELOPMENT SERVICES TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION; AND CONSIDER SIGNING ACTION ITEMS

The Board met today at 3:01 p.m. to consider signing action items scheduled for this afternoon, and to have a weekly meeting with the Director of the Development Services Department to discuss general issues, set policy, and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White participated via conference call, DSD Director Steve Fultz, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. The items were considered as follows:

***Consider signing Findings of Fact, Conclusions of Law, and Order (FCOs), an Ordinance and a Development Agreement for Ekart Holdings LLC, Case No. CR2021-0003:*** On September 8, 2021, the Board considered a comprehensive plan map amendment and a rezone request with a development agreement to allow for a C-1 zone with one use, an RV storage facility. The comprehensive plan map amendment request was denied. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the FCOs, the ordinance and the development agreement for the Ekart Holdings, LLC, rezone request, Case No. CR2021-0003. (Ordinance No. 21-026, and Agreement No. 21-071.)

***Consider signing a resolution granting a refund to Andrea Lee for the cost difference between a conditional rezone application fee and a development agreement amendment fee:***

DSD received the application for a conditional rezone and upon further review staff realized it was just an amendment to the development agreement resulting in a fee difference from \$1,235 to \$385 thus a recommended refund of \$850. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the resolution granting a refund to Andrea Lee for the cost difference between a conditional rezone application fee and a development agreement amendment fee in the amount of \$850.00 as presented by staff. (Resolution No. 21-195.)

As part of the DSD Director’s meeting the following topics were discussed:

Commissioner Smith said the Board wants more coaching for the land use applicants on the seven (7) questions the Board has to answer when considering requests. If an applicant has to make a pitch for any type of mitigation or reduction in lots they need to apply for a conditional rezone and development agreement versus a straight rezone. The Board is considering including a

supplemental form with the application that indicates whether the applicant took staff's advice to seek a conditional rezone/development. Commissioner Van Beek likes the idea. Director Fultz said he has witnessed staff making those comments and recommendations to applicants, with the caveat that they are welcome to apply in any form they desire although. He likes the idea of having something on the application that states staff has made the recommendation and the applicant opted to go another route.

There was discussion regarding County decisions/conditions that become invalidated when property is annexed into a city.

There was discussion regarding the notice FEMA sent to various flood insurance policyholders that referenced Canyon County's potential probation status. There are 163 policyholders in the database and DSD staff will draft a letter about the process and what the department is doing to meet the needs and mitigate the issues. There are six outstanding units they are dealing with and there are some that are a bit more challenging so they will meet with the County's engineer and get a full assessment and in the meantime let the policyholders know what they are doing to correct it. Dan Lister will be the lead on this project and track the inquiries that are coming in as well as the responses that are sent. They will have weekly communications with FEMA.

Staff is continuing to hold workshops for the draft comprehensive plan update and working to get the word out in order to hear from citizens. There was discussion regarding transition areas. Director Fultz said there have been numerous discussions about exclusive agriculture being more of an overlay. Staff has met with the City of Nampa and discussed impact areas, and a number of people south of Lake Lowell strongly favor exclusive ag for their areas and they want to expand it. The map update includes some adjustments to that area and they will be doing fieldwork on Friday to look at sites to get a greater assessment. There is continued discussions regarding the transfer of development rights (TDR's) and the opportunity for getting TDR's, taking out of those exclusive areas to put into the impact areas, or maybe the cities themselves. There is still a great deal of discussion to be had and he is excited to hear from the farming community as well. The City of Melba has looked at a moratorium and they have some concerns, they want to grow but they want to see smart growth. He plans to have a discussion with the Melba mayor soon. Commissioner Smith asked if there are definitions for what to anticipate for growth in general, transition, or exclusive ag? Director Fultz does not have a drafted statement for that, but there has been discussion about exclusive ag and been some discussion about how even a house to be built in those areas would require a CUP. The idea is to push development as much as we can into the cities, the impact areas, and those transitional ag areas giving opportunity for some flexibility, but also taking into consideration the agriculture and how we develop in and around it. Discussion ensued. He wants people to give ideas so we can build and grow from that. Commissioner Smith said when staff starts to define those she wants the community to have another opportunity to comment before it gets to the Board. There was discussion on the following topics within the comprehensive plan:

- The wildland urban interface map being confusing and how it needs to be reworked.

- Include a pedestrian bike path. Check with the pathways committee, the Snake River Scenic Byway Committee, the Boise River Committee, the City of Nampa, and the City of Caldwell regarding their respective paths and sub-routes that need to be identified.
- Creation of overlay areas for the Sunnyslope region so that when development is proposed that group will receive notice about the proposal. Director Fultz said the most recent maps show that area.
- Designation of overlay areas with special natural resources and historical significance such as the Map Rock Road area given its significance to the Tribes and with the archaeological artifacts that exist in that area.
- Discussion regarding wetland and wildlife areas.
- Include an impact fee map to be used for planning purposes.

There was a review of the P&Z Commission membership. Two P&Z Commissioners' terms expire on December 1, 2021 and he wants to work with the Board to send a letter of congratulations as well as thanking them for their time and service. Upcoming interviews for candidates will be scheduled. The current ordinance requires the County to have seven (7) members but we are looking at following state code which says there can be 3-12 members. Even with the two P&Z Commissioners who depart the end of November/first of December we would still be able to meet the state requirement.

There was discussion regarding Director Fultz's request for an additional Planner II position with a salary range of \$49,000 to \$62,000. Revenue projections are exceeding what was projected for this fiscal year and probably for next fiscal year as well. Commissioner Smith recommends posting the position as a Planner I or II and bringing a budget plan back to the Board for review. Director Fultz will meet with Controller Wagoner to review the salary information and draft the job description.

Miscellaneous topics:

- The hearing examiner is handling the caseload well although there are some logistical issues to resolve.
- Director Fultz participated in an interview with Idaho Press regarding the comprehensive plan update.
- The net revenue for the department for the month of August, after impact fees were taken out, was down slightly to \$277,000 which is still doing well. He anticipates a surge upward in the coming months.

- The wait time for building permits is 4-6 weeks out, although they were hoping it would be 2 weeks.
- Another administrative position will be coming to help process applications from both the planning and building department departments. The code enforcement and economic development positions will be advertised this week.
- The issue with CAPS software management system has been addressed.
- The department has a brown bag luncheon on Wednesdays where supervisory staff discuss strategy and will begin the process of going through the book “*Good to Great*”, and they will talk about a number of other things that tie into the growth and expansion of the department.
- Commissioner Smith said the areas of impact need adjusted right away and that’s going to require a planner to get those negotiated. Her hope is that when the mayors meet with the Board on October 1<sup>st</sup>, she wants to talk to the mayors about the desire to guide growth in the impact areas and how the County needs their help to do this and we need to narrow the impact areas back to save agriculture and still have areas for growth. We don’t want them to feel that impact areas only get negotiated until every decade or more, she wants them to know they can negotiate every year if they want.

The meeting concluded at 3:53 p.m. An audio recording is on file in the Commissioners’ Office.

SEPTEMBER 2021 TERM  
CALDWELL, IDAHO    SEPTEMBER 21, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                  Commissioner Leslie Van Beek, Vice Chairman  
                  Commissioner Pam White – **OUT leadership class**  
                  Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 577980 to 578033 in the amount of \$77,273.70
- The Board has approved claims 577873 to 577913 in the amount of \$122,363.97
- The Board has approved claims 577865 to 577872 in the amount of \$12,285.23
- The Board has approved claims 577858 to 577864 in the amount of \$4,222.00

- The Board has approved claims 577850 to 577857 in the amount of \$2,485.00
- The Board has approved claims 577843 to 577849 in the amount of \$7,903.00

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Morteck Manufacturing in the amount of \$13,040.00 for Emergency Management

There were no meeting held this day.

#### SEPTEMBER 2021 TERM

CALDWELL, IDAHO    SEPTEMBER 22, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White – **OUT leadership class**  
                 Deputy Clerks Monica Reeves/Jenen Ross

#### APPROVED CLAIMS ORDER NO. 2126

- The Board of Commissioners approved payment of County claims in the amount of \$1,716,548.28 for a County payroll.

#### APPROVED CLAIMS

- The Board has approved claims 577803 to 577842 in the amount of \$569,397.57
- The Board has approved claims 577914 to 577979 in the amount of \$47,434.63

#### DETAILED MINUTES TO COME AT A LATER TIME

Monthly meeting with Public Information Officer to discuss general issues, set policy and give direction



DETAILED MINUTES TO COME AT A LATER TIME

Monthly meeting with Director of Juvenile Detention to discuss general issues, set policy and give direction

DETAILED MINUTES TO COME AT A LATER TIME

Monthly meeting with Directors of Juvenile Probation and Misdemeanor Probation to discuss general issues, set policy and give direction

SEPTEMBER 2021 TERM

CALDWELL, IDAHO SEPTEMBER 23, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White - **OUT leadership class**  
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Rider Hofer, Haz Waste Screener/Heavy Equip Operator

APPROVED CATERING PERMIT

- The Board approved Idaho Liquor Catering Permits for Raising Our Bar LLC dab Raising Our Bar to be used 10/01/21, 10/30/21, 10/29/21, 10/23/21, 10/22/21, 10/16/21, 10/10/21, 10/09/21, 10/08/21, 10/03/21; Tricycle LLC dba Eastside Tavern to be used 10/16/21, 10/09/21, 10/02/21

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Les Schawb in the amount of \$7,062.30 for Solid Waste Department

DETAILED MINUTES TO COME AT A LATER TIME

Medical indigency appeal hearings and decisions

Action item: Consider approval/denial of indigent decisions and signing of liens

Action Item: Consider applications on appeal of initial determination (names and other information withheld pursuant to Idaho Code §74-106(4) and (6))

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with Indigent Services Director to discuss establishing income and expense allowances in determining medical indigency

Action Item: Consider signing resolution establishing the income and expenses to be considered in determining medical indigency (Resolution no. 21-197)

DETAILED MINUTES TO COME AT A LATER TIME

Action Item: Consider signing master agreement, software & support license with Computer Arts Inc. (Agreement no. 21-072)

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for legal staff update and action items:

Action Item: Consider signing FY2022 cooperative agreement between Valley Regional Transit and Canyon County Commissioners (Agreement no. 21-073)

Action Item: Consider signing a resolution classifying records of the Development Services Department and authorizing the imaging and/or destruction of certain files/records (Resolution no. 21-198)

Action Item: Consider signing resolution to approve the addition of one (1) job description in the Trial Court Administration Department (Resolution no. 21-199)

CONSIDER FINAL PLAT FOR LEIGHTON RANCH, CASE NO. SD2021-0011

The Board met today at 1:30 p.m. to consider the final plat for Leighton Ranch, Case No. SD2021-0011. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Steve Fultz, DSD Planner Dan Lister, DSD Planner Jennifer Almeida, Trace Leighton, and Deputy Clerk Monica Reeves. Dan Lister said all but one of the conditions have been met. The plat note regarding fire sprinklers has been removed, and there was a modification to plat note #7 referencing the note regarding the floodplain development permit. Condition #1A requires the construction of the private road and the shared driveway prior to the signing of the final plat and since it's over 150 feet it needs to be certified by an engineer. It's a condition of approval that was

imposed by the P&Z Commission, but there is no evidence that it has been met. Additionally, the pressurized irrigation stops prior to the last lot. There are conditions stating subdivision improvements will be put in and this includes a shared driveway. The options are: amend the preliminary plat to remove the condition, or, bond the improvements, or, merge Lots #6 and #7 together and when they are ready to develop those lots they can replat at that point. The code does have options for the Board to amend the preliminary plat as approved, however, these are conditions that were approved by the P&Z Commission and the Board so staff recommends we at least go back through some type of hearing process to remove those before signing the final plat. Commissioner Smith had questions regarding the condition requiring a driveway and said it's typical for a homeowner to build their own driveway. Mr. Lister said the P&Z Commission felt that due to concerns about having a shared driveway it was not acceptable to have the next owner do it. Deputy PA Wesley had questions of staff. The ordinance allows the Board to make changes to the plat, and usually they are minor changes not dealing with the conditions or altering the terms of the ordinance. The one that causes the most concern is the irrigation because it's borne out of the ordinance and it remains as two lots and the irrigation is not for the second lot and that's an improvement that either needs to be completed or bonded when you sign the final plat. The driveway appears to be something the Board and the P&Z Commission added as a condition, which seems to contrary to how we normally do these things which is at the building permit phase so he does not think the driveway change is material if the Board wanted to change the timing of that and have the driveway complete at the building permit phase, particularly with the private roadway completed. The irrigation is not something we can make a change to get around because it's an ordinance requirement. The developer, Trace Leighton, said the reason it has not been completed is because it's a family compound estate and the two lots are for his grandchildren who very young. He can do the driveway but the problem is all the utilities have run their main lines 600 feet up the driveway for future use and he doesn't want to tear it up. Regarding irrigation, he can hook a pipe to the irrigation and satisfy the requirements right now. He would rather not merge the lots. Commissioner Smith said we could add a plat note that requires certification for the driveway at the time of construction and also certification from an engineer on the irrigation plan at the time of construction. We are not waiving the requirement, we are delaying it. Mr. Lister said the improvement has to meet the construction plan and be certified by an engineer, or, Mr. Leighton could bond it. The driveway is a big issue because we already have a road users maintenance agreement for those lots and so it already has a mechanism that they have to construct it and maintain it. The final plat will be considered next week. The meeting concluded at 1:49 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING A RESOLUTION GRANTING REFUND TO WILLIAM WERHANE FOR A WITHDRAWN REZONE AND COMPREHENSIVE PLAN CHANGE

The Board met today at 1:49 p.m. to consider a resolution granting a refund to William Werhane for a withdrawn rezone and comprehensive plan map change. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, other interested citizens, and Deputy Clerk Monica Reeves. Director Fultz explained that Mr. Werhane submitted an application for a comprehensive plan amendment and rezone and after having a discussion with Dan Lister it was determined they wanted to hold off until the new comprehensive plan is completed/updated. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign the request for a refund in the amount of \$3,350 for Parcel No. 3359012B. (Resolution No. 21-200.) The meeting concluded at 1:51 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY CALLISTER, LLC, AND C4 SUBDIVISION FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2021-0010 & SD2021-0008

The Board met today at 1:52 p.m. to conduct a public hearing in the matter of a request by Callister, LLC, and C4 Subdivision for a rezone, and preliminary plat, Case Nos. RZ2021-0010 and SD2021-0008. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Jennifer Almeida, Andrew Francis, Alec Egurrola, Jerry Lyle, John Carpenter, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The applicant is requesting a rezone of approximately 31.43 acres from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone. Also requested is a preliminary plat, and an irrigation and drainage plan for C4 Subdivision. The plat includes 24 residential lots and one (1) common lot. The subject property is located directly north of the intersection of Quail Haven Way and Lansing Lane. The property is designated as residential on the future land use map and lies within Middleton's area of city impact. There are agricultural uses and agricultural zoning in the area. There are 603 platted lots within one mile of the site with an average lot size of 1.47 acres. Pressurized irrigation is proposed. The City of Middleton withdrew its opposition to this request recognizing the applicant is willing to enter into a pre-annexation agreement with the city. The P&Z Commission recommended approval of the requests on July 15, 2021. Staff is also recommending approval of both requests with conditions. Staff conducted a re-review of the recommended plat conditions and there were a couple she suggested be added: A road users' maintenance agreement shall be submitted prior to final plat approval in regards to the shared easement that is used for approximately two areas of the plat. And, in regards to shared easements, it was part of the easement reduction approval that specified that only those lots could utilize the easement for access, but after looking at the plat it also should be a note on the plat. The parties need to be aware that only specific lots can utilize that easement for access, the remainder of the lots need to utilize the public roadways. Following her report, Ms. Almeida responded to questions from the Board. Alec Egurrola reviewed the site plan and intention of the project. The average lot size is 1.13 acres and the

individual wells and septic systems for each lot will be designed to health district standards. The access easements are shown and initially they had a tighter turn radius, but the highway district wanted them bigger so there will be more gradual turns which is why they came up with driveway easements. He spoke of how they have worked with Canyon Highway District to make sure their standards are met. The purpose of the pond is to maintain the irrigation and surface water rights on the property. Irrigation will go into the pond and they will collect the irrigation from the pond and provide pressurized irrigation to the back side of the lots. The pond will be the source of stormwater retention. With the natural topography the water sheds to the pond so the intent is to limit impacts as much as possible and repurpose the water for irrigation. The pond will also be for recreational activities for the residents of C4 Subdivision. Following his testimony, Mr. Egurrola responded to questions from the Board. Commissioner Van Beek noted the plat shows a discrepancy regarding the name of the Modock Drive rather than Curly Red Drive. Mr. Egurrola said they have spoken to County GIS and had it corrected. Commissioner Smith questioned why multiple road names are being used throughout the project. Mr. Egurrola said initially the road was named Modock Drive but the County GIS told them to come back with three different street names because the road changes direction. The City of Middleton initially objected to the project because they wanted the lots to connect to city utilities but the developer does not intend to hook up to city utilities. In working with the city, the developer's intent is to bring utilities to and through the development but not necessarily shrink the lots sizes. They will still retain septic and well. Commissioner Smith questioned the requirement for three separate road names. Discussion ensued. Ms. Almeida will look into it to see if there is an underlying requirement to have the three separate names. The Board prefers a landscaped entryway and access, and for the developer to install fencing. John Carpenter asked questions of the Board about the landscaped entryway preferences, and water usage information. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to continue the hearing to Monday, October 4, 2021 at 1:30 p.m. The applicants will work on the road name issues, and correct the notes on the plat for IDWR landscaping, and the lot and block numbers on the irrigation plan. The hearing concluded at 2:40 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2021 TERM  
CALDWELL, IDAHO    SEPTEMBER 24, 2021

PRESENT:     Commissioner Keri K. Smith, Chair - **OUT**  
                 Commissioner Leslie Van Beek, Vice Chairman  
                 Commissioner Pam White - **OUT**  
                 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Julio Luna, Heavy Equipment Operator; Clarissa Greensmyth, Deputy Public Defender I; Bennett Morrison, Interpretive Specialist.

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$5,750.00 for Information Technology Department
- Jumper Cables in the amount of \$1197.65 for Development Services Department
- R&H Wholesale in the amount of \$33,405.04 for Facilities Department

#### APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Tammy Bartlett

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Theresa Eckersell dba Bubble Bar to be used 9/30/21; Raising Our Bar LLC dba Raising Our Bar to be used 10/02/21

#### APPROVED MAY 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

- The Minutes of the Fiscal Term of May 2021 were read and approved and found to be a proper record of the proceedings of the Board of Commissioners of Canyon County, Idaho. Also approved was the synopsis for publication. Minutes of the Board of Canyon County Commissioners' meetings are on file in the Commissioners' Office and may be viewed upon request.

#### RESCHEDULE PUBLIC HEARING - A REQUEST BY PRESTON REYNOLDS OF REYNOLDS BROTHERS CONSTRUCTION LLC FOR A REZONE, CASE NO. RZ2021-0012

Today the Board was scheduled to conduct a public hearing in the matter of a request by Preston Reynolds of Reynolds Brothers Construction, LLC, for a rezone, Case No. RZ2021. Present were: Commissioner Leslie Van Beek and Deputy Clerk Monica Reeves. Today we did not have a Board quorum so Commissioner Van Beek went on the record at 10:02 a.m. to reschedule the hearing to Thursday, September 3, 2021 at 2:00 p.m. The proceeding concluded at 10:02 a.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2021 TERM  
CALDWELL, IDAHO    SEPTEMBER 27, 2021

PRESENT:     Commissioner Keri K. Smith, Chair - IAC Conference  
                 Commissioner Leslie Van Beek, Vice Chairman - IAC Conference  
                 Commissioner Pam White - IAC Conference  
                 Deputy Clerks Monica Reeves/Jenen Ross

There were no meetings held this day.

SEPTEMBER 2021 TERM  
CALDWELL, IDAHO    SEPTEMBER 28, 2021

PRESENT:     Commissioner Keri K. Smith, Chair - IAC Conference  
                 Commissioner Leslie Van Beek, Vice Chairman - IAC Conference  
                 Commissioner Pam White- IAC Conference  
                 Deputy Clerks Monica Reeves/Jenen Ross

There were no meetings held this day.

SEPTEMBER 2021 TERM  
CALDWELL, IDAHO    SEPTEMBER 29, 2021

PRESENT:     Commissioner Keri K. Smith, Chair - IAC Conference  
                 Commissioner Leslie Van Beek, Vice Chairman - IAC Conference  
                 Commissioner Pam White - IAC Conference  
                 Deputy Clerks Monica Reeves/Jenen Ross

There were no meetings held this day.

SEPTEMBER 2021 TERM  
CALDWELL, IDAHO SEPTEMBER 30, 2021

PRESENT: Commissioner Keri K. Smith, Chair  
Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White - **OUT**  
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED TRANSFER OF SICK LEAVE TIME TO VACATION TIME

- The Board approved the transfer of sick leave time to vacation time for M. Bettencourt

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for William Phelps, part time Juvenile Detention; Alyson Overton, part time Juvenile Detention; Paige Gabiola-Reedy, part time Juvenile Detention; Caroline Reynolds, part time Juvenile Detention; Kip Wiemers, Haz. Waste Screener/Heavy Equip. Operator; Kellie George, Administrative Specialist, Gunnar Clapp, Maintenance Technician

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Craft Lounge LLC dba Graft Lounge to be used 10/09/21

DETAILED MINUTES TO COME AT A LATER TIME

Medical Indigency Decisions

Action item: Consider approval/denial of indigent decisions and signing of liens

DETAILED MINUTES TO COME AT A LATER TIME

Meeting to consider signing Domestic Violence Awareness Month proclamation

DETAILED MINUTES TO COME AT A LATER TIME



Meeting with county attorneys for legal staff update and action items:

- Action Item: Consider signing FY2021 operation transfers and reimbursements (Resolution no. 21-202)
- Action Item: Consider signing a memorandum of understanding for morgue overflow storage (21-075)
- Action Item: Consider signing amendment no. 2 to employer service agreement with JobScore Inc. (21-076)
- Action Item: Consider signing memorandum of agreement between Ada County, SWIJD, and IDJC, FY2022
- Action Item: Consider signing Resolution Authorizing Retirement of CCSO K9 “Jimmy” (#21-201)
- Action Item: Consider signing Treasurer's tax charge adjustments by PIN for August 2021

#### CONSIDER APPROVING FINAL PLAT FOR LEIGHTON RANCH CASE NO. SD2021-0011

The Board met today at 10:00 a.m. to consider the final plat for Leighton Ranch, Case No. SD2021-0011. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Deputy PA Zach Wesley, Trace Leighton, and Deputy Clerk Monica Reeves. This matter was tabled from September 23, 2021. Today Dan Lister reported there is an irrigation line that needed to be extended and the applicant has extended that line and provided engineering showing it has been done per the plan and it has been reviewed by Keller & Associates who found it to be acceptable. The rest of the conditions have been met. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign the final plat for Leighton Ranch Subdivision with the clarification that Condition No. 1B has been met. The meeting concluded at 10:03 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING – KELLY FAMILY REVOCABLE LIVING TRUST'S REQUEST FOR A REZONE, CASE NO. RZ2021-0018

The Board met today at 10:04 a.m. to conduct a public hearing in the matter of a request by Matt Wilke, representing Kelly Family Revocable Living Trust, for a rezone of Parcels R37527011 from an “A” (Agricultural) zone to an “R-1” (Single Family Residential) zone. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Scott Kelley, Alan Mills, Matt Wilke, Scott Brock, Spencer Kofoed, Barbara Malmstrom, Douglas Benne, Michael Morcom, Richard Trudeau, Lyle Zufelt, Janae Wolf, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that she attended the comprehensive plan workshop and there were a number of people at that meeting and it related to the Board's direction on land use and planning. There has been a shift in posture from the previous Board to the current Board but she does not think it will impact her ability to make a decision. Commissioner Smith disclosed she knows Alan Mills and Spencer Kofoed but they have not

discussed this case. Both men supported her in her election that not sway her decision in this case.

Dan Lister gave the oral staff report. The property is located at 25683 Duff Lane in Middleton and is approximately 37 acres in size. In 2005 the property was allowed a conditional use permit and preliminary plat to divide the property into 14 lots, however, that has expired. The request today is for an "R-1" zone that would allow for 35-36 one-acre average minimum lots. The zoning is predominately agricultural in this location; a couple areas near the property were zoned rural residential at one point. Thoroughbred Estates Subdivision, a 40-lot subdivision with a 2.27 average acre lot size. To the south is a conditional rezone of a 9.7-acre parcel that was platted to White Ranch Estates. The subject property abuts a 74-acre property to the north, and to the west a 32-acre property, and to the east are smaller acreages. There are 24 subdivisions within a one-mile radius with an average lot size of 2.77 acres. The property has 9 acres of best suited soils and 23 acres of moderately suited soils and approximately 20.5 acres are considered prime farmland which has to do with the topography of the site. This is in a nitrate priority area so they will have to do a nutrient pathogen study. There are wells in the location that show nitrates in the drinking water but none exceed DEQ's threshold for contaminants. A small portion of the property is in a floodplain at the southeast corner and at the time of platting they will have to identify the development in that location and how it will be done in compliance with the County's current policies. The future land use plan shows this area as residential. The property is located just outside Middleton's impact area where they would show residential; the city is actively working on extending their impact area into this location. Mr. Lister reviewed the agency comments, as well as the concerns of some neighbors who want larger lot sizes. Staff is recommending denial because this is still predominately agricultural with some scattered rural residential uses. This does not come with a development agreement although the applicant did provide a conceptual plan at the P&Z Commission hearing. Staff is recommending an R-R zone. The previous site plan for 14 lots with a 3-acre lot size seem to be a better size for that area than the 1.1-acre lot size the applicant is presenting in their conceptual plan. With that said, the P&Z Commission did recommend approval on August 5, 2021. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in favor of the request:

Matt Wilke testified the Middleton impact area boundary is located 2,600 feet to the south of the subject property and the city is actively trying to increase their impact area boundary. If the property is included in the city there could be 113 homes in this area if it's an R-3 designation in the future and was annexed into the city. The neighbors support the rezone because there will be 26 homes versus the potential of having 113 homes once it's within the city limits. There are least 15 subdivisions in the area. Thoroughbred Estates is located across the street from the subject property and has 7 lots within the floodplain that have over 2-acre average lot sizes, but the other 33 lots are just over an acre average. The proposed project will mirror Thoroughbred Estates. Mr. Wilke provided a soil classification map which he said disputes staff's findings of prime farmland. The property has sections of steep ground. Cary Spencer farmed the land for three years but he couldn't make money on it because the soil is not good, it sucks up the water before it gets to the

bottom of the field. It has not been farmed in two years. Mike Wagoner farms 2,000 acres in the area and for the same reasons he won't farm this property. Mr. Wilke said the property is in the path of growth for the City of Middleton and they want to protect the neighbors and keep the beautiful one-acre plus estates. Spencer Kofoed with Tradition Homes will build for this site and it will be a mirror of Thoroughbred Estates. He gave testimony regarding the topography of the property, the geotechnical work that's been done, the ground water level, and well water. Following his testimony, Mr. Wilke responded to questions from the Board. He indicated he will agree to a development agreement for 26 lots.

Alan Mills testified there is no lack of inventory for city lots because the city is growing quickly. FFA and 4-H programs are still very popular and you cannot do that on city lots and so this project opens the door for those who want to do those activities. He referred to the Lansing Heights development that was approved in the 1970s that started the trend and other developments followed. There are both hobby farms and platted subdivisions in the area. Mike Wagner farms in the area and is well versed with this property and he won't farm it because of the conditions which were borne out when they did the test holes. They have a nutrient pathogen study and, in their mind, there is nothing they can do to exceed 26 lots. Regarding wells, IDWR study results show up to a five-foot increase in the aquifer. Following his testimony, Mr. Mills responded to questions from the Board. Commissioner Smith asked Mr. Mills to talk about farming disclosures. Mr. Mills said he is working with others on developing ag disclosures and disclaimers that offer protection. Commissioner Smith said there are agricultural uses in the area and if we could condition a requirement that property owners be notified of the ag uses, and that their complaints regarding those would be that the farmer can come back and recoup some of his expenses to combat those complaints. The problem with putting residential in agricultural areas is it slows down farming businesses when they must deal with neighbor complaints. Mr. Mills said they want to get to a point where the purchasers have to sign the documents at the closing with the title company so they can't say they didn't read it. Disclosures and disclaimers can solve a lot of problems as it relates to protections for agriculture.

Scott Brock lives 46 feet from the property, and he is in favor of the development. The Middleton impact area is going to move forward and as it does it will change the structure of everything there and it will be a detriment to Canyon County. He spoke of the difficulties of farming this property, and how there isn't anything indicting a lack of water in the area. Mr. Brock is a Canyon County P&Z Commissioner and he recused himself from this matter when it came before the Commission. Following his testimony, Mr. Brock responded to questions from the Board.

Barbara Malmstrom is a real estate agent who lives in Thoroughbred Estates, and she testified regarding the comparable lot sizes and the difficulties with farming the land.

Spencer Kofoed testified the owners approached him to build the homes for this development, testified about the homes he has built in the area. He has no problem with agreeing to 26 lots and making the project look like Thoroughbred Estates. He has built homes in the area for 15 years and said this is a good transition ag area and it meets the engineering guidelines. He spoke of how he's worked with floodplain issues in other developments.

The Board took a recess from 11:14 a.m. to 11:18 a.m.

The following people testified in opposition to the request:

Douglas Benne testified about water concerns and lot sizes, and he questioned whether will services/utilities will be provided or road improvements will be made.

Mike Morcom lives across the street from the subject property and he referenced a petition signed by the immediate neighbors which states, in part, the developers are requesting R-1 zoning to allow 26 homes to be built in an area that is predominately zoned for R-R development. DSD staff recommended denial of the R-1 request. The neighbors urged the Board to respect staff's recommendation and allow the R-R zoning for 15 homes. Neighbors' concerns include impacts to the aquifer, schools and wildlife, the lot size, and maintaining the R-R setting and quality of life, and not setting a precedent for R-1 zoning

Richard Trudeau lives a ¼ mile from the subdivision and his main concern deals with groundwater and the threat of losing his ground water supply. He urged the Board to go with larger lot sizes.

Janae Wolf testified she wants a rural quality of life and does not want to live near big developments. She is concerned about wells running dry due to projects being built next to established homes. She spoke of the importance of maintaining the recharge of the aquifer, and said she's not aware of any recent water studies to ensure there is sufficient water. She asked the Board to not allow 26 homes on the site but to restrict zoning to reflect five to ten-acre lots, or none at all, and, to require a community well for the development. Ms. Wolfe also spoke about the need for appropriate planning. Commissioner Smith said although she would like to have a water study they are not feasible. She has heard there are concerns about water, however, no factual evidence has been provided that shows there are concerns. The Board is exploring meeting with mayors and talking about growth and possibly trying to figure out how to commission a countywide study and do some additional wells. The County relies on agencies to respond about water issues and IDWR has not indicated there are concerns with quality or quantity issues in this area. It is identified as a nitrate priority area and the developer has supplied a study which was certified by an engineer. She encouraged Ms. Wolf to continue working with IDWR and talk about concerns and support the countywide monitoring and updates.

Lyle Zufelt testified the staff report was fair, accurate, and honest where it stated the request is located within a one-mile radius of 24 subdivisions totaling an average lot size of 2.77 acres. This area is scheduled for rural residential growth. The lot size promoted by the R-1 zone and is incompatible with the existing conditions of the area. He is not opposed to development nor does he reject anyone's desire to live in the area, but he wants them to respect the current character of the neighborhood, which is rural residential. The proposed use will negatively affect the character of the area. Mr. Zufelt said when the report was presented to the P&Z Commission a commissioner rejected it and overturned the staff recommendation in favor of the developer and

his group's request for R-1 zoning. That commissioner has since resigned his position when questions were asked about his relationship to the developer and Mr. Zufelt believes he failed to recuse himself and committed malfeasance and the process was corrupted. He referenced previous testimony from Dennis Owsley with IDWR in regards to wells drying up, who said the reason wells are going dry is because houses are being built too close together. Mr. Zufelt urged the Board to protect the zoning as it currently exists and maintain the current character of the area. The lots should be two acres so the system is not overtaxed.

Rebuttal testimony was offered by Matt Wilke who said they are required by state law to use surface irrigation water and so an irrigation system will be used to irrigate the site. The city uses well water to give public water to city residents so their density level of three units per acre would create a potential to have 130 units on this site versus the developer's proposal of 26 lots, and it would use a lot more ground water than this proposal will. He submitted an exhibit (#8) showing a 10-foot increase in the aquifer. According to Mr. Wilke, they need R-1 zoning over R-R zoning to control the weeds and to make the site look like Thoroughbred Estates. He heard concerns about traffic and referenced the Mid-Star Traffic Impact Schedule that developers are required to pay into (\$5,050) in order to build up the surrounding intersections and roadways and help with traffic. The 26 lots will generate \$143,000 in taxes which will help the community. He knows P&Z Commissioner Rick Fried and said he planned to retire weeks before the P&Z Commission hearing for this rezone; this request did not cause him to relieve himself from the duties of the Commission. Additionally, he also retired from his work. He said the attorney here today is the landowner and he plans to live in the subdivision. Mr. Wilke said he pulled data from IDWR's website regarding the test well that is 4,000 feet from the site which showed they have dropped five feet from 1969 to 2019. On August 2<sup>nd</sup> Mr. Wilke sent the Board an ag disclosure he uses for developments, and said he is willing to work with staff and the Board on an ag disclosure for this project as well. The proposal on 37.81 acres would be a 1.4542-acre average.

Commissioner Smith said the average lot size is 11, and the average lot size in subdivisions is 2.77 acres and one could argue it's changing the character of the area. She would feel more comfortable with making a finding that we have factual evidence that the median in the area is 1.69 acres. If we had a development agreement in 1 ½ acre size range it would be larger than what is being proposed. Mr. Wilke said the lots are 1.45-acres and so they hit the mark perfectly. Commissioner Van Beek asked if any of the proposed 26 lots will have the same kind of land exception that's in Thoroughbred Estates. Mr. Wilke said no, in the proposed development there is only four-tenths (0.4) of an acre that's in the floodplain. It can be kept as a common lot and controlled by the adjacent lot. He is willing to work with the County on a development agreement, and he does not think it will be a problem to have a landscaped entryway with monument signs, but he will talk to his client about that. Pressurized irrigation will be provided to each lot and they are required to use surface water. Commissioner Smith asked if they will support a condition in the development agreement that requires a pressurized irrigation system and not utilize wells. Mr. Wilke will agree to that that, and they will have a water users maintenance agreement, or have the HOA control the costs of the system. Commissioner Smith asked if they would be willing to have a condition for ag discloses that can be provided at the next hearing that would be provided to each homeowner and run with the land. Mr. Wilke indicated they are agreeable to

that. Commissioner Smith said if there is a recommended approval for a conditional rezone with a development agreement that would be a substantial change and it would go to a second hearing where new data could be provided. If the data doesn't support that average minimum lot size the Board could still deny it. Dan Lister said the applicant would have to amend their application to add a development agreement and that requires re-noticing for a new hearing. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner Van Beek likes this development and she would like to see it move forward. She likes the density the applicant is providing and she's hopeful that with additional information from our GIS staff we can get clarification on the number of lots. She wants to see a development agreement, the LOMA proposal, re the proposed use, Mr. Kofoed's current development adds favorably to the area and is a product that's really needed in Canyon County to have custom homes on this size of a lot. Larger lots seems to attract weeds and are potentially problematic if people get tired of taking care of that so the one-acre size adds to the character of the area given the developer. If we were to remove the seven lots in the floodplain this would be commensurate with the building lot sizes that are already in that area. The factual evidence the Board has been given to evaluate does not show anything where she could make a finding to overturn this for a denial. She suggests the hearing be continued to allow additional information requested by the Board. She then made a motion to approve the request with conditions. Commissioner Smith does not support requiring the LOMA because it's all worked out during the subdivision process and if they have property within the floodplain they have to meet those standards. If they want to go through the LOMA process and remove it so they don't have to meet floodplain standards that's their choice. Commissioner Van Beek agreed to leave out that condition, she does however want a condition for landscaping and pressurized irrigation. Commissioner Smith wants a minimum average lot size to be established that is characteristic of the area. Commissioner Van Beek likes the 1.4542-acre number. They have done the NP study and that shows due diligence that will have to be proven with SWDH. The applicant knows the obstacles he has to overcome in the area and that acre average is close enough. Commissioner Smith encouraged Mr. Wilke to work with staff on when we get correct numbers on the graph to see if there are any changes that are necessary to be characteristic. The motion was seconded by Commissioner Smith and carried unanimously. A new hearing will be noticed at which time the Board will consider the development agreement. The hearing concluded at 12:33 p.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Exec. Session to consider personnel matter pursuant to IC 74-206(1)(a) and (d)  
Candidate interview and evaluation for Director of Human Resources

PUBLIC HEARING TO CONSIDER A REQUEST BY PRESTON REYNOLDS OF REYNOLDS BROTHERS CONSTRUCTION, LLC FOR A REZONE, CASE NO. RZ2021-0012

The Board met today at 2:20 p.m. to conduct a public hearing in the matter of a request by Preston Reynolds of Reynolds Brothers Construction, LLC, for a rezone, Case No. RZ2021-0012. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Elizabeth Allen, Preston Reynolds, and Deputy Clerk Monica Reeves. Elizabeth Allen gave the oral staff report. The applicant is requesting a rezone from an "A" (Agricultural) zone to an "R-1" (Single-Family) zone of Parcel R37497010, and R37497010A, B, and C totaling 5.89 acres. On August 19, 2021, the hearing examiner recommended approval of the request. The property is located on Lansing Lane in Middleton, approximately 2,000 feet north of Purple Sage Road. The subject properties were created by conditional use permit and the conditions of approval were not completed within the timeframe and the CUP has expired. The parcels are not buildable until reauthorized through a rezone to residential. The area consists of residential and active agricultural uses. The future land use map identifies the area as residential. City services are not available to the parcels. A future development will require individual wells and septic systems subject to agency approvals. The parcel to the southwest R3749701A, is in within a nitrate priority area. SWDH requires a nitrate priority study before approval of any subdivision on the site. Ms. Allen reviewed the agency comments. Staff is recommending approval of the request based on the previous CUP that expired.

Preston Reynolds testified he is requesting a rezone for the parcel and he feels it conforms to the future use of the land and the area around it not only because of the residential properties that have been converted but also because of the number of applications for R-1 zoning. He is asking to conform to the CUP that expired with the idea that the lots will be just over one acre and by absorbing Lot C into Lot A and B they will have 1.26 acres per lot. Leaving a lot size of 3.19 acres if they divide the three lots into two after moving the lot line and they will absorb the cul de sac because the highway district does not want it as a road so they will absorb it into two lots allowing them to make it an ingress/egress easement which will help the traffic situation. Rural residential does not fit with the acreage around it, and it would only make one lot buildable. It would make it so he has to bring all three parcels back together and make one building lot instead of two. The future hope is there will be a private road going back in there but it can't be a private road on the north of C-Line canal if it's rural residential because the lot size has to be over two acres. If it's over two acres he cannot continue to subdivide and potentially fill up the land that's behind it right

now. Following his testimony Mr. Reynolds responded to questions from the Board. Commissioner Smith said administratively he can get two parcels without the rezone because if it's an original parcel he should be able to apply for an administrative land division. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner Van Beek said it would be difficult to farm given the location and the size and it wouldn't make sense to put equipment in there. It has an old approval and is in an area slated for residential development but a few pieces are missing and so she would like to see a conceptual plan to help persuade her. Commissioner Smith said this property is north of the impact area and is identified as residential and it has nonprime farmland. She does not like the plan to water from the wells due to the drawdown of the aquifer. There are no full development plans for this so it makes the property eligible to be further divided. There is a lot of agricultural zoning in the area and there are a lot of subdivisions to the west, but when looking at the impact of that and what the average lot size is, it's 2.47 acres and the median is 3.44 acres and the average, not considering subdivisions, is 18.94 acres. She believes a rural residential zone would be more commensurate with the surrounding area. This area is not a single-family residential area and she cannot make a finding that it's more appropriate than the current zoning designation. This area is predominately agriculture, but you could argue it's transitioning to rural because of the Lansing development on the west, but it's not predominately single-family residential. She could support a rural residential zone or the nonviable option (ordinance amendment regarding nonprime farm ground split). Commissioner Van Beek doesn't necessarily object to what the applicant is trying to do but there are enough missing pieces and she's not sure how to account for that. In other cases, the Board has asked for a development agreement to shore up some issues so we have planned development that makes sense. Commissioner Smith said this will go back to a second hearing where the applicant can re-present and encourage all three commissioners to be present. Additionally, the other options such as waiting for an ordinance amendment for the nonprime farm ground split, or change the application to a rural residential zone which is compatible with the average lot sizes being approved in the area. Or, if the applicant wants to continue with an R-1 request she recommends amending the application to a conditional rezone with a development agreement and include a little more planning on the improvements and site amenities for the subdivision. Staff was directed to modify the findings of fact, conclusions of law, and order (FCOs) in line with the Board's comments made in deliberation and bring it back for another hearing. Commissioner Van Beek made a motion to deny Case No. RZ2021-0012 with the changes to the FCO's and considerations for future approval. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 2:56 p.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Weekly meeting with the Director of Development Services to discuss general issues, set policy, give direction and action item

- Action Item: Consider signing resolution to approve the addition of one (1) position in Development Services, Planner II (#21-203)



THE MINUTES OF THE FISCAL TERM OF SEPTEMBER 2021 WERE READ AND APPROVED AND FOUND TO BE A PROPER RECORD OF THE PROCEEDINGS OF THE BOARD OF CANYON COUNTY COMMISSIONERS, CANYON COUNTY IDAHO.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CANYON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Commissioner Leslie Van Beek

\_\_\_\_\_  
Commissioner Keri K. Smith

\_\_\_\_\_  
Commissioner Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: \_\_\_\_\_, Deputy Clerk