

DECEMBER 2024 TERM  
CALDWELL, IDAHO DECEMBER 2, 2024

**DETAILED MINUTES TO FOLLOW:**

**Action Item: Consider signing a Resolution Granting Tractor Supply Company a Property Tax Exemption Pursuant to Idaho Code § 63-602NN**

**Action Items:**

- Consider Hardship/Casualty Loss Application for Jose and Dawna Rodriguez, Parcel 228655453 0
- Consider Hardship/Casualty Loss Application for Derby Family Trust, Parcels 25089000 0, 25087000 0, 25086010 0, & 25086010B 0
- Consider Hardship/Casualty Loss Application for Peterson Family Trust, Parcel 25091000 0

**CONTINUATION OF PUBLIC HEARING - APPEAL BY JEFF RANSOM FOR A CONDITIONAL USE PERMIT TO ALLOW A SPECIAL EVENT FACILITY USE WITHIN AN "A" (AGRICULTURAL) ZONING DISTRICT, CASE NO. CU2021-0016-APL**

The Board met today at 1:34 p.m. for a continuation of the public hearing in the matter of an appeal by Jeff Ransom for a conditional use permit to allow a special event facility use within an "A" (Agricultural) zoning district, Case No. CU2021-0016-APL. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Planning Supervisor Carl Anderson, DSD Principal Deb Root, other interested citizens, and Deputy Clerk Monica Reeves. The Board held a hearing on November 14, 2024 and subsequently voted to deny the appeal, but continued the portion of the hearing where it would address what steps, if any, the applicant could take to gain approval. Today staff presented the Board with revised draft FCO's based on the notes from November 14, 2024 hearing. Commissioner Van Beek said the following would help gain approval: The applicant offered to expand the parking for the facility; the road needs to be at County standards; limit the number of guests; there is a need for public drinking and a community well; pave the loop so vehicles do not get stuck; and provide proof that the 15-foot easement exists. Commissioner Brooks disagrees and said he doesn't believe any of those items would help gain approval primarily based upon what he perceives to be the negative effects on the area. He is not sure how to fulfill the requirement other than the applicant purchasing the neighboring properties. It was an easy denial due in large part to it being a residential area becoming more residential; the proposed use does not fit that area. Commissioner Holton agrees with Commissioner Brooks. Most of the neighbors opposed this due to concerns about traffic and impacts to their quality of life. A possible path forward is to either get the neighbors' support or buy their land. He is concerned about the road and whether there is an easement for it. Commissioner Van Beek said it's unfortunate the

neighbors have not been able to work together, and the record is not clear about the record of survey. Commissioner Holton said it bothers him that the applicant built two structures as something else and now he wants them to be public use buildings. That needs to be rectified and they need to show they have either had them inspected as a residence or for that use. He then made a motion to accept and sign the FCO's that are in draft form for this finishing part of the hearing as a concluding piece of business that needs to be done. The motion was seconded by Commissioner Brooks. Principal Planner Root asked if the Board would like her to revise the language on the last page so that it reflects today's discussion. Commissioner Brooks said the applicant's proposal is a great idea but not at this location and he is not comfortable approving any additional language when if they apply under those terms he is still coming to the same conclusion. It was residential and it was changed in the comprehensive plan but it's obviously going more residential and he doesn't know how to get past that hurdle. Commissioner Van Beek said there are event centers that are desirable and a lot of high density communities have a built-in area where people can gather and have events, such as a clubhouse. Commissioner Holton asked to let his motion die. He then made a motion to approve the FCO's in draft form with the exception of the last paragraph of the document. Commissioner Van Beek seconded the motion for discussion. She again referenced how some developments have a clubhouse that could function as a positive amenity to a growing community. Following comments, Commissioner Brooks said he would support the motion. The motion carried unanimously. Commissioner Holton agrees with Commissioner Brooks about leaving the concluding paragraph as-is. He also said regardless of what the summation is in the FCO's, the applicant should review the audio recording to listen to the what the discussion was if he wants to attempt a second application. Following further comments, Commissioner Holton made a motion that the last paragraph would be appropriate to accept as presented in the draft FCO's. The motion was seconded by Commissioner Brooks and carried unanimously. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 2:03 p.m. An audio recording is on file in the Commissioners' Office.

CONTINUATION OF PUBLIC HEARING: CONSIDER THE PRELIMINARY PLAT AND AN IRRIGATION AND DRAINAGE PLAN FOR ALYSON MEADOWS SUBDIVISION, CASE NO. SD2021-0039

The Board met today at 3:01 p.m. for a continuation of the public hearing in the matter of a request by Elwin Butler, PE for Cory Swain, CS2, LLC, for approval of a preliminary plat and irrigation and drainage plan for Alyson Meadows Subdivision, Case No. SD2021-0039. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Planning Supervisor Carl Anderson, DSD Principal Planner Michelle Barron, Deputy PA Zach Wesley, Elwin Butler, other interested citizens, and Deputy Clerk Monica Reeves. Today's hearing was continued from November 19, 2024 where the Board asked for additional information relating to the development agreement and the City of Caldwell's subdivision improvement requirements.

Today, DSD Principal Planner Michelle Barron gave a recap noting there are several subdivisions ordinance requirements that the City of Caldwell would like the applicant to follow. Originally, they wanted them to connect to city services for water, and there are requirements for putting in

a dryline for future septic expansion, curb and gutter. During the rezone process there was a condition that stated the applicant will comply with the proposed conditions of the City of Caldwell Engineering and the Director of the City of Caldwell P&Z Department letters, with the exception of the requirement connecting to the public water system which is waived. At the time, the applicant was only asking for a waiver of the connection to city water. During the subdivision process, there was a new applicant who is represented by Elwin Butler and they asked for a waiver of the subdivision requirements and the P&Z Commission agreed and recommended that all city requirements would be waived.

Deputy PA Zach Wesley said if the Board approves the application and waives the city conditions on the plat it would be out of compliance with the development agreement and someone could come forward and trigger a complaint and we'd have to go through a public hearing process where the zoning could be revoked. The options are to either table the plat and come back for an amendment on the development agreement which could be done at one hearing and we could also have the plat tabled to that point and do both at the same time; or, the developer can go forward and meet the requirements of the development agreement and get the plat approved under those conditions today.

Commissioner Brooks wants to go into Executive Session and discuss his questions with legal counsel. The Executive Session was held as follows:

EXECUTIVE SESSION – COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Brooks made a motion to go into Executive Session at 3:08 p.m. pursuant to Idaho Code, Section 74-206(1) (f) to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Holton, Van Beek, and Brooks voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Leslie Van Beek, and Zach Brooks, Deputy PA Zach Wesley, DSD Planning Supervisor Carl Anderson, and DSD Principal Planner Michelle Barron. The Executive Session concluded at 3:28 p.m. and the hearing resumed in open session.

Commissioner Holton said we cannot work around the development agreement so the Board will give the applicant three months to file an application to modify it and if nothing happens in six months the Board will hold a final hearing and make a decision with the information it has. Elwin Butler said they are agreeable to that. The applicant will be required to have a neighborhood meeting as part of the public hearing requirements. Commissioner Van Beek said the modification request will come to the Board, not the P&Z Commission, and the merits of the modification will be deliberated by Board at that time with no guarantee. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing and give the applicant three months to apply for a development agreement modification, and in six months this hearing will be continued if nothing else has happened then the Board will finish the business and make a final decision. The hearing concluded at 3:33 p.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2024 TERM

CALDWELL, IDAHO DECEMBER 3, 2024

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Kenworth Sales in the amount of \$156,090.00 for the Solid Waste Department (PO #6168)
- UPLIFT Desk in the amount of \$5280.30 for the Facilities department (PO #6133)

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Kaitlyn Belt, PA Limited License Intern, rehire
- Shawn Powers, Maintenance Technician, addition of on-call pay
- Randy Hagler, Landfill Heavy Equipment Operator, promotion
- Caitlin Ross, DSD Hearing Specialist, new hire

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

Meeting with County Attorneys for a Legal Staff Update and to Consider Action Items:

- Action Item: Consider ratifying ADP agreement for payroll modules
- Action Item: Consider Letter providing notice to All Detainment Solutions that County will not exercise purchase option within Section 16 of Temporary Detention Facility Equipment Lease Agreement
- Action Item: Consider Signing a Legal Notice regarding the Submittal of Preliminary Design Plans by Canyon County for the Pickles Butte Sanitary Landfill Lateral Expansion Project

Meeting to Consider Taking Comment on the Record for Cooperative Purchase of a 2025 Kenworth T480 Water Truck

- Action Item: Consider Truck Purchase Order with Kenworth Sales

#### ACTION ITEM: CONSIDER RESOLUTION APPROVING A NEW ALCOHOLIC BEVERAGE LICENSE FOR WALMART, INC., DBA WALMART FUEL STATION #2781

The Board met today at 11:33 a.m. to consider resolution approving a new alcoholic beverage license for Walmart, Inc., dba Walmart Fuel Station #2781. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, and Deputy Clerk Monica Reeves. Following review of the application and supporting documentation, Commissioner Brooks made a motion to approve the resolution approving a new alcoholic beverage license for Walmart, Inc., dba Walmart Fuel Station #2781 (Resolution No. 24-214). The motion was seconded by Commissioner Holton and

carried unanimously. The meeting concluded at 11:35 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING: SHORT PLAT FOR LIPPERT SUBDIVISION, CASE NO. SD2023-0006

The Board met today at 1:31 p.m. to conduct a public hearing to consider the short plat for Lippert Subdivision, a two-lot subdivision, Case No. SD2023-0006. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Principal Planner Dan Lister, Darin Taylor, Wayne Lippert, Kimba Lippert, Darin Kindrick, and Deputy Clerk Monica Reeves. Darin Taylor offered testimony on behalf of the applicants. The Lipperts own 20 acres on the west size of Breezy Lane and are proposing to divide it into a 5-acre parcel on the north and a 15-acre parcel on the south, on which they currently reside. They are dividing their land because they need money to pay for medical bills, and they are dissatisfied with the length of time it's taken to get through the process. They have worked with all agencies and the highway district has been the biggest hurdle they have encountered. Because the property to the west is proposed for development there was discussion with the highway district and the neighbor about access to that property and the district wanted the access to be across the Lippert property. They have required an access easement for road utilities, drainage and irrigation even though this ground is dry and does not have any irrigation water. The property is bordered by Breezy Lane and 25-foot easement because years ago the highway district did not know where the roads were going to go and they were preserving the quarter section lines. Those easements have been recognized on the preliminary plat. As requested by the County they have included a sheet for slopes that shows topography and slope dimensions. They will not build or disturb any land that has 15% slopes or greater. Most of the conditions of approval are already in effect and they just need fire district sign-off and to go through the final plat process. They initially filed as a short plat but because the highway district was not clear on the access to the southwest, as well as road requirements and how much right-of-way they wanted the applicant to dedicate, the district was not ready to proceed with the preliminary plat and final together so the applicant separated those processes. The highway district is in support of what the applicant has done. The applicant has no objection to the P&Z Commission's conditions of approval. Condition No. 11 requires the easement on the south that was given to the neighboring property owner be an actual lot because its sole purpose is for a road. There is also a condition that requires prior to final plat approval, a road users' maintenance agreement (RUMA) be entered into between the applicants and the developers on the property to the west. He has no idea of the status of the development to the west, but a RUMA seems premature until the road is constructed and he does not agree with delaying this application until that RUMA is signed. Because the agreement between the Lipperts and the developer to the west is for the sole purpose of the road, it makes sense that it be a road lot shown on the final plat that comes back to the Board. That condition has been added since the P&Z Commission hearing.

Commissioner Van Beek had questions for staff regarding the Codr land use case where there were concerns about the road and access and that applicant was forced to go across Merlin Lane and the impact of that was a road that was 12 feet from a patio. Principal Planner Lister said in that case the developer and the owner could not agree on access to the Codr property and the highway

district required access through Lansing Estates, Gloria Lane, and Merlin Lane which would turn that into frontage in a public road. Neighbors in Lansing Estates expressed concern about how that would impact their view and take away some of their space. There is an existing 25-foot right-of-way dedication that happened in Lansing Estates that they didn't think would ever be used, but the rezone allowed that to be worked out with the highway district and some of the neighbors were concerned. The County added a condition stating that is the approval subject to trying to work with the Lipperts to get that access. Through Canyon Highway District No. 4 and discussions with Mr. Codr they were able to work out the 70-foot easement to provide access through the Lippert property instead of the wrapped around improvement which should alleviate the concerns from the neighbors.

Principal Planner Dan Lister gave the oral staff report. The request is for preliminary plat approval of Lippert Subdivision, a two-lot subdivision, on parcel R37431010. The subject parcel was rezoned to a "CR-R-R" (Conditional Rezone-Rural Residential) zone and subject to an approved development agreement (DA #22-025) limiting it to two lots. The property consists of 20.06 acres with a 10-acre average lot size. The subdivision will utilize Breezy Lane, an open, unmaintained public right-of-way, for access. The northern boundary has a 28-foot access easement that serves two parcels to the north and the west. The south boundary has a public right-of-way that has not been opened. Breezy Lane has to be constructed to meet private road standards which is why this couldn't be a short plat anymore because the code says if there is any development that requires engineering it cannot be a short plat; it has to be a preliminary plat first then a final plat with construction plans or engineering that would be reviewed separately because our fees do not cover engineering review for construction drawings. The highway district provided the option for access and it is the 70-foot easement to the south that would help the Codrs develop their property and provide access to this one lot. The applicant agreed to that and provided the easement to the Codrs which would circumvent the other approval that was done for the other division. A condition to be considered by the Board is adding a road lot instead of a private road easement; however, if the Board chooses not to impose that condition it will still meet County code, it's just something that will be an easement and as it goes to the Codr property it will turn into a road lot which doesn't really connect but it still works. The highway district recommended approval and required a 40-foot wide public right-of-way along Breezy Lane with a 10-foot slope easement. There is no irrigation for the property; the future owner and current owner will be using their well for irrigation up to one-half acre. Ashley Quenzer submitted comments to staff regarding her concerns about habitat and open space and she recommended building envelopes to provide habitat conservation. On October 3, 2024, the Planning and Zoning Commission recommended approval of the preliminary plat request. Staff is also recommending approval. The Board had follow-up questions for Mr. Taylor and Principal Planner Lister regarding the roads, the easement, the slope, and a RUMA.

Given the history with the Codr development, Commissioner Van Beek wants a RUMA that says both parties agree to let that develop go forward. Commissioner Brooks asked what will happen if the Board imposes that condition and the Codr application doesn't materialize. Planner Lister said if they don't submit the plat by February of 2025 the development agreement will expire but County code requires it be brought back to the Board to terminate it and the zoning will revert

back to agriculture. Commissioner Holton is concerned about imposing something that is difficult for them to maintain and he doesn't want to delay what the Lipperts can do on their property while waiting on a RUMA.

The following people offered testimony:

Wayne Lippert testified that he built his home on the 20-acre parcel in 1988 and he would like to sell 5 acres. He spoke about his communication with the highway district regarding access and said he placed the easement where the district wanted it. He said Mr. Codr spoke asked him for an easement because his property was landlocked and eventually Mr. Lippert agreed to it because he thought if he didn't grant the easement his five-acre request could be postponed.

Darin Taylor said they could not get a revised letter from the highway district in 2023 changing their recommendation or moving forward with the preliminary plat without making some accommodation on the easement that's been the subject of the meeting. There has been so much effort to get the 70-foot easement and everybody understands what's going to happen there and it's not going to change so the Board has the assurance that it's permanent and it will not go away unless the two parties agree for it to go away. The details about who will maintain the road are usually found in a RUMA, but Mr. Taylor made sure some of those provisions got into the easement agreement and Mr. Lippert has been clear that they are not paying to maintain anything on that 70-foot easement. All of those obligations are described in the easement agreement; it's clear, it's permanent and it's recorded. If there is a RUMA recorded and the development next door never occurs then that document becomes a cloud on the title to the Lippert property, meaning it will show on a title report for that southern 15-acre parcel forever until removed and it will make no sense if there is no development next door. As to whether the 70-foot easement is adequate, the highway district set that number and it will likely have a retaining wall on the north boundary and that's how we can be assured it will work. Mr. Lippert would like the Board to remove Condition Nos. 8 & 11 because until there is a private road or two driveways on that 70 feet those conditions will not apply. He is content if the Board wants a road lot down; however, he would prefer not to have the RUMA be a condition of approval. Regarding Ashley Quenzer's comments about preserving grasses and native vegetation, Mr. Taylor said in looking at the north 5-acre parcel at least half of it has slopes that are 15% or greater that won't be built on without coming back through the process by condition of approval. A building envelope will not effective the on the 5-acre lot. Following his testimony, Mr. Taylor responded to questions regarding driveways, access, and the easement agreement between the Codrs and the Lipperts. Commissioner Holton said Condition No. 8 should either be deleted or modified to state that at the time a road is constructed a RUMA shall be recorded. Commissioner Van Beek agrees. Mr. Taylor said instead of making it an obligation they should use language that says they should coordinate with and not obstruct or unreasonably delay. Planner Lister said staff recommends deleting it because per the Codrs' development agreement when they do submit the plat they have to meet the requirements, which includes a RUMA. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Holton said he agrees with the FCO's, and he wants to delete Condition #8 in its entirety. He wants it to become a road lot because a lot has more finality to it than a possible

easement. Commissioners Van Beek and Brooks agree with it being a road lot and they support the FCO's and the deletion of Condition No. 8. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to approve the preliminary plat for Lippert Subdivision, Case No. SD2023-0006, subject to the conditions of approval, and the removal of Condition No. 8. The hearing concluded at 2:43 p.m. An audio recording is on file in the Commissioners' Office.

CONTINUATION OF PUBLIC HEARING: REQUEST BY DARIN TAYLOR, SUBDIVISION MAKER, LLC, REPRESENTING RYAN AND HEIDI WALKER, FOR A CONDITIONAL REZONE OF AN "A" (AGRICULTURAL) ZONE TO "CR-RR" (CONDITIONAL REZONE - RURAL RESIDENTIAL) ZONE, CASE NO. CR2021-0012; AND THE SHORT PLAT FOR EDENBROOK ESTATES SUBDIVISION, CASE NO. SD2021-0057

The Board met today at 3:03 p.m. for a continuation of the public hearing regarding the request by Darin Taylor, representing Ryan and Heidi Walker, for a conditional rezone of an "A" (Agricultural) Zone to a "CR-RR" (Conditional Rezone - Rural Residential) Zone, Case No. CR2021-0012. The request includes a short plat for Edenbrook Estates Subdivision, Case No. SD2021-0057. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Principal Planner Michelle Barron, Darin Taylor, Ryan Walker, and Deputy Clerk Monica Reeves. At the October 22, 2024 hearing, the Board voted unanimously to approve the conditional rezone, but the short plat was continued to November 20, 2024 so that the applicant could come back with the additions to the preliminary plat and the notations discussed at the October 22<sup>nd</sup> hearing. On November 20, staff advised that the engineer needed additional time for review so the hearing was continued to December 3, 2024. DSD Principal Planner Michelle Barron said there are still some questions on the plat that the engineer wants to verify but she is not in the office today. The Board can talk about the preliminary plat today with the condition that any requirements put forth by the County engineer will be taken care of before approval of the final plat, which can be considered at a later date. There was discussion regarding the engineer's review. Commissioner Holton said the front two lots were not part of this project and were different from the three lots and he wants to make sure that issue got resolved and he wants to see it on the plat. Darin Taylor said he is ready to proceed with the preliminary plat hearing today and said since the last meeting they have reprinted the mylar and obtained signatures from all of the agencies, including the County Treasurer in anticipation of today's hearing. The closures for the boundary and the lots have been checked by the County Assessor and the surveyor, and if the County Engineer is also doing that it seems like there are a lot of people doing the same thing. If we proceed with the hearing today nothing will need to be continued, and the final plat can be placed on the Board's agenda once the engineer has approved it. Commissioner Holton said the contract engineer has not looked at the plat and that gives him pause. He then made a motion to continue the short plat for Edenbrook Estates to December 11, 2024 at 4:00 p.m. The motion was seconded by Commissioner Brooks and carried unanimously. The hearing concluded at 3:21 p.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2024 TERM  
CALDWELL, IDAHO    DECEMBER 4, 2024



No meetings were held this day.

DECEMBER 2024 TERM  
CALDWELL, IDAHO DECEMBER 5, 2024

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for:

- Todd D. Wilcox, Deputy Judicial Marshal – missed FY25 market adjustment

#### APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for:

- Tower Grill to be used on 12/13/24 for the Idaho Geothermal Christmas Party

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

**Meeting with county attorneys for a legal staff update and to consider an action item**

- Action Item: Consider Guaranteed Maximum Price Amendment for Construction Manager General Contractor for the Canyon County Sheriff's Office Building Project

**Meeting to consider matters related to Indigent Services**

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

#### PUBLIC HEARING: APPEAL BY TERESA JARDINE REGARDING THE DENIAL OF AD2023-0020 FOR A NON-VIABLE PARCEL LAND DIVISION, CASE NO. AD2023-0020-APL

The Board met today at 1:37 p.m. to conduct a public hearing in the matter of an appeal by Teresa Jardine regarding the denial of AD2023-0020 for a nonviable parcel land division, Case No. AD2023-0020-APL. Present were: Commissioners Brad Holton and Zach Brooks, DSD Principal Planner Dan Lister, DSD Planning Supervisor Carl Anderson, Teresa Jardine, TJ Wellard, Cleon Hoagland, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Van Beek did not participate in today's hearing due to a conflict of interest.

Teresa Jardine offered testimony in support of her appeal. They started the process in September of 2019, by doing a parcel inquiry and working with the County and their surveyor, TJ Wellard, throughout the process and they thought they were doing everything according to the law. They were told a half-acre would not qualify so their brother and sister-in-law, the Pancheris, as well as Mr. Jardine's parents, each agreed to give them one-quarter of an acre. After a survey was done they added one-quarter of an acre to the back of the property and it encroached on farm ground but they agreed not to use it so the Pancheris could still farm it. Ms. Jardine said a former Director of DSD told them they could qualify for a variance and their parents gave them 30 feet which gave them three-quarters of an acre and they were granted a variance and the P&Z Commission recommended their split be approved; however, it took them several months to have that meeting

and during that time Keri Smith was elected as Commissioner and she did not understand the process the Jardines had been through and was under the impression they had originally built on their parents' ground. They were surprised when their request was denied and said Commissioner Smith told them if there had been an ordinance in place for a nonviable piece of farm ground it would have been approved. At this point the land wasn't split off and when the ordinance was adopted they tried to apply again for the variance and were told it was no good because it was residential and when they applied for the nonviable division, DSD said they would deny it because the one they had was for residential, not agriculture. The Jardines approached their brother and sister-in-law again asked if they would consider selling a piece so they could get the full acre and they agreed although they did not want to. The Jardines applied again and received approval. There was a lease for the brother and sister-in-law to sign and there was a clause that said if the Pancheris stopped farming they would not be able to buy the property back even if the ordinance changed or they didn't have to have a full acre. It made the Pancheris angry, and they would not sign the paperwork. The Jardines are still without a property split. Their parents have a land trust that Mr. Jardine and his sisters will inherit and right now the Jardines' property is part of that and if something happened to the parents, the sisters would own one-third of their home. Ms. Jardine said they did not appeal the denial because they thought it was going to through, which is why they are here today in hopes of a resolution. She said there was no way to irrigate that portion of the land and it was a weed patch for 17 years before the Jardines bought it. With three-quarters of an acre it was plenty big for a home and a septic system, and they didn't need to touch any farm ground and that is why they didn't understand why they had to add a quarter of an acre just to lease back to the Pancheris when it's not needed. It defeats the purpose of having a nonviable piece if you have to bring farm ground in to get the full acre. She said they were turned down initially because they did not have a full acre and they were told if the ordinance had been in effect it would have gone through, but when the ordinance was adopted it was for an acre, so it didn't help them. She said they took a weedy piece of ground and turned it into a taxable property that is maintained, and they haven't disturbed any of the farm ground or neighbors around them.

DSD Principal Planner Dan Lister gave the oral staff report. This is an appeal of the denial of Case No. AD2023-0020 which is a non-viable parcel land division. The applicant is requesting approval of the lot size that is less than one acre. The affected properties are located at 7901 & 7943 Dearborn Road in Nampa.

### **Background summary**

- 2005 Land division
- 2020 Property boundary adjustment to be a 1.75-acre parcel
- 2020-2021: Applied for a secondary residence
- 2020: Quitclaim deed creating Parcel R29887011A (.75 acre)
- 2020: Rezone/variance - A variance was approved subject to rezone approval, but the R-1 rezone was denied because a nonviable process was being worked on and they were told to wait for that change in code.

- March 15, 2023: Nonviable and variance application submitted. The variance was denied because the hardship was created by the quitclaim deed. The decision was not appealed.
- April 15, 2024: The nonviable land division was amended to meet the one-acre lot size.
- September 24, 2024: The nonviable land division was denied because they could not meet the one-acre lot size.
- October 10, 2024: An appeal was submitted.

The original variance is not part of today's application because the appeal timeframe has passed. Staff has reiterated all of the options to the applicant. Today the Board is considering the application for the nonviable land division, which does not meet the one-acre lot size. Staff recommends the Board uphold the Director's decision.

Options to gain approval:

- Reapply for an Administrative Division of a Nonviable Parcel in an Agricultural Zone (CCCO §07-18-05 & 09) and provide information demonstrating the proposed parcel can (1) meet the minimum lot size of one-acre (CCZO §07-18-09(2), and (2) ensuring the request does not impact adjacent viable agricultural uses (CCZO §07-18-09(5)D); or
- Combine the parcel with Parcel R29887011 and reestablish the dwelling as a secondary residence as approved by BP2020-0566.

TJ Wellard testified in support of the applicant's request and said this is a worthless piece of ground next to two family members and one family member wants to build a house on the property and help take care of their parents, but they have exhausted all means to do that and yet they are being advised to appeal a decision that will not change anything. The process has been ridiculous. They worked hand-in-hand with DSD to get to where they were, and a new Commissioner came into office and denied it saying it was spot zoning even though the County Code says it is conditional rezoning. He said they can reapply for the variance that will get denied again and then appeal again to the Board after spending thousands of dollars hoping the Board will have the decency to allow them to have a house on their own parcel.

Commissioner Brooks asked Mr. Wellard what legal findings the Board would use to support overturning it since it does not meet the one-acre requirement. Mr. Wellard said the variance should be granted and he said by the parcel not being an acre it doesn't harm anyone. No one is against this except DSD. The intent was for the .75 acres and the history proves that and they worked with DSD to get it done and with all the delays with COVID they wanted to start to building so that was the only option to start building knowing they would work with the County. The variance was already approved to be less than an acre, so they were doing everything correctly as they were being advised by the DSD Director at that time. He understands how we cannot overturn this decision for what has been applied for, but for the variance not to be approved to begin with is ridiculous. He said the Jardines went the path of a conditional rezone and that was denied; no one objected to it other than a new Commissioner who said they cannot spot zone.

Commissioner Brooks asked how would the Board approve a variance based upon a hardship that only exists because of the actions of the applicant? Mr. Wellard said DSD is saying the Jardines created that issue because they created the .75 acre just by deed. The hardship is that if you take land away from the adjacent farmland you are wasting farm ground and forcing a size on something even though it creates a hardship for the farmer because you're taking farmland to create one acre. There were follow-up questions of Mr. Wellard by the Board.

During rebuttal testimony, Teresa Jardine said at the recommendation of the County, they built as a secondary residence. The Pancheris deeded the .50 acres to the parents and then the parents quitclaim deeded it back to the Jardines with the 30 feet included and that's where the split came in and while they were doing that they were working through the variance, which is what the DSD Director recommended. It was easier to get it in one parcel and quitclaim it to the Jardines rather than two separate ones. The Jardines never had any intention to build as a secondary residence but because of COVID they couldn't get their meeting to split it and they were told by DSD to start building as a secondary residence with the assumption that as soon they were able to have their meeting it would be split off. They were not trying to do it illegally. They followed the County's recommendations but in hindsight they would not have done it had they known it would end up like this. It has destroyed their family; the Pancheris no longer speak to them, and if their parents pass, the Jardines do not know what their intentions are with the property because the Pancheris will own a portion of it as part of the estate. They were told the nonviable ordinance would fix this, but now ask where is the common sense when the nonviable requires the acre? They did their best to follow the law and the ordinances and do what they were told, and they wish common sense could prevail.

Principal Planner Lister said the Board could table the hearing and see if they want to reapply for the variance to meet the size requirement which has been done in the past when we have had agricultural lots come in at smaller sizes; typically, it would be a land division with a variance. They would have to get approval from the health district for less than the one-acre size to prove they can still meet the separation and prove a hardship. He said Mr. Wellard is correct, the decision was made based on the quitclaim deed, and they could fix it by deeding it back. Instead of appealing it at the time they showed they could meet the one-acre lot size and so they did not go through the appeal process. If they reapply staff could look at it one more time through the current Director to see if it's a hardship we can support or not. If it does get appealed they could come back before the Board.

TJ Wellard said the metes and bounds of their lot has been recorded and they have approval from the health district saying the .75 acres meets the setbacks to have a primary and secondary drain field and distance from wells.

Upon the motion of Commissioner Brooks and the second by Commissioner Holton, the Board voted unanimously to close public testimony. Commissioner Holton prefers to do what Principal Planner Lister offered as an option. This is a unique case, and it bothers him that they have been connected to the County throughout the process and part of the reason they are in this situation is because of some of the information given to them. Planning Supervisor Carl Ander said his only

caution on going that route would be to encourage the applicant to provide a strong letter of intent demonstrating the undue a hardship because that is finding that has to be made for the review. Commissioner Holton said they could refer to this hearing and with Mr. Wellard's help they could state why they took the actions they did and that would substantiate what he would be curious to see. They could have 90 days to apply and if we don't receive an application in 90 days then the Board will reconvene and complete its decision. Commissioner Brooks agrees. Commissioner Holton made a motion considering the information received and the unique situation with this specific parcel of ground to continue the hearing to March 11, 2025, at 1:30 p.m. expecting that the applicant will be communicate with DSD and perhaps provide a different path forward. The motion was seconded by Commissioner Brooks and carried unanimously. Upon the motion of Commissioner Holton and the second by Commissioner Brooks, the Board voted unanimously to adjourn at 2:30 p.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2024 TERM  
CALDWELL, IDAHO DECEMBER 6, 2024

No meetings were held this day.

DECEMBER 2024 TERM  
CALDWELL, IDAHO DECEMBER 9, 2024

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Park Place in the amount of \$5,408.52 for the Information Technology Department (PO #6159)
- Right Systems in the amount of \$34,933.35 for the Information Technology Department (PO #6160)
- Zoho in the amount of \$15,756.00 for the Information Technology Department (PO #6161)
- Quadient, Inc., in the amount of \$9,066.91 for the Information Technology Department (PO #6088)

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Brad Julian, Hazardous Waste Screener/Heavy Equipment Operator
- Hunter Onofrei, Deputy Sheriff - Inmate Control (Add K-Pay)
- William Otzenberger, Deputy Sheriff - Inmate Control

**DETAILED MINUTES TO FOLLOW:**

Action Items: Consider resolutions approving new alcoholic beverage licenses for Yanni's Restaurant, LLC dba Yanni's, and Pub and Putt, LLC dba Pub and Putt

Meeting with Roger Batt regarding Seed Industry Presentation

DECEMBER 2024 TERM

CALDWELL, IDAHO DECEMBER 10, 2024

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for:

- Beau Bolinder, remove CERT Team pay & add interim detention cert.

Meeting with County Attorneys for a Legal Staff Update and Consider Action Items:

- Action Item: Consider Renewable Service Agreement with Sunbelt Controls
- Action Item: Consider Service Agreement with ACCOCARE
- Action Item: Consider Service Agreement with Northwest Power Systems
- Action Item: Consider Traffic Enforcement Grant Project Agreement (TEGPA)

Executive Session pursuant to Idaho Code, Section 74-206 (1) (d) and (f), records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation

Meeting with Chris Boyd to Discuss Leadership Specialty Pay Proposal for the Canyon County Prosecuting Attorney's Office

Commissioners Attending Legislative Appreciation Gathering

Location: The Centre at Canyon County Fair

DECEMBER 2024 TERM

CALDWELL, IDAHO DECEMBER 11, 2024

**DETAILED MINUTES TO FOLLOW:**

**Action Item: Consider Certificates of Noncompliance and a Release of Certificate of Noncompliance on the following Properties:**

Certificates of Noncompliance

- 89 S Dewey, Nampa (R30628010)
- 19650 Fish Rd, Wilder (R37193)

Release of Certificate of Noncompliance

- 21728 Boise River Rd, Caldwell (R38552010)

**Meeting with Facilities to consider notices of lien on the following properties:**

- 0 E Pink Bud St. (R3437114300)
- 8566 Silverwood Way (R3383330000)
- 0 Duff Lane (R3760500000)
- 0 Rim Road (R30101011C0)
- 5903 Oak St. (R2087800000)

**Action Item: Consider Hardship/Casualty Loss Application for Parcel Nos. 250680100 & 25068010A 0**

**File Treasurer's Report for October 2024**

**Meeting to consider matters related to Indigent Services**

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

**Public Hearing: Short Plat for Sleepy Hollow Subdivision No. 2, Case No. SD2023-0008**

The Board will consider the following:

- Findings of Fact, Conclusions of Law, and Order

\*THE PRELIMINARY PLAT WAS APPROVED\*

**Joint Meeting with the Canyon County Commissioners and the City of Caldwell Mayor and Councilmembers regarding Communication, Proposed Hotel, and General Discussion**

See attached agenda for specific details

**Continuation of Public Hearing: Request by Darin Taylor, Subdivision Maker, LLC, representing Ryan and Heidi Walker for a Conditional Rezone of an "A" (Agricultural) Zone to "CR-RR" (Conditional Rezone - Rural Residential) Zone, Case No. CR2021-0012**

The request includes a short plat for Edenbrook Estates Subdivision – Case No. SD2021-0057

(The conditional rezone was approved at the October 22 public hearing. The short plat was continued to Dec. 11, 2024.)

DECEMBER 2024 TERM  
CALDWELL, IDAHO DECEMBER 12, 2024

DECEMBER 2024 TERM  
CALDWELL, IDAHO DECEMBER 13, 2024

No meetings were held this day.

DECEMBER 2024 TERM  
CALDWELL, IDAHO DECEMBER 16, 2024

No meetings were held this day.

DECEMBER 2024 TERM  
CALDWELL, IDAHO DECEMBER 17, 2024

**APPROVED PURCHASE ORDERS**

The Board approved the following purchase orders:

- Wall to Wall in the amount of \$8,890.00 for the Facilities Department (PO #6135)
- Mountain Valley Power in the amount of \$6,000.00 for the Facilities Department (PO #6136)
- Intermountain Wood in the amount of \$6,521.84 for the Facilities Department (PO #6142)



- Dell in the amount of \$7,051.68 for the Information Technology Department (PO #6162)
- Mindbase in the amount of \$14,726.00 for the Sheriff's Office (PO #6110)

#### APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for:

- O'Michael's Pub & Grill to be used on 12/20/24 at Deer Flat Ranch

#### APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved employee status change form for:

- Tamara Brown, TCA Court Budget Analyst

#### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND CONSIDER ACTION ITEMS

The Board met today at 1:31 p.m. with County Attorneys for a legal staff update and to consider action items. Present were: Commissioners Brad Holton and Zach Brooks, Chief Civil Deputy PA Aaron Bazzoli, Deputy P.A. Zach Wesley, COO Greg Rast, Indigent Services Director Yvonne Baker, Indigent Services Case Manager Kellie George, Indigent Services Case Manager Jenn Odom, HR Director Marty Danner, Controller Kyle Wilmot, Brent Hart, and Deputy Clerk Monica Reeves.

The items were considered as follows:

- **Action Item: Consider Addendum No. to the Request for Proposals for Human Resources Information System and/or Payroll System:** Director Danner said the addendum gives notice that the County is extending the deadline for the RFP, and answers all of the questions that have been submitted. Upon the motion of Commissioner Brooks and the second by Commissioner Holton, the Board voted unanimously to sign Addendum #1 for the Request for Proposals for Human Resources Information System and/or Payroll System as presented.
- **Action Item: Consider a Resolution Appointing Community Volunteer, Brent Hart, to the Canyon County Board of Community Guardians:** Brent Hart has worked with people with developmental disabilities for 20 years and he sees the need for guardians and is happy to help where we can. According to Director Baker, Mr. Hart has successfully passed a background check. Upon the motion of Commissioner Brooks and the second by Commissioner Holton, the Board voted unanimously to approve the resolution appointing community volunteer, Brent Hart, to the Canyon County Board of Community Guardians. (Resolution No. 24-217).

As part of the legal staff update, Commissioner Holton advised that he met with Nathan Leigh, the former Mayor of the City of Parma, regarding the request to establish a new taxing district in support of a new library district. The PA's Office will review the request and the process and report

back to the Board. Upon the motion of Commissioner Holton and the second by Commissioner Brooks, the Board voted unanimously to adjourn at 1:38 p.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2024 TERM  
CALDWELL, IDAHO DECEMBER 18, 2024

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Beau Bolinder, Deputy Sheriff - Transfer to Patrol
- Amanda Frailey, Records/Civil - Add PTO Pay
- Bryce Moore, Sergeant - Remove K-9 Pay
- Sharee Wright, Corporal - Remove PTO Pay
- Cobey Christoffersen - Deputy Sheriff - Inmate Control

#### **DETAILED MINUTES TO FOLLOW:**

Meeting with the Idaho State Tax Commission regarding Property Value Changes

Meeting with Health Board Trustees and Broker

Public Hearing: Proposed New Article 9 to the Canyon County Ordinance Chapter 7 - Agriculture Protection Act, and Consider Action Item:

Location of Hearing: Public Meeting Room, Administration Building, 111 No. 11th Ave., Caldwell, Idaho 83605

DECEMBER 2024 TERM  
CALDWELL, IDAHO DECEMBER 19, 2024

#### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Coble Company in the amount of \$9,623.50 for the Sheriff's Office (PO #6111)

### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Brogan Howard, Limited License Intern in the Prosecuting Attorney's Office (Temp.)
- Garic Austin Hayes, Limited License Intern in the Prosecuting Attorney's Office (Temp.)

### DECEMBER 2024 TERM

CALDWELL, IDAHO    DECEMBER 20, 2024

### APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- MPH Industries, Inc., in the amount of \$15,099.80 for the Fleet Department (PO #6178)

### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Jay Gibbons, Interim Director of Development Services (Specialty Pay added for Interim Director Role)
- Braden Graham, Deputy Sheriff - Patrol (Return from USERRA leave)
- Jacob Golden, Juvenile Detention Officer

### **DETAILED MINUTES TO FOLLOW:**

**Action Item: Consider a Resolution Consenting to the Exchange of County Property Pursuant to Idaho Code § 31-829**

**Action Item: Consider Request for Retention of County Vessel Fund from FY2024**

**Action Item: Consider lien releases for the following properties:**

- TBC Land Holding, 0 Duff Lane (R3760500000)
- Value Homes of Idaho LLC, 22486 Hwy 20/26 (R3850201000)

**Meeting with HR Director to discuss general issues, set policy, and give direction**

**ACTION ITEM: CONSIDER FINAL PLAT FOR SLEEPY HOLLOW SUBDIVISION NO. 2, CASE NO. SD2023-0008**

The Board met today at 3:02 p.m. to consider the final plat for Sleepy Hollow Subdivision No. 2, Case No. SD2023-0008. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, Interim DSD Director Jay Gibbons, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Interim Director Gibbons said the preliminary plat was approved on December 11, 2024 as part of the short plat process, and the mylar is ready to be signed as it reflects what was approved. The property was previously rezoned to CR-R-1, and there are two residential lots, one with an existing home and a private road lot. Both building lots are over one acre and they have pressurized irrigation as well as individual wells and septic. The project has met the conditions and complies with the requirements. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to sign the final plat for Sleepy Hollow Subdivision No. 2, Case No. SD2023-0008. Chairman Holton signed the final plat. The meeting concluded at 3:05 p.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR CASE NO. CR2022-0005 – REQUEST BY TANNER VERHOEKS OF HAVEN IDAHO FOR A CONDITIONAL REZONE

The Board met today at 3:09 p.m. to consider the Findings of Fact, Conclusions of Law, and Order for Case No. CR2022-0005, in the matter of a request by Tanner Verhoeks of Haven Idaho for a conditional rezone. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, Interim DSD Director Jay Gibbons, Deputy PA Zach Wesley, DSD Principal Planner Michelle Barron, DSD Planning Supervisor Carl Anderson, and Deputy Clerk Monica Reeves. Principal Planner Barron said the Board first heard the application on February 8, 2024 and again on September 17, 2024 where the applicant brought forth more definitive information. Ultimately, the Board denied the request. She worked with Legal and added more detail to the FCO's. Commissioner Van Beek said staff did a good job outlining what the applicant could have done, and in detailing why the Board was not able to find in favor of the request. Commissioner Brooks said he will not vote on the FCO's since he recused himself from the land use hearings. Commissioner Van Beek made a motion to deny Case No. CR2022-0005, a request for a conditional rezone of parcels R28963, R2891010, R2891011 and R28961 from Agriculture to CR-R-1 (single-family residential) zone. Commissioner Holton said the FCO's state what he wanted to see and then he seconded the motion. The motion carried unanimously. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to adjourn at 3:14 p.m. An audio recording is on file in the Commissioners' Office.

DECEMBER 2024 TERM  
CALDWELL, IDAHO    DECEMBER 23, 2024

DECEMBER 2024 TERM  
CALDWELL, IDAHO DECEMBER 27, 2024

There were no meetings held this day.

DECEMBER 2024 TERM  
CALDWELL, IDAHO DECEMBER 30, 2024

There were no meetings held this day.

DECEMBER 2024 TERM  
CALDWELL, IDAHO DECEMBER 31, 2024

There were no meetings held this day.

*There were no Board of Equalization matters that came before the Board this month.*

THE MINUTES OF THE FISCAL TERM OF DECEMBER 2024 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 \_\_\_\_\_, 2024.

CANYON COUNTY BOARD OF COMMISSIONERS

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

\_\_\_\_\_  
Commissioner Brad Holton

\_\_\_\_\_  
Commissioner Zach Brooks

ATTEST: RICK HOGABOAM, CLERK

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