

## Commissioners Minutes

March 20, 2024 – 6:00 p.m. to 7:13 p.m.

### COMMUNITY INPUT MEETING

Commissioners Brad Holton, Zach Brooks and Leslie Van Beek

Clerk Rick Hogaboam, COO Greg Rast, Communications Specialist Chad Thompson, Ambulance District Director Michael Stowell, DSD Director Sabrina Minshall, Assistant DSD Director Jay Gibbons, Keri Smith, Linda Steele, Wayne Rundall, John Hoadley, George Crookham, Connie Lou Aebischer, David Delihant, Steve Burton, Claudia Haynes, Anne Delgado, Linda Watts, Jacqui True, Theresa Denham, Chris Jagers, Erin Banks Rusby from the Idaho Press, Amy Weidner, Kim Yanecko, Ron Amarel, Pam Wagoner, Larry Olmsted, Hubert Osborne, Debi Yeager, Michelle Navarro, Loni Parry, Robin Carr, Joseph Sullivan, Marty Denham, Angela Kehrer, Gerri Smith, Marty Denham, Cheryl Palange, Steve Palange, Sherry Jetton, Josh Jetton, Shae Reberry, Beth Carico, and other interested citizens

Deputy Clerk Monica Reeves



### COMMUNITY INPUT MEETING

The Board met at 6:00 p.m. for a community input meeting where the public was invited to present comments and ask questions of the Board. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Clerk Rick Hogaboam, COO Greg Rast, Communications Specialist Chad Thompson, Ambulance District Director Michael Stowell, DSD Director Sabrina Minshall, Assistant DSD Director Jay Gibbons, Keri Smith, Linda Steele, Wayne Rundall, John Hoadley, George Crookham, Connie Lou Aebischer, David Delihant, Steve Burton, Claudia Haynes, Anne Delgado, Linda Watts, Jacqui True, Theresa Denham, Chris Jagers, Erin Banks Rusby from the Idaho Press, Amy Weidner, Kim Yanecko, Ron Amarel, Pam Wagoner, Larry Olmsted, Hubert Osborne, Debi Yeager, Michelle Navarro, Loni Parry, Robin Carr, Joseph Sullivan, Marty Denham, Angela Kehrer, Gerri Smith, Marty Denham, Cheryl Palange, Steve Palange, Sherry Jetton, Josh Jetton, Shae Reberry, Beth Carico, other interested citizens, and Deputy Clerk Monica Reeves. The following people offered comments:

**Keri Smith**, the owner of Treasure Valley Planning Idaho, spoke about the ordinance the Board has been working on much of which is related to Idaho Code, Section 67-6534 regarding the adoption of hearing procedures. The governing board shall, by ordinance or resolution, adopt procedures for the conduct of public hearings. Public hearings are the opportunity for the public to be heard and so this is one of those statements where you shall have these procedures specifically related to the conduct at the hearing. At a minimum such hearing procedures shall provide an opportunity for all affected persons to present and rebut evidence, and it's very easy as a decisionmaker to allow the public an opportunity to provide evidence at a hearing. Developers have a year plus to

put together their application packets, but the community has a very limited amount of time and oftentimes they are confused by the process. She said If the Board gets overwhelmed with information during the hearing they can continue it to a later date and allow time for staff to evaluate the information provided. It allows for due process and for the public to have a voice and to provide evidence in which the Board makes decisions on.

**Wayne Rundall** lives in the Sunnyslope area and spoke about the amendments to the public hearing procedures. He appreciates the Board's frustration at encountering testimony at the last moment but said the change to limit public evidence to 20 days prior to the hearing has several unintended consequences. Many people do not have the ability to continuously monitor the County's website in order to find hearings that may have an impact on them or their neighborhoods, and notifications placed in the newspaper will inform only a small number of residents and it's not geographically targeted. Public records request often take longer than one week when it involves the Sheriff's Office or other agencies such as the Idaho Dept. of Water Resources, Southwest District Health, and Canyon Highway District and while the intent is to post road signs and submit hearing notices to the newspaper within five days of the hearing being scheduled he thinks the law allows for road signage to be posted as little as 7 days prior to a hearing and it allows for newspaper notification to be placed 15 days prior. County residents are generally informed of potential impactful hearings through word of mouth further delaying their ability to accumulate and submit evidence for or against. He said the County has made strides enabling residents to review application details through the websites, however, they have to navigate a complicated process with little direction or guidance. He recommends the following:

- The County should use the PulsePoint app to notify residents of upcoming hearings.
- The deadline of 20 days prior to an administrative hearing is required, but maybe we could change the 41-day process to a 61-day process and give those 20 days back to the residents to collect their information.
- Allow for brief exhibits that are specific to providing evidence related to hearing criteria such as photographs or PowerPoint presentations within 3 days of the hearing and at the hearing you can identify whether it's applicable or appropriate to accept.
- Ensure all policies, procedures, and ordinances reflect that the notices, road signage, and newspaper submissions are performed within the 5 days of the hearing being scheduled.

**John Hoadley**, who lives west of Caldwell, spoke about the cause and effects of how the seed industry looks at land use applications and said all aspects of the negative effects should be considered. He appreciates wanting to streamline the process but said the proposed ordinance amendments discussed this morning are concerning as it pertains to what evidence is disregarded.

**George Crookham** owns several properties throughout the County, and he would like the Board to be more respectful of their constituents and the democratic process, but this is not what was witnessed at the ordinance meeting this morning nor in previous hearings. He said pontificating that constituents are people being misled and misinformed by entities is disrespectful of their will, their intelligence, and their right to voice their opinion in any manner even if it's in a form letter

format. Stating that the Board will not be swayed by a unified group with common concerns regardless of the number of comments received is undemocratic and it's as if the Board is functioning in the vacuum of confirmation bias by only listening to what meets its biases and perspective. Confirmation bias is a debilitating mindset, it does not serve the constituents and it destroys public trust. Mr. Crookham asked the Board to hold more public hearings and meetings which will help build trust and transparency. He questioned why so few meetings occur on Mondays and Fridays.

**Connie Lou Aebischer** lives west of Caldwell and said her background in helping write policies for nonprofit humanitarian organizations across the globe she recognizes the need to weigh words carefully. Although people may have the best intentions and integrity, there will be another DSD Director and there will be new Commissioners and not all of them will have the same level of integrity that those in the room possess. She personally witnessed 5 different directors in her 9 years with the Development Services Department and she witnessed a wide variety of integrity and lack thereof in the directors during her time in the department. We must not create a situation where someone can be swayed to abuse their power following the ordinances and policies that are being created right now in regards to the ordinance changes posted on the website. For instance, the language in 01-17-19(1) has the potential to become a weapon used to sway a hearing to one side and to abuse the power given to the elected officials. We must look at the words we choose very carefully and not set up someone to have the opportunity to abuse that power of the office with the ordinance. She appreciates the Board taking public input because we all come from a variety of different backgrounds and we see things from different perspectives, and working together we can make a positive change for the betterment of Canyon County. The language proposed in 01-17-19(1) as it reads greatly limits freedom of speech as it gives total control of what is said and by whom to the Commissioners as they deem necessary. What is the criteria for choosing to limit testimony? How will criteria be applied to both the applicant and to the opposition so that it is equitable and not perceived as bias?

**David Delihant** lives in Wilder and is new to the area and is still learning how the processes and system operate. He asked Commissioner Holton if he intends to run for the office of Mayor of Greenleaf again? Commissioner Brooks said any questions that are asked tonight will be answered and posted on the 2C Communications page of the website, and the Board will send an email to everyone who provided their email address tonight and let them know the answers have been posted that way we won't get into a back-and-forth dialogue tonight.

**Steve Burton** lives in the northeast corner of Canyon County, and he is glad to hear there will be answers to the questions that have been asked. He referenced the email he sent to the Board which contained several questions, and he thanked the Board and the Clerk's Office for posting the adopted budget. He asked if there will be public notification for this year's budget? Will the meeting dates be posted, and can citizens get advance notice to attend the meetings? He wants to make sure the August budget meeting will be a public hearing and that constituents will have time to provide input. He said there is a big increase in the budget for ARPA funds and said people

have different opinions on whether we should be using COVID funds, and he asked why we are “diving” into those federal funds now? He would like the details on the \$26 million Sheriff’s administration building project. He would also like information on the need for and the duties of a risk and safety manager. Mr. Burton is concerned about the fund balance, the reserve. A couple years ago the Board elected to use some of that reserve and decrease the request for funding and it made the constituents happy because there was an abundance in reserve, and it was dropped to 45%. Where are we going with the new proposed budget, what percentage are we going to be? He is comfortable with 30%-35%, but with this new request are we going up to 70%-75%? He is not sure the constituents are going to understand how we are going to go to a 30% increase in the next fiscal year. Mr. Burton suggests the Board drop the 2024 request down to \$43.5 million and that would keep us at the same percentage we currently have but it would still increase the funds. What will happen with the reserve when you do that?

**Claudia Haynes** lives in the southern portion of the County and her comments were about the hearing procedures. She said many times the Chairman asks the applicant if they have a representative who will speak on their behalf, but he does not ask if the opposition has a group representative. Sometimes there are multiple groups at a land use hearing so she would like the Chairman to ask if there is a representative for the opposition and to consider allotting time to more than one representative when they can prove they are representing a group of people. There are laws that are in place before the new hearing procedures ordinance will take effect and she wants to know if the Board is going to follow the existing laws that pertain to submitting evidence if it is just 1-2 pages? At a recent land use hearing she tried to submit a one-page document from a state agency after the submission deadline had passed and she was confused as to when she could submit it and was surprised at the way she was treated when trying to submit the document.

**Anne Delgado** lives in the Sunnyslope area, and she thanked the Commissioners for their time and service. She is concerned about the outdated public notification distance beyond 300-600 feet of impact because it limits residents beyond that distance for public hearing notifications of new developments. If they are new to the area people will not know what impact has been made until the development has been built or an approval process is in place. A good example of this was during the amphitheater proposal where there was limitation in how people in the rural areas were notified. She spoke about safety issues with the property posting signs where it’s difficult for people to stop and get a flyer due to the underdeveloped two-lane roads with increased heavy traffic. She likes the plans to improve the County’s website but said it’s time to include the ability to push out information via an automated process for text notifications, emails, and postcards to better serve all Canyon County residents by improving communication about hearings and the ongoing changes. Links could be included in texts or emails to make it easy for the public to navigate back to the landing page for hearings information, therefore allowing more two-way communication. It could also be included as part of the 41-day process and the day 1 through day 5 that’s in the public hearing application process. Canyon County could improve its transparency with communication to its citizens to continue to build trust with the public and use technology as

a tool so the public can be informed about required timelines so they can be prepared for the hearings.

**Theresa Denham** lives in Middleton and is concerned about the way in which the impact areas and the agricultural areas have been handled. She doesn't think people recognize the economic value and stability agriculture brings to the region. In October of 2021 she became aware the County was working on a comprehensive plan for 2030 and she spoke to a Commissioner and some planners about the need for more time and input. The County heard from thousands of people, 86% of them want agriculture and they want an agricultural lifestyle. There was a lot of input from the Farm Trust, citizens, and other stakeholders and the 2030 comprehensive plan was finally ratified in October of 2021. She is looking at policies that are being put in place either through legislative policies at the direction of the some of the members here, and she wants to know how the implementation is coming along and if we are moving forward towards the 2030 plan as it was ratified. Because of the problems she has seen over the past 6 months with the County's hearing processes and failure to recognize the plan, she wrote RS 31130 which was a plan that would allow impact area residents to have more control as far as voting. They could vote for the city councils that are controlling within the area of impact and this plan went through the attorney general and it was proven that it was constitutional. One of the Commissioners wrote a request to Senator Lakey's office stating the RS was unconstitutional and was bad for the people without speaking to Ms. Denham or others despite invitations to do so and she finds that unacceptable.

**Chris Jagers** lives northeast of Middleton and is concerned with the timeline and process for filing land use applications in the Development Services Department. According to DSD, there are 144 active public hearing cases, and his is one of them. He submitted a completed application at the beginning of the public hearing process implemented by DSD and they worked through the concerns staff had and began the process to modify the request to something that was agreeable to staff and his case has sat for nearly one year. His representative was informed that it's likely his application will continue to sit unreviewed for another 4-5 months. It is his understanding that DSD is processing conditional use permit applications with priority over small applications like his rezone request where he has one parcel but would like to have two.

**Amy Weidner** lives south of Lake Lowell, an area she said Commissioner Holton has referred to as the "pit of no recharge" where there are water problems, and an area where Commissioner Brooks did not choose to buy a home because of the water problems. She heard a disturbing quote by Commissioner Van Beek who said, "If you can't read it into the record then it doesn't belong in the record." Ms. Weidner said sometimes during hearings, you have newly acquired information from different agencies that may require a map or a graph that a layperson cannot explain or interpret in words in 3 minutes. Not everyone has the ability to speak at public meetings and not everyone understands the processes. They are citizens and they matter and everything they do matters, and their resident voices should hold more weight than developers. Not everyone is able to attend hearings in the afternoons, so she cautioned the Board not to reduce the ability for people to submit information. She agrees with the comments made by Theresa Denham regarding the 2030

comprehensive plan and the preservation of agriculture. She believes the area is being destroyed by development, and is concerned about the response times of law enforcement in the area due to the Sheriff's Office being severely understaffed.

**Kim Yanecko** lives south of Lake Lowell and she wanted to discuss the property postings that have not yet been considered under the new ordinance. The public hearing application process does not state when the site posting will occur so the residents are not able to plan ahead to know when to let people watch the posting. There is an assumption that people will see the sign immediately and/or will drive by the property, but in rural areas people try to get to better roadways that connect to major highways so they are not going inland and are missing the property postings. People may not understand the timeline to present evidence or provide written testimony because they do not understand the convoluted process. If they need to get information it can take 3-10 days to fulfill a response to a public records request and once received it takes time to review and potentially prepare response. Ms. Yanecko represents a group of 120+ people called The Posse and they knew a hearing was coming so they put 200 flyers in mailboxes in the area and held the meeting with 50 people in attendance and most were not aware of the posting until she talked about it at the meeting because they do not travel that area. Mailed notifications should go beyond 600 feet and when there is spot zoning that's occurring and the County needs to consider everybody in the HOAs. Not everyone can attend hearings in-person and not everyone is comfortable giving oral testimony. At this morning's meeting one of the Commissioners commented about not liking form letters but she said people are not informed on the process and so why should they have to reinvent the wheel? In her case, people asked her to put together some information and if they agree with it they will either add to it or they will sign it. People agreed with the information she presented and they presented it to the Board. She asked the Board not to discredit that because she took the time to do the investigation and provided the information to the public so they could be informed. The public is here as advocates, not as adversaries.

**Ron Amarel** with R & L Consulting is in the vegetable seed business and he supports agriculture. After this morning's meeting on the proposed ordinance, a Commissioner talked about the duplication of emails. If his neighbor has a concern and he agrees with their concern there is no reason for him to reinvent the wheel, he would forward it on. You can have one letter or many, and he hopes many means more to the Board. He recognizes there can be misunderstandings but he wants the comment from this morning addressed. Mr. Amarel asked if the Board is thinking about the open meeting law strategy, and he said there could be better communication from the Board. Additionally, the Board should utilize the 5 days a week for meetings, instead of 3 days week. He said the rules for providing information to the Board need to be very clear.

**Pam Wagoner** lives in north Caldwell and she serves on the board of the Middleton School District and her comments were about property taxes. Last year in the spirit of property tax relief our legislative body created a tax relief program and that was to help school districts as well, and school districts are limited in how they can receive their funds. She appreciates the efforts to be

transparent but questioned why taxpayers were given a 30% increase on their tax bill when nobody was going to notice because they got property tax relief from the state? She encouraged the Board to consider the property taxpayers of Canyon County this next year. She agrees with Steve Burton's comments about the budget, maybe not \$16 million dollars' worth. She said there has been some concern about the Prosecuting Attorney and said according to Idaho Code, Section 31-2607, he would be considered the advisor of the County Commissioners and it has come to her attention that the Board is choosing to use outside legal counsel which costs taxpayers more money. She invited the Board to use the elected official that the taxpayers chose. Commissioner Van Beek said the rules of this evening's meeting asked people not to discuss elected officials. Mrs. Wagoner said she wants the Board to use tax dollars used more wisely.

**Larry Olmsted** lives in south Nampa and he said the Board has a really difficult job and appreciates that they have made themselves available. He is aware of some of the things the Board has worked on such as the compensation system, staffing, and doing a deep dive on the budget and he thanked them for doing a professional job. He wants the Board to work on impact fees. For five years the Board has said they working on impact fees, but we are further away then we have ever been and it's a mess. He has heard that in the last five years we have lost \$12 million because we haven't had impact fees, and he's heard we are losing \$3 million this year. Taxpayers are having to pay for the people who are coming in when they are the ones who should be paying impact fees. Impact fees help development pay for itself.

**Hubert Osborne** lives in Nampa and he sits on the City of Nampa's impact fee committee and he said there has been a discrepancy in the way fees have been collected. The people outside the city limits are paying a lesser amount than people inside the city limits and this is not what any of us asked for and it was not what was passed by the Nampa City Council. There has been a buck passing. The fire district impact fee for Nampa residents who live in the adopted fire district is \$1,631, up from \$1,567 as of July 1, 2023. This does not cover industrial but similar rate raises apply and that was from \$560, which is what the fire districts outside city limits are paying. This is unfair and he requests an immediate amendment to county code to allow what has been passed by the Nampa Impact Fee Committee and the Nampa City Council and what they thought was being assessed. He said a DSD employee told him until there is an ordinance update requested or applied for the fees are as shown in the County ordinance, which is 3-4 years old. It would be simple to amend the ordinance.

**Loni Parry** lives in Caldwell and he believes the Board has done a great job. He pushed very hard to get a new jail built, and he pushed for the protection of agricultural areas, and he has pushed for public transit. He is very concerned that we keep pushing forward because these are things we need badly. Additionally, he supports impact fees.

**Robin Carr** lives in Middleton and her comments addressed the need for an animal shelter that includes all the companion animals and not just dogs. A private nonprofit can only do some much and they are just taking the dogs, but we need a shelter for dogs and cats. Currently people have nowhere to take a cat.

**Gerri Smith** lives in Sunnyslope and she has been following the plan to update/streamline the hearing process and she would think state law allowing testimony and evidence in whatever form would be something the Board would support rather than limit. Why make it more difficult for constituents to participate? At this morning's meeting a Commissioner said they do not want a surprise on a USB flash drive, but Ms. Smith said she doubts people come to hearings not wanting to give pertinent information. She spoke of the challenges citizens face in trying to get information about land use hearings and said the County's notification system is flawed with mailed notifications not providing enough notice for people to gather information. She is concerned that DSD closes on certain days and citizens have to make appointments to see staff. She thanked DSD staff because they tried to help the citizens. She is disappointed in two of the three Commissioners who she believes have chastised and criticized her for having sat through meetings. How else are citizens supposed to know what the Board is doing if they don't attend meetings? Senior citizens do not use the internet because it's not easy for them and it's discrimination if the only source of information is a website. The 20-day timeline is not enough time for citizens to gather and present information. Her prayer is the Board will work with the 2030 comprehensive plan and protect these places so that constituents don't have to come to public hearings all the time.

**Marty Denham** said he finds that people are running from something or running to something, but in the case of Canyon County what he finds is people are running from "megalopolises" that are crime-ridden, crowded, and overtaxed and they are coming here to the beauty and wonder of this County. He said 86% of the County loves the rural areas and they want it to stay as-is and he agrees with comments made tonight about preserving the comprehensive plan. We are in danger of losing what we have, it's special and it is important and it is why so many came people here and it's his opinion there are certain city managers with their own agendas and they "cook up" developer agreements that the public cannot see. They'll spend 2 years on something but the citizens only get 2 weeks' notice to submit testimony and that is not fair. It leads to enclaves and hostile annexation and spot zoning and the next thing you know, especially with Senator Lakey's recent bill, developers drive away with a profit from building houses and the residents get stuck with bond measures and increased taxes. With the "cooked up" developer agreements they bypass state code, Title 67-6805, the procurement by cities for public works, but he has witnessed developer agreements cooking up traffic lights, roads, thoroughfares, lift stations, etc., in quid pro quo status in violation of Title 67 and those things skate through the planning and zoning commissions and city councils, but he hopes they do not escape the Board's attention because that's not following the law. He said property rights is a cult religion, you cannot do whatever you want, and the Board can say no and he's asking them to do that and to honor the comprehensive plan. Mr. Denham believes hearing notices are wholly and completely inadequate and the notification area should be expanded beyond 600 feet and include the whole community because it affects roads, sewer, and schools.

**Cheryl Palange** offered comments about the challenges with the notification process and the need to expand the notification area beyond 600 feet. She lives across the street from a proposed development but did not receive a hearing notice by mail. She asked for one and received it 8



days before the hearing. Newspaper subscriptions have declined from 60 million in the 2000s to 20 million, no one reads the newspaper anymore. Hopefully the County's communications specialist can help find a way to communicate in a way where people access the information versus having to pull the information because she doesn't have time to monitor websites. Regarding the road signs, the one near her house is in a 55 mph zone on a two-lane road and she doesn't feel safe stopping to pick up a flyer. The County should do something electronic that's consistent with 2024 and not 1940. It should be fair and balanced - giving both sides a chance to speak both sides a chance to speak. She witnessed at recent hearings at the P&Z Commission that the applicant had support from staff and it was like they were being cheered on and their presentations were being displayed on the monitors, but none of that was applicable to the anyone in the opposition and they could not get any visual support, they had to do it themselves as regular citizens. She would have liked the ability to send a PowerPoint and have the same courtesy extended to her.

**Sherry Jetton** lives in Wilder and she said changing the deadline for people to submit comments will impact the community. When Pickett Auction went in the sign was posted after the letters were supposed to be submitted and the only way you could be heard was in person, which interferes with most people's work schedules. She asked the Board to consider this before making it harder for the community by changing the ordinance.

**Shae Reberry** is a resident of Ada County and was asked to speak tonight in the absence of two Canyon County residents regarding the future of animals in Canyon County. She is in rescue and is an administrator of multiple Facebook groups involving getting animals home in a timely fashion if an owner isn't found quickly. She is a fourth generation Idahoan and has been involved in animal rescues for 10 years and she agrees with the comments offered by Robin Carr. We need a new shelter that functions like a shelter and not a rescue. She has worked with many people at West Valley Humane Society and unfortunately, it's not working. Animals are being stolen and rehomed pretty quickly after being found and that's because people do not have faith in the shelter in Canyon County. Her weekends are busy on Facebook trying to impede dogs disappearing because Nampa, Caldwell, and Canyon County animal control aren't on. Occasionally, somebody is on call but there is nowhere for the animals to go on the weekends because the shelter is closed on Sunday and are only open part of the day on Saturday. The system with the current shelter has been broken since COVID started and they closed their doors to the public so it's very difficult to get animals in there. Cats are seemingly not welcome unless you are an owner surrendering your cat. Birds, chickens, pigs, and reptiles are found in Canyon County and they all need a place to go. Ms. Reberry works closely with some rescues and said they are inundated with animals they cannot take; people expect rescues to hold the strays and they can't do it so we need a new shelter.

Following the comments, Commissioner Van Beek thanked everyone for being here and she spoke about how the community should be able to touch local government. No Board action was required or taken. Responses to tonight's questions will be posted on the County's website. The meeting concluded at 7:13 p.m. An audio recording is on file in the Commissioners' Office.