

Commissioners Minutes

September 26, 2024 – 10:48 a.m. to 11:40 a.m.

**DSD GENERAL BUSINESS**

Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek

DSD Director Sabrina Minshall

DSD Assistant Director Jay Gibbons

DSD Planning Supervisor Carl Anderson

DSD Office Manager Jennifer Almeida

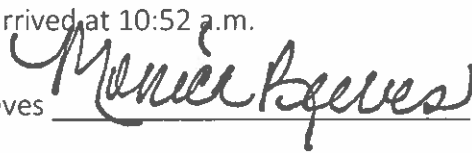
DSD employees

Constituent Services Director Aaron Williams

COO Greg Rast

Deputy PA Zach Wesley arrived at 10:52 a.m.

Deputy Clerk Monica Reeves

A handwritten signature in black ink, reading "Monica Reeves", is written over the printed name of the Deputy Clerk.

DSD GENERAL BUSINESS

The Board met today at 10:48 a.m. to discuss DSD general business. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Assistant Director Jay Gibbons, DSD Planning Supervisor Carl Anderson, DSD Office Manager Jennifer Almeida, DSD employees, Constituent Services Director Aaron Williams, COO Greg Rast, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 10:52 a.m. Director Minshall said over the last couple weeks they have discussed agriculture and rural living and what it looks like as well as coming back to the other state ordinances. However, they are trying to get to the scope of what the comprehensive plan is and where we are going to focus and what ordinances we are going to update. One of the pivot points is how does the County want to proceed, and a couple of key questions related to the area of city impact (AOI). There has been great feedback from the two big cities and there was strong recognition from those conversations that we have dueling comprehensive plan visions. We want better predictability of what land use patterns look like and how we are looking at growing in impact areas. There are examples of past decisions where rural residential was approved in an area that a city was not far from serving in a couple years and that decision ended up blocking areas of annexation or blocking plans where the city was extending sewer and water lines.

Questions from DSD staff:

1. At what level do we want to engage in the cities' negotiation of those areas of impact, and what kind of level of evidence and true negotiation discussions do we want to have in terms of how to determine if the cities can have the ability to serve within 5 years?

2. Is the Board supportive of staff exploring more of how to utilize the cities' comprehensive plan designations, city ordinances, and how to incorporate that into our area of impact agreements?

Assistant DSD Director Jay Gibbons referenced impact area maps that have been submitted and reviewed in previous DSD meetings. The AOCI boundary is a transition zone and we need a better definition because from a city/county perspective we look at agriculture in a different way and subdivisions mean a different thing because of the density differences. Are we working with the city to achieve their goals or are we going to hold out for a lengthy transition period instead of working with the cities? Planners need to know what the Board's direction is. He referenced another map that shows the current comp plan vs. the older comp plan that illustrates what is currently shown and previously shown as agriculture as well as the areas outside the city limits that were commercial, industrial, residential. We need to figure out what the County's vision is going forward on how to provide leadership and consistency with the landowners in those areas. What vision are we implementing? We need to work with the smaller cities are just as much as the larger cities. How much time do we spend with them and what do we bring back to the Board with regard to implementation plans?

Commissioner Van Beek said it's a hard conversation because there are people who don't want to live in high-density urban areas, but some city leaders have said the County should not be approving any subdivisions at all, although she is not sure that is the right answer. How do we tackle setting a vision for the County? Commissioner Holton said the joint powers agreement between the County and the cities hasn't been explored as well as it could have been, and this will force the County to consider the new options that the lion's share of the communities haven't taken advantage of. He believes the legislation has placed the County in a paradigm that is illogical. A 5-year window for Caldwell and Nampa is far more attainable than a 5-year goal for the rest of the small cities. HB389 is ravaging our budget but that doesn't mean we shouldn't have long-range planning; there is more to long-range planning than a 5-year window of providing utilities. The people who want to buy open space lots are not interested in living in the city limits and yet how do you do that without having separate land use ordinances you can agree to with the cities in the area of impact? He said at a recent IAC conference, the presenter was trashing Canyon County and how it's handled development, but the presenter was way off base because the majority of the development he is so angry about is within municipalities. There are things you can do to mitigate that such as transfer of development rights or setting aside land that is going to be dedicated for agricultural use only, but people want top dollar for their land. His preference would be to go to a two-mile city buffer rather than one mile because the small cities with expensive utilities need to do long-term planning and those developers who want the rural feel but want to be close to the city need to participate in bringing utilities to those developments. We owe it to the citizens to make land development as plannable as possible.

Commissioner Van Beek said we are 50 years behind in looking at TDR's and if you look at the one-mile and the two-mile city buffer and the difference between the 2030 comp plan and the older

comp plan, the parcel identification on the buffer is really telling, for instance, when you look at divisions of parcels in the Melba area it's wide open ag, and it's curious to her that on the Gem County line you go from conservation open space to agriculture where it's poor ground. We might be overlooking the needs of the little cities in their long-range development and so in the planning effort we could say there have to be rural development allowances for the easements but even with that there are subdivisions that have come before the Board where easements have been planned for and built right over the top of. Director Minshall said if there is an assumption that AOCI boundaries are negotiated and make sense what does that mean for a property owner to be in an area of impact in terms of land use vision if we assume that there is an ability to serve within a reasonable 5 to 10-year period? Commissioner Van Beek wants to see an agreement on architectural overlays and designs for communities. How does the County assist? She doesn't want to give up ground if it's going to turn into something that is undesirable. We're talking about an economic commodity and if you want it you should buy it. We need standards in the city and the County that say if we repurpose this because we believe the highest and best use is this, then we have a standard of development that perpetuates good things into the future and right now that is missing in some cities.

As to staff's question about what level does staff engage with the cities in negotiating and requiring evidence of meeting the criteria for the new areas of impact boundaries, Commissioner Holton said Parma, Notus, Greenleaf, Wilder and Melba do not have staff that handles this topic, but Star, Caldwell and Nampa have fulltime staff so it's two different issues and it's not fair or equitable for the County to spend a great deal of time with those three cities. Middleton is in a transition and they need to figure it out, it's not for the County's to figure out. There is a divergence of priorities and goals for DSD to deal with this new criteria we must meet. As to staff's question of whether the Board is supportive of utilizing the cities' comprehensive plan designations in the AOCI, he said his answer would be no because it would be arduous for the small communities to put together and they were not put together with the Todd Lakey bill being forced upon them and so there was no vision or consideration of that when those plans were put together. It would only be fair for those cities to reconsider their comprehensive plan and update that inconsideration of the new reality we're going to find ourselves in. Nampa and Caldwell have plenty of resources to figure out what they are going to do. There is no economic consideration in comparison to Nampa and Caldwell because the other communities do not stand a chance because they don't have state-driven consideration. Small communities aren't even at the table and the County needs to consider that because we are the only ones with the resources to help them. To have County rules right up against a city limit is not reality and it's convoluted. Over time there are islands of higher density and lower density and they are inconsistent moving further way from city limits. He looks forward to addressing the shortcomings that could be mitigated through the process. Commissioner Van Beek agrees with Commissioner Holton's position on staff's questions, and she wants to look at the joint powers agreements. If there is not an agreed upon standard and we still have the trump card for what happens in an area of impact she wants to be able to say here is the

reason we are setting a standard, we'll help you get there if you're smaller community. (She left the meeting at 11:29 a.m. to attend a luncheon event.)

Commissioner Brooks questioned where the idea came from where the County sits and waits for the cities to grow and take over County ground? Director Minshall said in the law if you are in an AOCI, it is planned to be city. If you have an AOCI that says it's going to be city but yet can't get it to be city then the reverse is you have people wanting to apply and go through a process when it will stay County rural. Commissioner Brooks said the Board hears from city leaders where they want to move out, but others are mad that the County allowed ground to be annexed into the city and developed at densities that are akin to city developments. The law appears to blanket cover all cities, but there are disparities between the cities in Canyon County. The new comp plan comes across as a hammer to keep the cities where they are at which is unrealistic, but at the same time he doesn't see himself in a position where he has to kiss the ring of a city that wants to do whatever it wants. As to staff's second question, he said there needs to be negotiation. Commissioner Holton said the County has no authority on any municipality annexing ground. If a municipality wants to annex, it's nice to coordinate and have it within an area of impact but it doesn't have to be. Nampa is considering the area north of Lake Lowell as part of their impact area and he appreciates them talking the County about that, but over 90% of the ground in that area has long ago been purchased by developers at a much higher price than farm ground. It's his opinion that when the pre-existing landowner, who was using the ground for ag purposes, chose to sell at development prices that started the ball rolling for the ground to become higher density. The AOCI is greatly misunderstood and there is a disconnect between the use and who is paying for public infrastructure. If you want to play ball in the impact area you are going to be considering a pre-annexation agreement on the ground.

For next week's meeting, Director Minshall will summarize the discussion and give some examples of how that will work and where we engage. The meeting concluded at 11:40 a.m. An audio recording is on file in the Commissioners' Office.