

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES
WEDNESDAY, FEBRUARY 23, 2022**

Meeting called to order at 9:00. Those present are Commissioner Clark, Commissioner Young, Chairman Hancock, Deputy Prosecutor Chase Hendricks, Emergency Management Rebecca Squires, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Commissioner Young. Prayer offered by Chairman Hancock.

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ROBERTS MOSQUITO – STEPHEN HOADLEY – ELNORA LANG

• **YEARLY BUDGET REVIEW**

[9:03:03 AM](#) Stephen said he understood they need to share their budget. Read the code carefully last night. Provides their budget and a summary of what they have been doing. **(Exhibit A)** Commissioner Clark said as they look through this it looks pretty good. Commissioner Young asked if they are doing another building. Stephen said they already built a building shows them a picture. This year they are looking at a pickup and potential sprayer. Commissioner Clark asked how much money they get off of what they levy. Chairman Hancock said it shows \$53,300. Have they lowered their levy? Stephen said they have not. They are having increased chemical costs. Elnora said the larvicide should be coming she placed her order last week. Stephen said they did bump up the budget to account for the additional cost for the chemicals. Elnora said they have not given her any idea on the costs yet.

[9:06:55 AM](#) Chairman Hancock asked how they are running in the area. Elnora said there are only a few people that do not wish for them to come onto their property. Try and treat everyone equally. Going to spray as much as they can. There are a lot of things they deal with. As far as the pivots going in they are getting a lot more of those and that helps the sub issue. Have some along the freeway. The employee that spreads the larvicide is hoping they will still have a job. Chairman Hancock asked on employees. Elnora said they have two employees one that runs the ATV and one that runs the truck spraying. Stephen said they have not talked about wages yet this year. Might be something they need to increase so they are able to retain the people they have. Chairman Hancock said once they are trained they want to retain them. Appreciates them coming in. Stephen asked if there is a specific format on the budget. Colleen said they can bring in what they publish. Commissioner Clark asked on the maintenance and operation if they could break that down more just for their information.

MAINTENANCE – TRAVIS THOMPSON

• **PART-TIME CUSTODIAL POSITION – (ACTION ITEM)**

[9:11:47 AM](#) Travis is here looking to get a part-time custodial person has spoken to Rebecca about this. Colleen said they have \$12,854 budgeted. Chairman Hancock wanted him to tell them how things were going as far as getting comp time and overtime. Travis said he is getting quite a bit with the carpet and painting and other issues. They are all getting quite a bit of comp time and there are still things that need to be done. If they have another part-time position it would alleviate some of the issues. Commissioner Young asked an hourly wage. Travis is looking at a grade three which starts at \$14.92 to \$15.89 depending on steps. Chairman Hancock asked what he is envisioning for this person. Travis said they would come in the evenings to help clean the courthouse and annex. Maybe three days a week. Also someone that is available to help out if they need to take time off. Commissioner Clark asked if they would have a regular schedule. Travis said yes they will set specific dates.

[9:15:28 AM](#) Commissioner Clark asked if the one full-time cleaner is not enough. Travis said that this is a lot to take on for one person. Works split shift from 3:00 a.m. to 7:00 a.m. and then comes back at 1:00 p.m. to 6:00 p.m. There are certain areas that cannot be cleaned until after hours. Chairman Hancock said luckily they have not had much snow this year. Commissioner Young said it looks like probably fourteen to fifteen hours a week. Commissioner Clark would still like to see where their time is going. Realizes it would be good to have the part-time position for those times they need coverage. Need to see where the priorities are and if cleaning takes another person. Chairman Hancock said maybe the last two to three months on hours and when they have to come in after hours. Commissioner Clark would like to see some additional information.

[9:18:46 AM](#) Chairman Hancock asked on the painting. Travis got the PO done and they were going to talk this over with the painters to work this out to come in during the night and weekends. Still working out the date and time.

PUBLIC WORKS – DAVE WALRATH

• **UPDATE**

[9:19:59 AM](#) Dave said they had a kick off meeting with Great West and toured the Fremont County transfer station and Bonneville transfer station. Both of the Fremont facilities have recycle buildings which they probably do not need. Chairman Hancock said they will have to watch this. Dave said cardboard has come back but they do not need a building for just that. Added Bonneville County to this tour. It was good to meet with them and talk about some of the benefits and drawbacks to the facility. Followed this up with a Team Meeting and during that they thought about a maintenance shop that both Road & Bridge and Solid Waste could use. It is a fair distance from their shop on 4000 E but they drive past this to go to the Crystal Pit. Right now they are in data gathering mode. Did get the drone flight to them so they have the layout of the property.

[9:23:25 AM](#) Dave said they are looking at a public hearing sometime in June for this facility. Conducted interviews for the office position. Have seven good candidates. Their mechanic is still out. Will be interviewing within the crew to take over the supervisor position that will be open in March. Other than that are hauling materials to different locations. Next week may be able to scrape off some snow if it warms up.

[9:26:50 AM](#) Dave said maybe on the part-time cleaning staff really need to look at having someone clean their office. This time of year and during the spring it makes a mess over there. Chairman Hancock said maybe they could use this part-time person. Dave said that would help them out a lot. Will not be here next week. Jerry will be here instead with some leave donation. Heading out to the landfill after this. Chairman Hancock said they had wind chills of over thirty below.

ASSESSOR – JESSICA ROACH

• CONTRACT FIELD APPRAISER – (ACTION ITEM)

[9:29:22 AM](#) Jessica has a contract for field appraiser work. Have the changes that were suggested. The only change Mark had was to enter in our terms and conditions. Basically has lost three positions in her office. Facing the deadline to be finished with the appraisals for the year. This is an agreement to hire a consultant to do the field work on roughly 780 parcels before April. Out of that 321 of these are splits with new subdivisions going in. Certified appraisals will be entering the data this contract would just be for the field work of going out and taking the pictures.

[9:31:57 AM](#) Commissioner Clark said they are down three staff members. Jessica said with all changes with ITD has moved one of the DMV clerks over. It takes twelve months to be trained. Yesterday they did post for a deputy assessor position that can help on both sides of the office. One of them did leave due to the wages. Will be doing a wage study this year. The plan that was submitted to the State Tax Commission indicated that our wages are lower. It is hard with what the private sector is doing. Chairman Hancock said the biggest benefit here is the security and benefits. Jessica said a lot of millennials are not looking toward retirement or benefits. With inflation of food and everything else it creates issues. Commissioner Clark asked if the ones that left went to another appraising job. Jessica said one did in another state. Costs about \$3,500 to certify an appraiser and takes twelve months. Lost four certified appraisers in the last four years. Looked into having them have to stay a period of time or paying the costs back. Chase said they did some of this in Bingham County. Chairman Hancock thought they could. Thinks the Sheriff's Office does something like that. Chase said they have to know this when they offer the job. Jessica said the last one that left was just sent to school in January. The classes are transferrable between states. Chase is curious if other counties are losing their appraisers. Jessica knows there are a lot of issues keeping employees. Rebecca said they are an at-will employee and the Sheriff's Office has to eat the costs of trainings. Would be careful having a contract with an at-will employee.

[9:37:58 AM](#) Commissioner Young said they maybe could have them pay for their training. Commissioner Clark said their expectations can always state what those are but cannot do anything if circumstances change. Jessica said the private sector and inflation just cannot compete. Commissioner Young asked if there is an amount. Jessica said it really just depends what gets done. Is listed in the contract per parcel with vacant residential at \$15 and improved residential at \$20. Commissioner Young said to not exceed \$15,000.

[9:39:52 AM](#) **Motion by Commissioner Young to approve the consulting service agreement with Greg Talamantez to not exceed \$15,000. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:40:42 AM](#) Chairman Hancock asked Jessica if the superintendent has spoken to her. Jessica said she spoke to some of the board members. Chairman Hancock had a chat with him last week discussing the appraised values. Had quite a few individuals worried the bond would raise their taxes. Pointed out to Superintendent Martin that they need to look at the bond or levy rate like a mortgage payment on a set amount. Seeing appraised values going up twenty percent or more. They want \$4.25 per \$1,000 bond. This is right now. If the value goes up twenty percent so unless they adjust this and give a guarantee to adjust this that amount the taxes go up the same percent. There is nothing that requires them to maintain that levy rate. Comment is they thought they could pay it off early. Concern is that people cannot afford to pay this off early. The taxes are already up. Told him to talk to her. Jessica said her and Kristine have both had quite a few discussions with constituents. Commissioner Young said if they do not adjust the levy rate whether this bond passes or not the taxes will still go up. That is what is bothering him on this. The bond just gets them a building. Chairman Hancock said as the base increases the total assessed value is higher. Said that someone was going to talk to her.

[9:43:42 AM](#) Jessica said property taxes are complex. There are a lot of people that think the county is over the school district and other taxing districts. Have to have some education on the process. Trying to explain they have no control over the school district. Colleen said they tell them to call the school district and the school district tells them it's the county that raised the assessed value. Chairman Hancock said he has explained that the Assessor has to do an evaluation of 90 to 110 percent of market value. This is state law. With the market values increase the assessed value increases. Unless they have an adjustment to the levy rate. If the assessed value goes up the levy should be dropping because they just need to cover the bond payment. It's just like a mortgage they need to cover this payment. If they do not change this does not think this will pass there is a lot of concern about what this will do to their taxes.

[9:45:37 AM](#) Jessica said once they finalize values with the market they would be out of compliance if they do not increase. Will be coming in once they do finalize these because they're going to see increases of more than twenty percent. Colleen said when reading the sample ballot said they will not change the levy rate. Making them think the taxes will not increase. Chairman Hancock said he has talked with the school because this is a major concern. Jessica said this is a concern for her and she is not even in that school district. As the Assessor is very concerned. Chairman Hancock used the analysis of the rental home he has if this goes up \$100,000 which is about twenty percent that will cost him an additional \$425 increase for just the school taxes. Is not against education but they need to look at this in different perspective. Need to service the debt. Jessica said values will be a discussion another day.

COMMISSIONERS

• APPROVE COMMISSIONER MEETING MINUTES – (ACTION ITEM)

[9:48:40 AM](#) **Motion by Commissioner Clark to approve commissioner meeting minutes from December 13, 2022 with noted changes. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

- **APPROVE WESTSIDE SOIL & WATER CONSERVATION DISTRICT BUDGET REQUEST – (ACTION ITEM)**

[9:49:10 AM](#) Colleen has this request has a letter of intent and tells them what this is used for. This is the same amount as years past. Chairman Hancock said the letter states they request \$2,500 for the year of 2022 starting July 1, 2021 through June 30, 2022. Such funds will be used to carry out the activities and conservations programs as outlined. State of Idaho may match the funds received not to exceed twice of the county allocation as long as the state legislation approves the funding and match.

[9:50:27 AM](#) **Motion by Commissioner Young to approve the Westside Soil & Water Conservation District budget request for \$2,500 for 2022 starting July 1, 2021 to June 30, 2022. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[9:51:59 AM](#) Recess until 10:00

Open session 10:00

PLANNING & ZONING – JEFF OTTLEY – ERIK STOUT – SAMANTHA FARR

- **PUBLIC HEARING**

[10:02:23 AM](#) Chairman Hancock said they have a public hearing. They have a sign-up sheet to testify. Have the zoning ordinance and map. Will have Jeff and Erik provide information.

[10:03:22 AM](#) Chairman Hancock said that Erik is going to provide an overview. Should highlight all of the major changes.

[10:04:07 AM](#) Erik said there was a lot of ambiguity and conflicts within the ordinance. Clarified definitions and added those that were not in there. Went to the zones themselves and updated these. Updated the minimum lot sizes for commercial and industrial zones. Went into the appeal section had legal counsel review this and the appeal section. Went into animal section wanted to focus on where animals are permitted and what zones. Concern came up with people having large animals that was not defined so they fixed that. Accessory apartments was another issue changed this to where these are allowed if the lot is two acres or larger. Then they can have the two houses on the two lots. When this first started they said no accessory apartments. Changed this after public comment was received. Accessory apartments are allowed with two acres. Will not be allowed if the subdivision was approved with a nutrient pathogen study. Got into the signs portion before these were not allowed in ag zones. The table itself added more things allowed with conditional use permits. Out in the west side of the county they had some uses that were not allowed in their ag zones. Expanded this with more uses in zones. Also added administrative permits to help with simple applications so they are not waiting months to get to the Planning & Zoning Commission. Communication towers were updated and regulated by the Feds so they removed the condition of approval to match those. On the map itself they added R1 zones in the area of impact to see the high density growth. East of Rigby and 500 N proposing to change this to R1. Brought this back to be in the current area of impact for the City of Rigby. Extended R1 west of Rigby to 3700. West of Roberts added Ag10 and Ag20 so they do not have to break out so many acres but can still grow and support their community. On the ordinance added clustering for allocating parceling which allows 19.4 acres in an Ag10 to split twice because it is within the percentage of the twenty acres they would allow this. This is trying to be consistent with the subdivision ordinance and comprehensive plan.

[10:12:05 AM](#) Chairman Hancock said they also changed in commercial zone they added accessory apartments. Erik said yes they can have a business on the bottom half that is allowed. Commissioner Young has a minor thing with the communication tower had a patron who read this and the tower portion would include the antenna and felt that be an issue. Erik said the reason they did this is after talking with Mark with American Radio Relay League (ARRL) and the federal guidelines they are allowed to regulate the height of the antenna. Concern they had if they have a thirty-five foot tower and have an antenna there concern is where this may fall down. If the property line is twenty-five feet away then it would fall on a neighbor's property. That is why they have this is defined that they have to apply for a conditional use permit. The aesthetic portion of this. Commissioner Young gets the point but some antennas are fairly high. When applying for the application thinks this should be separate if they apply for a thirty-five foot tower. The restriction should be from the property line. Erik said that would be up to them to make that change. If changes are made today asked legal if will this have to go back to Planning & Zoning? Chase said anything significant they have to repost. Feels this would be a minor change.

[10:16:18 AM](#) Commissioner Clark thinks it might be better to keep this somewhat similar. Commissioner Young said it just changes how they build this because the tower is separate from the antenna. Commissioner Clark thinks it is cleaner to keep this in there with regards to what they were told. Commissioner Young asked on the price if this is over thirty-five feet. Erik said the conditional use permit is \$350. Commissioner Clark asked if they got the information from Amateur Radio. Erik said before they had these all come in as conditional use permits. ARRL stated this is under their purview and anything over thirty-five feet could be an administrative permit. These are beneficial to the community. Still want to maintain public safety. Not sure the likelihood of this being an issue but want to cover the county and citizens. Commissioner Young said he is trying to make this cheaper for those that put these in. Realize they cannot have this tipped over. Chase asked if they can add this per acreage. Erik said they have the land use table. The R1 zones and subdivisions are the biggest issues. The ones going out on larger lots are not as big of a concern. In this document they still have to cover in case they have a pre-existing non-conforming lot. Chairman Hancock said they could have this so the tower itself cannot be more than thirty-five feet and with the antenna maybe fifty feet. Erik said they get the extra feet on the antenna. Commissioner Young said this would not exceed fifteen feet.

[10:22:06 AM](#) Chairman Hancock has one question on the buffer zones on cell towers. Erik said this is just before the land use table. Chairman Hancock said this had been a hot topic and wanted to make sure they have a buffer. Erik said this now has a setback 300 feet from property lines. This is under communication towers. Chairman Hancock just wanted to make sure they had some issues with this before.

[10:23:27 AM](#) Chairman Hancock said that Erik has provided the major changes in the ordinance. Probably want to go over the map before they open this to the public.

[10:24:57 AM](#) Erik said east of Ririe the main goal is to fix the split zones. If they have this then residential applies. Ririe had a lot of split zones. Added more recreational commercial. In Rigby between 200 and 400 and 4100 are proposed to be R1. See Rigby growing and thinks this will be the

new City of Rigby area of impact. East of Menan they changed a bit to R5 from Ag10 to create a buffer before going into any R1. Want to make sure ag is not going down to residential one acres. In the westside they changed some of the Ag40 to Ag10 to be split easier around Mud Lake. Have the yellow as the recreation area. The lighter green southeast changed this to Ag10 to create a buffer. In the Montevue area created some Ag10. Want more Ag10 around the cities to help the people out in the area. These are mainly for the benefits of the constituents. Chairman Hancock said all of this has been recommended by their Planning & Zoning Commission. Chairman Hancock will move toward the testimony period. Have one person that is for this.

[10:29:58 AM](#) Bo Porter 3737 E 343 N Rigby. Appreciates them going through this knows it was extremely difficult. This clarifies a lot of what they can do. This allows them to know what they have the ability to do on land. Most of the changes were logical and made this congruent.

[10:29:58 AM](#) Chairman Hancock said they do not have anyone signed in neutral. Have three against will start with Steven.

[10:30:52 AM](#) Steven Daniels 372 N 3700 E. Here to state the objection on the boundary on the proposed map. Having his property rezoned from R5 to R1 stated this objection to the Planning & Zoning Commission. Disputed this on three points. First was without any irony the Planning & Zoning Commission that one of their primary mandates was to protect the land for residents and could not impede development. Ironic that they rezoned this against their will. Felt they had a mixed message that maybe the developers have more rights. When they talk about the cleanliness of the map this does not mean a lot to their family or neighbors. Have several R5 small farmers to the north and south. Speaking on property rights on the land use table there is a list of property rights that are limited or diminished from rezoning this from R5 to R1. They have a small farm with cows, goats, chickens, roosters and ducks. Would love their family to continue this on the property. While some may think this is unreasonable they will cross that bridge when they come to it. When they talk about land rights Planning & Zoning Commission stated he would not have to worry about losing land use rights because they have grandfather clauses. Could not find this in the proposed ordinance or in the Idaho land use. Thinks this is more of an informal arrangement. They do not want to put their dreams on something informal. There is no mechanism for them as he can tell. Brings him to his third point with the point of contention with Planning & Zoning they may have findings for a regulatory taking. They reviewed the Attorney General's guidance on regulatory takings. Discussed this county and statewide and thinks they could get a judgement. Feeling kind of boxed in. County government and developers are coming in on them. They expect their water rights to continue. Talk about the hypothetical area of impact growing and City of Rigby growing. He is going to fight for this farm they started. It is difficult. Will do what they have to do. Ask the Commission that area on the edge of the area of impact be excluded there are several on 3700 East that are pursuing the same things. Does not think anyone was ready for the growth they have seen. The explosive growth has happened within the last five years.

[10:38:18 AM](#) Chase said that grandfathered rights is a layman term and they are now considered non-conforming lots.

[10:38:46 AM](#) Daniel Simmons 3788 E 400 N is in the same boat as Steve. Can see they are growing even though he is opposed to growth. Has lived here forever and as they get older they have changed careers. Some of the uses they had planned will go away with this rezone. Would not feel so strongly if R1 could be a dual use for those that currently have property and their planned uses. Bought the five acres so they could plan out their future. Some concerns in his mind in a previous Planning & Zoning meeting language like not changing to R1 makes this difficult for developers. The developers are not the constituents. They are an entity not a person. A lot of the land being rezoned believes 250 acres belongs to a commission. Property across from the High School being rezoned is limiting the use across the High School as commercial. Have some speculation from people. Developers have been able to develop land from R5 to R1 in the past. For the benefit of the constituents most of this is not developed so is not sure this is beneficial. Ninety percent of the people he has talked to are opposed to this land change. Do not want to be densely packed into R1. This is for those that do not yet live here so really this is for developers. Knows they are going to pack in houses but would like to see the ability to use their land.

[10:44:01 AM](#) Luke Hicks 223 N 3600 E. Serves on several canal boards and spoke at many meetings on this topic. Understands the gentlemen that spoke. Issue with R1 lots the state does not allow them to water one acre of property. These are space holders. Only a few irrigation districts out in Mud Lake. The rest of the water in the area is with the canal boards. This water is listed as agricultural and has been audited by Bureau of Reclamation on the water rights and municipalities. These rights can be taken away if they are not used for the correct reasons. None of these count as that. These developers who create a road with lots then get a well permit that is not large enough then the irrigation rights are held. Natural flow rights cannot be used per state law. Storage space is designated as agricultural. The one acre lots take up a lot of space. Had a large scale development going in on 3900 the city actually listened to the canal company and their spatial issues. Cannot say the same for the county. The city actually listened to their needs and wishes. The city handled the instructions in a much more beneficial matter. All of the other states they have four lane roads the only thing here is the main strip in Rigby. Road & Bridge is behind. All the while the subdivisions are infringing onto the easements. In the paper it was stated they cannot build a wall and keep people out. Realize they are doing this in the area of impact but this creates a wall around Rigby where it is going to be too cost prohibitive to run water to these homes. Will have the city surrounded by informal subdivisions. Will be too costly to retrofit these homes. Thinks R1 should be eliminated and allow for more city growth. They are pricing people out of Jefferson County. Who benefits from this? The landowners get more benefit. If this affects any land that any of the Commissioners own they should recuse themselves. Had heard that Erik mentioned a percent on acreage for the clustering never heard what that percent is.

[10:50:45 AM](#) Daniel said he forgot in his notes in 2015 had to drop a new well from forty feet to eighty feet. Neighbor went dry after as well. Was told if they went to a specific depth would never have an issue. With all of the new wells going in feels they will see an issue with historic droughts this will be a huge concern. Rebecca said they have a comment from Zoom.

[10:52:18 AM](#) Jim Newton is speaking more for this. Knows this is to bring the communities together. Does not have a big argument but wants them to know that there are some people for this. Forgot his address is 4624 E 267 N.

[10:53:12 AM](#) Chairman Hancock closes the testimony portion on this. Wants to speak with Erik on some of this. Address the issues with those against. Erik said to Mr. Hicks this is three percent for the clustering. So if they have 19.4 acres in an Ag10 would be allowed to cluster this and have two splits. This is allowed only in Ag10 and Ag40. On the other issue with the amount of animals. The amount allotted is the same. One head for first half acre of pasture ground. The number they have is same if this is passed. Commercial green houses are not allowed in R5 but they would be with

a conditional use permit. Mr. Simmons never really stated what they wanted to use the land for. The two that spoke are not in subdivisions. Does not know on the water law. On the area of impact extending to 3700 and 3800 is because this is the city boundary. This is supposed to help the city with growth. Community wells will be used so extending this hoping this will be beneficial. Erik said as staff they are neutral to this so this is not a rebuttal. Can clarify the points that were made. Believe they are trying to be consistent. Have spoken with the City of Rigby and the feedback was positive. Received a lot of comments. Eighty percent of the changes they have added because they were consistent with the goal. A lot of concern is the lack of planning in the past. Have not expected the growth that has taken place. Believe the document and map they presented today will help prepare for growth. One point that was made is they were trying to benefit developers. Does not think that is the case. The subdivision ordinance was to plan for the developments. Most of the developers' information will be in the subdivision ordinance. They want the developers to focus on the area of impact areas. Does hinder the cities to grow otherwise. If they have an R5 in the area of impact this would restrict the ability to grow out. Not trying to help the developers. Just trying to prepare for growth better than they have in the past. Both developers and constituents have property rights. Doing the best they can to plan for the future. Have spent a lot of time on this document. Believe it is a solid document. There will be changes in the future as they see things that are not as positive as they might have been.

[11:01:30 AM](#) Commissioner Young did hear something from Mr. Hicks he was not aware of as far as the water. Chairman Hancock said that there were some canal concerns. Commissioner Young said he mentioned the canals could lose their natural flow. Chairman Hancock asked Mr. Hicks to come up and have some discussion. Luke apologizes if they took this personally all he meant was he had not dealt with the City of Rigby until recently. Was heard as a canal company and their thoughts were implemented. Chairman Hancock points out in the subdivision ordinances they require an easement for every canal. So that the people buying the lots know there is an easement. Luke said no personal offense was intended. Chairman Hancock knows the property was supposed to maintain a twenty foot easement. Luke wants to relate this specifically to Commissioner Young's question all of the water is run by canal companies. Have a water right held by the canal company. This is not specifically tied to the land. Have two water rights that are all the same. Surface with natural flow rights and hold space in multiple reservoirs. This space is held. Wish they could have held more than they did. These are designated for agriculture. Every ten years they are audited by the Bureau of Reclamation. Allow some percentages. Can be contested for the use. Have a couple of canals that are nearing 100 percent. Their natural flow rights will be fine but their storage rights would be the issue. May look at this through an auditing process. Cannot change these and use these for mitigation. None of the sub dividers from 2008 have put in well systems. The ones that have are money losers. When Mr. Bernard put in a central water line those water rights were \$30,000 now would be half a million. The space is not designed for small acres. The entire system has so much feet that everyone shares. This is taken away from the canal company. Commissioner Young asked if they only had half acre lots right now the water goes with the land this would be surface natural flow. What's the advantage of having half acre lots and not losing storage rights? Luke said they have an agreement this is ninety percent surface water coalition. Cities are included in the agreement and have the opportunity to obtain water. Property on 3900 will pay their bills to the city who will monitor their water rights. Surface Water Coalition has the city use the water to mitigate. The difference between half acre lots they get twice as many lots. They are impacting less acres. This agreement that has been in place gives the city the right to do this. Developer in Jefferson County with small lots has different ability than the city has on water rights.

[11:11:35 AM](#) Commissioner Young said this lessens the damage of water loss. Luke said they let them maintain status quo. Stated before that Jefferson Star said this is a bedroom community but he feels it is a bathroom community. Put more sewers and wells in the ground than anyone else. Commissioner Clark said they did not have this information beforehand. Luke said he stated this at Planning & Zoning meetings. Commissioner Clark had not heard this.

[11:13:14 AM](#) Chairman Hancock said there was a comment on a commissioner benefiting from this and is not sure who that would be. Wants to state for the record that the land he owns is already in the R1 zone. Is farming this. Daniel said this was not accusing just noticed that he owns 250 acres. Chairman Hancock said a majority of this has been R1 for thirty-five years. Farms this and is glad he has not lost his right to farm. Preserved this ground from other developers. Knows he could make more money but would rather farm this. Luke said a lot of the times the changes to maps are done in multiple colors to denote what was already R1. Chairman Hancock wants everyone to know that most of this has been R1. Has never had an issue with his cattle and calves with the non-conforming lot. Ordinances do not change what they used this for. Asked Erik to address this.

[11:16:51 AM](#) Erik said if the use existed it is a pre-existing non-conforming lot. Would be able to continue until they had a change. Have been asked what if they sell the ground? They added that if this is sold and continued with the same land use within one year of the sale they can continue this. Will then review this on a case-by-case basis. Commissioner Clark said it is a concern with the growth. Knows there has been some good changes within the ordinance and the land use tables are stating uses and are no longer conflicting. When they look at the zoning map feels there are some real good changes. Been some concern with growth outside of Rigby. When they get closer to Rigby is concerned with the groundwater and septic systems that are being put in. Want to serve more of these with the City of Rigby.

[11:20:26 AM](#) Commissioner Young has some concerns from Mr. Hicks on some of the water issues that were brought up. The last thing they want to do. The entire county is irrigated by the canal companies. Does not want to cost any potential damage. Chairman Hancock said that is why they need the city to grow because they can mitigate water. Need to make the area available to the city. That is what the Planning & Zoning Commission was encouraging. Has happened a great deal of subdivisions going outside the city. Concerned about the citizens. They are trying to do what is right. Trying to get developers to build in the areas of impacts. A prime example is the property that borders his has a new development and he did not fight this because this was the right thing to do for growth. The city has already grown out to 3700.

[11:25:18 AM](#) Chase asked to address the water issue. Would be happy to sit down with the canal companies. Not sure if they know of the Land Use Act this pretty much states that anytime surface water right can be used when available. Puts this on the person subdividing. Also have the Idaho Subdivision statute. Has run into this issue before with canal companies. Can definitely work with the canal companies on this. The county does not want to jeopardize any storage rights. Can actually exclude these storage rights. They have some options within the code. Want to prohibit with their ordinances to suck everything out of the aquifer. This is an ongoing discussion they need to coordinate. Luke said currently they allow this

to be incomplete. There is a difference on water rights and having the city involved is more beneficial to all involved. To his knowledge none of the pressurized systems have gotten very far. Thinks the commissioners have the obligation to review this. Chase said it is interesting when listening to the cost benefits. This is getting to the point where the secondary irrigation systems would be a benefit. Knows this has been changing in some of the communities. Luke said the Meridian irrigation district went to a pressurized system in the late 2000's. This was the largest bankruptcy because they could not overcome the costs they incurred. Since then a private entity purchased. Had a lengthy moratorium. In one to three years' time they are not sure what will happen.

[11:33:30 AM](#) Chairman Hancock thanks them for that information. Need to come back to the zoning ordinance. Knows they are interrelated but right now they need to discuss if they will accept the recommended zoning ordinance and map. Need to make sure they stay on track on this. Commissioner Clark asked if they can approve these separately. Erik said these were recommended for approval by the Planning & Zoning Commission in one motion. Commissioner Clark said as they talk about the zoning does not have a copy of the previous zoning map. As they get around some of the cities that were changed it seems to him maybe if they want to control this maybe leave it at Ag10. Pull up the previous zoning map to review. Chase said they can close the hearing and make a decision later. Commissioner Young thinks they are fine with the ordinance. May need to study some of the issues related to water. Commissioner Clark said some of his concern is around some of the other cities. Changed a lot is not sure what part of the map was already R5. Erik said the area east of Lewisville along 400 N changed this to R5 was Ag10 using this as a buffer between R1 and Ag10. Created sections of R5 as a buffer. The area east of Lewisville was the biggest issue. Chairman Hancock said they could table the map and move forward with the ordinance. May meet with their Planning & Zoning Commission. Commissioner Clark knows they want the growth around the city but they get more pressure to move this out. Has some concerns.

[11:43:34 AM](#) Chase said they would have to repost the date in the paper unless they pick a date today. Commissioner Clark thinks maybe until next Monday. Chase would just continue this hearing until Monday. Chairman Hancock would like to get the ordinance passed.

- **ADOPTION OF JEFFERSON COUNTY AMENDED ZONING ORDINANCE AND MAP – (ACTION ITEM)**

[11:45:08 AM](#) **Motion by Commissioner Young to approve the Jefferson County Zoning Ordinance with a change to amateur radio tower for the tower to be thirty-five feet with the antenna being up to fifteen feet in addition. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[11:47:02 AM](#) Chairman Hancock said they will reconvene on the map section on Monday, February 28, 2022 at 10:00.

- **UPDATE**

[11:48:33 AM](#) Erik said there is not much of an update. Will be working on the area of impact. Between now and Monday if they want to give him a call on the map portions they have an issue with.

SHERIFF'S OFFICE – DEPUTY ALLEN FULLMER

- **RECREATIONAL BOATING SAFETY GRANT (RBS) – (ACTION ITEM)**

[11:49:22 AM](#) **Deputy Prosecutor Chase Hendricks left room**

[11:49:33 AM](#) Deputy Fullmer has the yearly Recreational Boating Safety Grant. This is for water safety and rescues. The Sheriff's Office is required to cover boating laws. Commissioner Clark said this is \$5,673. Deputy Allen said they have to match this fifty percent and they do have the budget for that.

[11:50:49 AM](#) **Motion by Commissioner Clark to approve the Recreational Boating Safety Grant for \$5,673.00. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

EMERGENCY MANAGEMENT – REBECCA SQUIRES

- **ARPA FUNDING ALLOCATIONS – (ACTION ITEM)**

[11:51:34 AM](#) Rebecca said on an update with ARPA. Do have a facility meeting that has been meeting with some dynamic discussions. In the meantime the interoperability board is looking at upgrades for the radio system. Law enforcement, EMS, Fire is all on this system. This is a system that has worked really well. There is greater call volume and wear on the repeaters. Looking at some upgrades. Jefferson County's share is \$33,190 provides the sheet with the breakdown. Some of this is not for public disclosure. Chairman Hancock asked if they can use 911 funds. Rebecca said the fee they pay on the phone bill there is a legal gray area on what this can be used for.

[11:54:13 AM](#) **Deputy Prosecutor Chase Hendricks is in room**

[11:54:15 AM](#) Rebecca said there is discussion this is not a legal use. This is not a budgeted expense. The funds are tied up in other expenses. Proposing they use the ARPA funding to pay for these public safety upgrades. Chairman Hancock said this is using the portion of the \$5.8 million. Rebecca said with her discussions they do not have the flexibility to shoulder these expenses but they do have the latitude to use the ARPA funding. Chairman Hancock thinks they have enough in their 911 budget. Rebecca said they have quite a bit slated out of their 911 fees. This is servers and software. Colleen said that 911 has quite a bit of money. Rebecca said if the cash is not otherwise encumbered would require opening the budget. This system is not a simple message in and out. The servers manage the traffic and where each user is connected to. Chairman Hancock said the 911 fund has a lump sum budget. Rebecca will reach out to Mike. Colleen said there is \$340,000 budgeted and has only used \$108,000 so they still have \$231,988. Chairman Hancock said this would depend if there is another funding source. Rebecca said she asked these questions. Calls Mike. Asked why they cannot take the server fees out of the 911 fees. Mike said they need to update the CAD system this is \$400,000 that would come out of 911. Could do this without reopening the budget. Still have the monthly fees they pay out each month. Rebecca thinks they will table this and review this further. Rebecca asks for the Cress Creek Tower. Mike said this is trying to get in far enough when they are in the Heise area and 7N Ranch because they have no communication outside of their car. Chairman Hancock would rather use the 911 budget. Rebecca said this was different information than she initially received. Will introduce this project. This does not necessarily have to come out of ARPA. The Cress Creek Tower will cover Madison, Bonneville and Jefferson would like to have the placement on a tower just above the Cress

Creek Tower. Might not reach out to the Wolf Flat area. All she is looking for today is a letter of intent is that they intend to participate in the program. Chairman Hancock asked the portion. Rebecca said this is \$117,000 it is split equally. Chairman Hancock said Madison will benefit the most. Rebecca said most of the response is actually Jefferson. For starters looking at dividing the installation cost three ways. Will see whose radios use this more than the upkeep will be based on usage. This would be an MOU in the future. Looking for a letter of intent so they can continue the discussion. Believe a local internet company is putting the tower up. This does require a shack, server, and backup generator. This is more than sticking up an antenna. Allowing public service communication to put these on the tower at no cost. Colleen asked if this is coming out of 911. Rebecca said they do not have to decide now but would have two potential sources. Usually the upkeep will be budgeted in. Commissioner Clark said they may be far enough out they could be in a new budget.

[12:07:36 PM](#) **Motion by Commissioner Clark to approve the letter of intent with Madison and Bonneville County to peruse a safety communication tower at Cress Creek. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[12:08:23 PM](#) Rebecca said this is contingent of having both counties sign on. Do not have Bonneville's letter of intent yet.

SOCIAL SERVICES – AMY JOHNSON

- **EXECUTIVE SESSION 31-874 & 74-206(D) – RECORDS EXEMPT FROM DISCLOSURE – (ACTION ITEM)**
 - **APPROVAL OR DENIAL OF INDIGENCY APPLICATION – (ACTION ITEM)**

[12:09:03 PM](#) **Motion by Commissioner Young to go into executive session 31-874 & 74-206 (D) – Records exempt from disclosure. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

Open session 12:16

[12:17:15 PM](#) **Motion by Commissioner Clark to approve a pay off on case #2014-15 for the amount of \$7,000. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[12:18:10 PM](#) Commissioner Clark said as they are talking about water they need to look at the storage water at the lake. This could be taken away. Chairman Hancock said they have said this before. Commissioner Young said they can use storage water for a lake but that is not what they are designated for. Chairman Hancock said the lake was classified as a recharge facility. They did divert this. Commissioner Clark said that Luke is that way. Promoted the fact that Rigby worked with them. They are demanding more from the subdivisions right now. Chairman Hancock said they have had this discussion before. Commissioner Clark said they are going to put in pressurized systems. Commissioner Young said the state has been promoting. Chairman Hancock said the one he referred to was twenty years ago. Had nothing to do with them and is trying to mitigate those issues. Commissioner Clark said they are still trying to fix that over there. Chairman Hancock said that is nothing to do with the county. Chase asked if this is all of the agenda. Chairman Hancock said they have not officially adjourned. Talking about the hearing and the water. Appreciates Chase for bringing up the latitude along the water. We are requiring they maintain the water. For Equestrian Estates they put a pressurized irrigation in. Would not be able to irrigate with a flood service. Had Rudy Canal call him and they were audited by the Bureau on storage water. The Bureau also asks on irrigating cemeteries, subdivisions, churches and cities. This only pertains to storage water. This is space in the reservoir. The interesting thing they discussed mitigation of pumping rights. The guy doing the audit said they could not do it for that either. This is where they got upset is stating they cannot mitigate with groundwater. Wanted to monitor the amount of groundwater they put in area. They have several wells they kind of monitor. But have not really made the effort to put this data to reuse. This is incidental recharge. This is still recharging the aquifer. Commissioner Clark said now they have to maintain this. Chairman Hancock said they require this in the subdivision ordinance now. They have to keep this together as a big block. The canal company if you own stock they own the storage water. Have a subdivision with two shares still own a percentage of the storage. It is an interesting topic. Hate to think we are the bathroom community they have done the studies that are required. Subdivision is not any different than a city. Chase said the municipal right has been carved out. Would benefit to monitor the wells.

[12:29:50 PM](#) **Motion by Commissioner Clark to adjourn at 12:29. Second by Commissioner Young. All in favor – aye. Motion passed.**

Leads Hancock
Chairman of the Board

Audrey Moon
Clerk of the Board

Colleen Cole
County Clerk



4/11/22
Date

4/11/2022
Date

4/11/22
Date