

JUNE 2022 TERM
CALDWELL, IDAHO JUNE 1, 2022

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$1,246.75 for Information Technology Department
- reMarkable 2 bundle in the amount of \$2,311.20 for Information Technology Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for County Line Wine Co to be used 6/17/22

CONSIDER APPROVING FINAL PLAT FOR KIMBER RIDGE SUBDIVISION # 2, CASE NO. SD2021-0030; AND THE FINAL PLAT FOR MONUMENT PLACE SUBDIVISION, CASE NO. SD2021-0002

The Board met today at 8:48 a.m. to consider approving final plats for Kimber Ridge Subdivision #2 and for Monument Place Subdivision. Present were: Commissioners Leslie Van Beek and Pam White, Engineering Coordinator Stephanie Hailey, County Engineer Devin Krasowski, interested citizens, and Deputy Clerk Monica Reeves.

Consider approving final plat for Kimber Ridge Subdivision # 2, Case No. SD2021-0030: Stephanie Hailey gave the staff report. Keller & Associates has reviewed the final plat and construction drawings and recommends approval. Staff recommends the Board sign the final plat. All required signatures have been obtained. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve and sign the final plat for Kimber Ridge Subdivision.

Consider approving final plat for Northstar Ranch Development, LLC., for final plat approval of Monument Place Subdivision, Case no. SD2021-0002: Devin Krasowski gave the staff report. Keller & Associates has reviewed the final plat and construction drawings and recommends they be approved. Staff recommends the Board sign the final plat. All required signatures have been obtained. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve and sign the final plat for Monument Place Subdivision, Case No. SD2021-0002.

The meeting concluded at 8:57 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER AN APPEAL BY LYNDA M. SMITH OF THE HEARING EXAMINER'S DECISION TO GRANT A C.U.P. TO ANDREA SURMEIER FOR A SPECIAL EVENT FACILITY, CASE NO. CU2021-0005-APL

The Board met today at 9:07 a.m. to conduct a public hearing in the matter of an appeal by Lynda Smith of the Hearing Examiner's decision to grant a conditional use permit (CUP) to Andrea Surmeier to allow a special event facility use within an "A" (Agricultural) zoning district, Case No. CUP2021-0005-APL. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planner Cassie Lamb, Lynda Smith, Michael McGarvin, Elizabeth Anderson, Andrea Surmeier, Nicole Van Lith, other interested citizens, and Deputy Clerk Monica Reeves. DSD Planning Official Dan Lister arrived at 10:15 a.m.

Cassie Lamb gave the oral staff report. On March 17, 2022, the Hearing Examiner approved Andrea Surmeier's request for a CUP to have a special event facility use within an "A" (Agricultural) zoning district. The use will encompass 1.16 acres of Parcel R36774010, and the events include farmers markets, movie nights, weddings, and other public events. On March 31, 2022 Lynda Smith appealed the decision because the two neighboring property owners, Obendorf Hops, and Dixon Farms, were not notified. According to Ms. Lamb, no proof has been provided to the County that Obendorf Hops was not notified of the neighborhood meeting. The County notified them of the Hearing Examiner's hearing and no comments or concerns were received and they have since assisted Ms. Surmeier regarding a land division compliance as a part of her conditions of approval. Dixon Farms rents a farm field but he does not own a property therefore he was not required to be notified. The second reason for appeal dealt with the noise and hours of operation; the appellant is requesting that the hours of operation be amended to 9:00 p.m. on weekdays and Sunday, and 10:00 p.m. on Friday and Saturday. Another reason for appeal is traffic impact and parking. The appellant is requesting the number of vehicles be reduced from 50 to no more than 30 vehicles. Ms. Lamb gave a review of agency comments. Staff recommends the Board deny the appeal and uphold the Hearing Examiner's approval of case No. CU2021-0005. Following her report, Ms. Lamb responded to questions from the Board.

Testimony in support of the appeal/opposition to the request was as follows:

Michael McGarvin lives on Fern Lane and has vast knowledge of the property and surrounding area and he has two areas of major concern: parking and sound. The current gravel pad for parking is 32 x 86, and if you remove the ingress/egress lane in the center and consider the fire access you are left with 25-28 parking spaces and that's with valet parking. All roadside parking should be restricted due to traffic concerns and site blockage. The business hours should be limited to 9:00 p.m., and the applicant should add a 6-foot privacy fence along the west property line from the southwest corner pin to at least two-thirds of the way north down the property line. If we can get through these two issues he has no objection to welcoming Ms. Surmeier to the

neighborhood. Mr. McGarvin spoke about the dangerous intersections in the area and the resulting vehicular accidents that have occurred. Roadside parking is concerning given the agricultural operations (hop farms) and the farm equipment in the area. It would be nice if the adjacent farmer would allow her more space for parking.

Elizabeth Anderson has lived on Fern Lane approximately one mile from the subject property and she has major concerns regarding the noise, parking, and size of the events. There were two events last summer that alerted her to how her quality of life would be changing. She could hear conversations and music playing loudly which travels to her backyard and disturbs her quiet retreat. She would like the business hours limited to 10:00 a.m. to 9:00 p.m., and for the applicant to build a 6-8-foot privacy fence on the west side of her property. There is not enough parking for the events and she does not want any on-road parking during events. Parking should be limited to what is available on the Surmeier property. The numbers of guests at the events weigh heavily on those who live/work in the area, additionally, some of the events will be alcohol-driven.

Lynda Smith testified that she is the closest neighbor to the subject property and she learned about the request through publications and postings. Her letter of appeal did not state the two parties were not told about the hearing, she had just stated who the adjacent people were. She spoke of the topography of the land, traffic, and the dangerous blind intersection in the area. She is fine with the hours of operation ceasing at 9:00 p.m., and she hopes with the change in the parking lot guests will not have to park on the roads, but she doesn't see how that can be avoided. At the first hearing it sounded like the applicant was flexible with the hours of operation and reducing the number of cars. Ms. Smith said there are a lot of discrepancies in the master application and the Hearing Examiner's staff report as they state different hours. She spoke of how she has worked with highway district to get the speed limit reduced due to traffic concerns.

Testimony in opposition to the appeal/in support of the request was as follows:

Andrea Surmeier testified she has already agreed to the limitations of having the music stop at 9:00 p.m. and not to have events where cars are parked on the side of the road. If a car is parked on the side of the road during events she takes full responsibility for the consequences. Hours of operation and traffic go hand-in-hand and there is no intention of events being held Monday through Friday from 10:00 a.m. to 11:00 p.m. or midnight. She plans to only have 10 events a year and only operating from May until November, most of which will be highlighting the ag community and the hop industry. Currently, they are set to have 5 events this year with each event to have a maximum of 75 people. Three of the events are partnered with either Gooding Farms, Obendorf Farms, or the Idaho Hop Commission. Boise breweries are selling tickets and they will bus brewers and beer enthusiasts to the Wilder community to take farm tours and then come back to the property for an organized dinner, all of which will end at 9:00 p.m. and the guests will be bussed back to Boise. She has partnered with Destination Caldwell for their Ag Venture Trail to promote Caldwell as a destination opportunity and to organize small groups to come to the hop and wine region for organized tours. A craft fair is planned for one Saturday in August from 10:00 a.m. to 5:00 p.m., and they have plans to rent the parking lot of a surrounding business and shuttle guests back and forth assuming it gets too big. Ms. Surmeier understands the parking concerns and she

does not want people parking on the road or causing more traffic issues. She communicates regularly with Brock Obendorf and she will follow their schedule for crops spraying and not have people on her property on those days. The fence will have to come in communication with Mr. Obendorf because he does not necessarily want the fence because he needs the space for the tractors. Following Ms. Surmeier's testimony, she responded to questions from the Board. There were follow-up questions for staff as well.

Rebuttal testimony was given by Lynda Smith. The parking lot faces her house and she sees the cars coming in/out of the event center. The use will represent a big change to the area and will take some give and take on the part of the neighbors to communicate.

Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner White said the neighbors' concerns are valid and Ms. Surmeier has stated her willingness to ensure there is no road parking for events and that is extremely important. Commissioner Van Beek said this has not been vetted enough and there are a lot of unanswered questions related to traffic infrastructure, the impacts to agricultural operations, and the life and safety concerns. It needs more definition. There was discussion regarding amending conditions to mitigate concerns such as:

- Change the hours of operation Monday through Thursday and Sunday to end at 10:00 p.m.; and Friday and Saturday will end at 11:00 p.m.
- A privacy fence must be installed along the south property line; the owner must coordinate with local hop growers regarding spray routines and coordinate no events during those times
- A parking plan must be submitted to DSD prior to commencement of use and must show vehicle circulation and be signed off by the fire department
- Signage

Commissioner Van Beek made a motion to reopen testimony to get clarification on the fence. The motion was seconded by Commissioner White and carried unanimously. Elizabeth Anderson testified she would like to see privacy fence on the west side for a sound barrier. Dan Lister said staff feels the conditions are appropriate for the type of use and the infrequencies of a special events facility in this location, but it's up the Board if it wants to add more fencing. Cassie Lamb said we have to think about how the fencing will affect the spray rotations of the tractors. Commissioner White wants to table this hearing in order to get a definite plan and more information from the applicant. Staff will work with the applicant. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to June 2, 2022 at 9:45 a.m. The hearing concluded at 10:57 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY KEITH & JANA MOORE FOR A CONDITIONAL REZONE, CASE NO. RZ2021-0038

The Board met today at 10:58 a.m. to conduct a public hearing in the matter of a request by Keith and Jana Moore for a conditional rezone, Case No. RZ2021-0038. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Keith Moore, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that she knows the applicants' daughter who had emailed her asking about the status of the case and she then forwarded the request to DSD; it was stuck on a planner's desk and then Dan Lister got the case moving. She did not discuss the specifics of the case and said their past relationship will not bias her decision. Dan Lister gave the oral staff report. The applicants are requesting a conditional rezone of Parcel R28678010 from an "A" (Agricultural) zone to a "CR-R-R" (Conditional Rezone – Rural Residential) zone. The request includes a development agreement to limit the development to one division. The property is located at 580 S. Powerline Road in Melba and consists of 6.43 acres, and the request is to divide the parcel one more time to leave the existing house on one 3.67-acre parcel and providing a 2.75 parcel for a family member to build on. The short plat for this subdivision will be heard by the P&Z Commission later this month. On April 21, 2022, the P&Z Commission recommend approval of the request. Staff is recommending approval subject to the conditions listed in the development agreement. Following his report, Mr. Lister responded to questions from the Board. Keith Moore testified about the property history noting that property in the area was homesteaded by his wife's grandfather. It is good farm ground but it's not viable for him to farm it. They want to gift the parcel to their son and daughter-in-law. Mr. Moore said he will need a variance to leave the irrigation on the side of the road for the downstream user and they are willing to do what they need to do relative to the conditions. He said it is a better value for the County to have his son improve the property versus having 2.5 acres that he will not try to irrigate. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the conditional rezone for Keith and Jana Moore as presented but with the direction to staff to add a section to the conclusions of law for the joint exercise of powers agreement for the City of Melba. The signed FCO's, ordinance (No. 22-011), and development agreement (No. 22-050) are on file with this day's minute entry. The hearing concluded at 11:24 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

FY2023 budget presentation for Nampa Family Justice Center

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with Public Defender to discuss salaries

Action Item: Consider resolution regarding pay rates for deputy public defenders

*Continued to 6/3/22 at 10:00 am

DETAILED MINUTES TO COME AT A LATER TIME

Executive session pursuant to Idaho Code 74-206(1) (b) and (d) to discuss personnel matters and records exempt from public disclosure

*Continued to 6/3/22 at 9:00 am

DETAILED MINUTES TO COME AT A LATER TIME

Executive Session:

Pursuant to I.C. 74-206(1)(b)(d)(f)(i) to discuss specific pending or imminently likely claims and controversies, including specific personnel, and other records presently exempt from public disclosure pursuant to I.C. 74-107(11)

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 2, 2022

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ACCO in the amount of \$15,069.00 for Facilities Department
- Idaho Electric Signs in the amount of \$1,562.00 for Facilities Department
- Quality Electric in the amount of \$3,579.00 for Solid Waste Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for The Blue Eye to be used 6/11/22

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for El Cafetal Colombian Restaurant LLC dba El Cafetal; and Pacific Sushi LLC dba Pacific Sushi (Resolution no. 22-133)

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Paddles Up Ventures LLC dba Paddles Up Poke; and Paddles Up Ventures LLC dba Paddles Up Poke (Resolution no. 22-134)

DETAILED MINUTES TO COME AT A LATER TIME

Medical Indigency Decisions

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

DETAILED MINUTES TO COME AT A LATER TIME

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

Action Item: Consider signing purchase agreement with Neology

Action Item: Consider signing memorandum of agreement with Idaho Department of Juvenile Corrections to support clinical services in juvenile detention facilities

Action Item: Consider signing independent contractor agreement with Heather Carrizales for Substance Use Disorders System Project Coordinator

Action Item: Consider signing legal notice for entering into a personal services contract with Heather Carrizales

Action Item: Consider signing notice of appeal of insurance non-renewal

CONTINUED PUBLIC HEARING - APPEAL BY LYNDA M. SMITH OF THE HEARING EXAMINER'S DECISION TO APPROVE A C.U.P. TO ALLOW A SPECIAL EVENT FACILITY IN AN AGRICULTURAL ZONE, CASE NO. CU2021-0005-APL

The Board met today at 9:54 a.m. to conduct a public hearing in the matter of an appeal by Lynda Smith of the Hearing Examiner's decision regarding Case No. CU2021-0005, a conditional use permit to allow a special event facility use within an "A" (Agricultural) zoning district. Present were: Commissioners Keri Smith, Leslie Van Beek and Pam White, DSD Planning Official Dan Lister, DSD Planner Cassie Lamb, Elizabeth Anderson, Andrea Surmeier, and Deputy Clerk Monica Reeves. Today's hearing was continued from yesterday so that staff could work with the applicant on proposed conditions. Commissioner Van Beek disclosed she received a telephone call from Lynda Smith (the appellant) yesterday asking how to submit a late exhibit and she informed Ms. Smith of the process. DSD Planner Cassie Lamb gave up an updated staff report and summarized the changes to the conditions of approval. Board discussion ensued about the conditions, and DSD

Planning Official Dan Lister offered staff comments as well. Andrea Surmeier testified she worked with staff to limit the hours of operation, months of operation, and parking spaces. She met with Brock Obendorf and discussed the issues raised at yesterday's hearing. She has a great working relationship with the Obendorf family, and is sensitive to their concerns and needs about their farming operation. The Obendorfs were adamant about not putting up a fence on the property boundary as they utilize large farm equipment on the property. Following her testimony, Ms. Surmeier responded to questions from the Board about the proposed conditions of approval. Elizabeth Anderson is opposed to the conditional use. She lives west of the property and during two events she heard noise in the form of music and intimate conversations about the expense of weddings. Her property is her sanctuary and she would like a privacy fence put up. During rebuttal, Ms. Surmeier spoke about how misinformation has been spread in the community about her event facility and it has affected relationships so she circulated a letter to try to calm the neighbors' concerns. There is an active potential case for harassment and defamation between Lynda Smith and Ms. Surmeier and her lawyer is seeking a protection order. She said a temporary fence could be an option, but she will have to talk to the Obendorfs about it since they are a direct property owner. She responded to additional questions from the Board. Additionally, there was further discussion between the Board and staff regarding proposed conditions of approval. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek said there are missing parts and pieces and she feels the request could be injurious to other property or negatively change the essential character of the area. There will be an ongoing issue with parking, and with traffic in remote areas there are life safety issues and therefore she cannot make positive findings. She wants to see the County expand ag-tourism to more than just alcohol and wine-related events. Commissioner Smith said in her review of the information the property owners have enjoyed a peaceful ag community and the agricultural zone allows special event facilities. She said the assumption that Ms. Surmeier is only having alcohol-related events is quite pretentious. The wine industry and hop industry are key to our economic success and special event facilities are a permitted use in the zoning matrix so we can impose mitigating conditions to allow the applicant the use of their property and to help mitigate impacts to the neighbors. This request helps protect agricultural and provides an opportunity for the community to experience it. Commissioner Smith said the FCO's prepared by staff are good, but they need to be updated to match what's in the conditions of approval. Recommended changes are as follows:

- The use shall be limited to no more than 100 guests, as originally required by the hearing examiner
- A simple change to Sunday through Thursday hours of operation: 10:00 a.m. 9:00 p.m.
- Off-street parking shall be in accordance with CCZO 07-13-01
Parking and circulation plan shall be submitted to DSD prior to the first event
40 cars maximum allowed to be parked onsite
- Remove Condition #13C
- Remove reference to the decibel level in Condition #16

Commissioner Smith made a motion to deny the appeal and to uphold the Hearing Examiner's decision for CU2021-0005. The motion was seconded by Commissioner White. Commissioner Van Beek was opposed to the motion. The motion carried by a two-to-one split vote. The FCO's will be updated and brought back to the Board later today. Commissioner Smith read a statement regarding the request for reconsideration/judicial review process. The hearing concluded at 11:05 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY GARY MCCALLISTER, REPRESENTING JOSEPH & LESLIE FRANKS, FOR A CONDITIONAL REZONE WITH DEVELOPMENT AGREEMENT, CASE NO. RZ2022-0003

The Board met today at 11:11 a.m. to conduct a public hearing in the matter of a request by Gary McCallister, representing Joseph and Leslie Franks, for a conditional rezone of Parcel R38053, approximately 2.3 acres, from an "R-R" (Rural Residential, two-acre average minimum lot size) Zone to an "CR-R-1" (Conditional Rezone - Single Family Residential) Zone. The request includes a development agreement to limit future development to one division creating a total of two building parcels. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Gary McCallister, Ron Amarel, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The request is to allow for one division of the property to divide away the primary dwelling from the secondary one that exists on the site. If approved it would require an administrative land division. The subject property is located at 25528 Old Highway 30 in Caldwell and is adjacent to subdivisions and the Purple Sage Golf Course. On April 21, 2022, the P&Z Commission recommended approval of the request. Staff recommended a conditional rezone rather than a full rezone because it is adjacent to existing agricultural properties. Following his report, Mr. Lister responded to questions from the Board. Gary McCallister testified in favor of the request and said they have removed one of the accesses to Highway 30 and put it on Griffin Road, and the highway district has issued a permit. He concurs with the staff report and said the applicants agree with the proposed conditions. Mr. Lister said the applicants have not yet signed the development agreement. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve Case No. RZ2022-0003 for Gary McCallister, representing Joseph and Leslie Franks, and to sign the approval documents at a later date. The hearing concluded at 11:27 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY MASON ASSOCIATES INC., REPRESENTING VAN SLYKE FARMS LLC FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND ZONING MAP AMENDMENT, CASE NO. OR2021-0012/RZ2021-0027

The Board met today at 1:36 p.m. to conduct a public hearing in the matter of a request by Mason Associates Inc., representing Van Slyke Farms LLC, for a comprehensive plan map amendment (Case No. OR2021-0012) from an "agricultural" designation to a "residential" designation, and a

zoning map amendment (Case No. RZ2021-0027) to rezone a portion of the subject parcels from an "A" (Agricultural) Zone to an "R-1" (Single Family Residential) Zone. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Cassie Lamb, Angie Cuellar, Phyllis Indart, William Mason, Richard Zehr, Jan Van Slyke, Tristan Van Slyke, Melanie Stone, Corey Blaine, Nathan Piercey, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 3:30 p.m. Commissioner Smith disclosed she is very familiar with the area.

Dan Lister gave the oral staff report. The request is for a comprehensive plan map amendment to amend a 5.44-acre portion from an agricultural designation to a residential designation, and a zoning map amendment of 26.2 acres of 111 acres from an "A" Agricultural Zone to an "R-1" (Single Family Residential) Zone. The applicant has submitted a subdivision plat with one-acre lot sizes, but it's not before the Board today because they are still working through some issues. The parcels are located at 17553 Van Slyke Road in Wilder. Mr. Lister reported on the property history as well as the uses in the area. The property is in a high nitrate priority area. The applicant is proposing individual septic systems and wells and domestic wells will be used for irrigation; they are working with SWDH on the nutrient pathogen study. There was a review of comments received and potential impacts to the area. On October 7, 2021, the P&Z Commission recommended approval of this request. Staff recommends the Board consider a conditional rezone with conditions similar to the adjacent property which is a rural residential zone including landscaping, dedication of open space, and exterior lighting provisions. Staff is recommending denial; however, the P&Z Commission recommend approval so the FCO's reflect their recommendation. Following his testimony, Mr. Lister responded to questions from the Board.

The following people testified in support of the application:

Tristan Van Slyke, the President of Van Slyke Farms, testified they have not been able to make any money off the ground and it's cost them more in taxes and to keep the weeds down. Because it's not viable farm ground and it's not doing anything for the property owner other than being a "time suck and financial suck", he thinks it will contribute to the environment and the micro climate being an extension of the residential development of Garrett Ranch Way that's already there. He doesn't think the Williamson conditional rezone will be entirely developed because they have said they have no plans in the near future to do any development there, they did that years ago to protect their right to be able to sell for their retirement plan. The other developments in the area are much larger in overall total acreage and are denser than one-acre lots. Van Slyke Farms are trying to do a responsible development and it's not fair that future-planned irresponsible developments are being held against their application as a reason to deny. Mr. Van Slyke said his proposal should not be treated as a "guinea pig" for some new approaches to development and planning in the region. He testified about the road, wells, and the septic system. Following his testimony, Mr. Van Slyke responded to questions from the Board.

Angie Cuellar testified she tried to get in contact with the City of Greenleaf regarding their letter, but they would not respond until now. The Homedale Fire District will provide service to this subdivision and does not object to the plan as long as it complies with the requirements of the highway district. The highway district has also approved the proposal. The property is in close

proximity to residential areas. Over half of the property is identified in the comprehensive plan as residential and the Van Slyke's are doing their best to preserve agricultural ground. Ms. Cuellar testified the County does not have a requirement for a landscaping plan. The health department has said the applicants can have 19 lots on the property, but the proposal is for 17 lots. Regarding water, Ms. Cuellar said we sit upon the largest aquifer in the northern half of the United States – one of the three largest aquifers in the world – and there are layers that separate the waters in different places. Shifting layers of the ground will affect wells. There is water. IDWR has standards and if you're in a high nitrate area or any area where well drillers have concerns you have to take your water to the health district and have it tested once a year. According to Ms. Cuellar, the Snake River Treasure Valley Aquifer has as much water in it as Lake Michigan. There are areas that shift and change but it's one of the reasons why community wells and city wells go deep. She spoke of the conditions of approval for the property north of the subject property.

William Mason, the project engineer, testified that on the 2020 comprehensive plan this area is a residential zone and is near the conditional rezone of the Williamson property that allowed for one-acre lots. Had they known this would be an issue they may have asked their client to rezone everything in the square instead of using the area that is nonviable farm ground to the west and keep the development to the north of the canal where the slopes are at.

Corey Blaine testified he represents the Christensens who applied for a comprehensive plan map amendment and R-2 rezone for the 222 acres surrounding this property. He and the partners own the acres touching this property and they support the Van Slykes request. He supports property rights and the ability to develop the land. Mr. Blaine testified he is planning to do a community sewer and water system for his project. He's installed complex systems in nitrate priority areas and the average cost is \$15,000 up to \$25,000. They are more expensive than the traditional system, but his experience with what's being built on one acre is upward of \$1M, and the \$15,000 to \$25,000 doesn't really matter.

Testimony in opposition was as follows:

Nathan Piercy is a hobby farmer and he is opposed to the request. He said the case should be dismissed due to the misconduct of P&Z Commissioner Brock who violated the rules of the meeting and perjured himself, and so if you throw out his vote it goes to a two-to-two vote. Commissioner Brock prompted a person to nonverbally answer a question about hillside development after public comment had been closed and when Mr. Piercy said that wasn't fair, he denied doing it. Mr. Piercy said Commissioner recused himself however, the rest of the commission was "pretty cozy with him". If this gets turned down it could possibly affect the conditional rezone the Williamsons have. He believes the Commission rushed through and went straight to approval. As far as water rights, there was a person there who testified that two neighbors in Garrett Ranch had to re-drill their wells. Mr. Piercy has lived in the area for seven years and he has watched them farm alfalfa off it. Concerns include: negative impacts to irrigation water, wells, water quality, water quantity, and road and traffic safety. Development should not impact the existing residents in the area. At what cost does development come and when do we

pay attention to the comprehensive plan. Following his testimony, he responded to questions from the Board.

Deputy PA Zach Wesley arrived at 3:30 p.m. at which time Commissioner Smith asked him about the concern raised by Nathan Piercey. Mr. Wesley said we are starting from scratch and not relying on the record the P&Z Commission has made and so any potential error at the P&Z Commission hearing would be cured by the Board's hearing.

Rebuttal testimony was offered by William Mason. He addressed the individual septic systems versus community water systems and said there is a diminishing return on when that would work, if there is not a breakeven point for the number of lots a community system would not pencil out, they wouldn't feasibly be able to pay for it. This project is standalone, the topography doesn't allow them to connect to anything else so it's intended to use individual wells and septic. Commissioner Smith asked about the possibility of re-noticing this case as a conditional rezone. Mr. Wesley said if it's changed from a straight rezone to a conditional rezone it would need a second hearing but it does not need to go back to the P&Z Commission. Mr. Mason said his clients are okay with noticing it for a conditional rezone, and he will provide information on water quantity in the area.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner Van Beek said the applicant has demonstrated a willingness to restrict it to the nonviable portion and preserve the rest for farming; the impact of homes doesn't appear to be a big factor on services and it appears to be commensurate with what's happening around it. There doesn't appear to be a future traffic pattern conflict. There is enough evidence the Board can move forward. Commissioner Smith said if a sewer system is approved then you could have 19 lots. If you rely on the letter from DEQ, they recommend cities and counties develop and use a comprehensive land use management plan which addresses the present and future needs for the area for adequate, safe and sustainable drinking water. We don't have that. There has been testimony across the County about water concerns, but there is no evidence in front of the Board about water but what we do have is testimony from two residents that their wells went dry and the City of Greenleaf has anecdotal knowledge of water issues. This proposal deserves more time and it would allow the Board to look at conditions of approval. The City of Greenleaf felt this was a basic subdivision and community planning was important including possible pathways or open space and Commissioner Smith thinks that idea should be explored. Mitigation conditions could be imposed and a conditional rural residential zone would be more appropriate. She concurs with staff's findings, and she encouraged the applicant to look at setbacks for the agricultural uses in the area. There was further discussion regarding which zoning is appropriate. Commissioners Smith and Van Beek are open to a conditional rezone for R-1 zoning potentially. Deputy PA Wesley said if the Board makes a substantially materially different decision than the P&Z Commission recommendation that is when there will be a second hearing requirement and it we'll have to have an idea of what we're looking at to have it noticed as conditional rezone or straight approval to facilitate public testimony, but ultimately the Board can approve, deny, or impose conditions. Commissioner Smith said the Board is not guaranteeing the approval of a conditional rezone. Upon the motion

of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the comprehensive plan map amendment to residential and recommend the applicant move forward with a conditional rezone. The hearing concluded at 3:56 p.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with the City of Middleton for an Urban Renewal RAA Workshop

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 3, 2022

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

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Thrifty Payless Inc dba Rite Aid #5409 (Resolution no. 22-135)

DETAILED MINUTES TO COME AT A LATER TIME

Executive session pursuant to Idaho Code 74-206(1) (b) and (d) to discuss personnel matters and records exempt from public disclosure

*Continued from 6/1/22

MEETING WITH PUBLIC DEFENDER TO DISCUSS SALARIES AND CONSIDER RESOLUTION REGARDING PAY RATES FOR DEPUTY PUBLIC DEFENDERS

Note Prior to formally going on the record for this meeting, the Board reviewed the draft resolution that PD Bazzoli provided and there was administrative discussion regarding the verbiage in the resolution, specifically in line with what the Prosecuting Attorney's Office requested which was to remove the language regarding Idaho Code, Section 19-850 regarding the PDC and parity. PD Bazzoli removed some language in the resolution and provided a new draft. Commissioner Van Beek was opposed to the resolution and left at 10:34 a.m.*

The Board met today at 10:36 a.m. with Public Defender Aaron Bazzoli to discuss salaries and to consider a resolution for pay rates for the deputy public defenders. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Public Defender Aaron Bazzoli, and Deputy Clerk Monica Reeves. Commissioner Smith said what she heard from the Prosecuting Attorney's Office was that per the resolution the Board signed in 2021 for setting the compensation plan for the year, market adjustments were allowed on a case-by-case basis and substantiation needed to be provided. The resolution also references the PA's increases; PD Bazzoli referenced Kootenai County and Ada County in addition to what the PA's Office specifically mentioned in their resolution. She said the Board has enough information with the amended resolution to support PD Bazzoli's request. Commissioner Smith is concerned because it is not a significant increase for this year's budget but it does add about \$148,000 in next year's total cost to the County, but we are in a tough time right now with recruiting and retention and we are obligated to provide the service and we need to do what we can to retain employees. Commissioner White said we are statutorily required to do this and there is parity that is somewhat evolved and it's very important to be fair with all employees. She made a motion to sign the resolution regarding pay raises for the public defender. The motion was seconded by Commissioner Smith and carried unanimously. (Resolution No. 22-132.) The meeting concluded at 10:39 a.m. An audio recording is on file in the Commissioners' Office.

JUNE 2022 TERM
CALDWELL, IDAHO JUNE 6, 2022

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

No meetings were held this day.

JUNE 2022 TERM
CALDWELL, IDAHO JUNE 7, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White

Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 585113 to 585165 in the amount of \$74,087.10
- The Board has approved claims 585395 to 585403 in the amount of \$8,135.50
- The Board has approved claims 585008 to 585112 in the amount of \$644,457.39
- The Board has approved claim 585007 in the amount of \$33.99
- The Board approved payment of County claims in the amount of \$3,695.26 for March Jury
- The Board approved payment of County claims in the amount of \$2,745.38 for April Jury
- The Board approved payment of County claims in the amount of \$480.67 for Special Jury
- The Board approved payment of County claims in the amount of \$24,540.00 for May Election

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Trace Reed, Juvenile Detention Officer

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- FBI-LEEDA in the amount of \$2,085.00 for Canyon County Sheriff
- Action Target in the amount of \$1,800.00 for Canyon County Sheriff
- Caxton Printers in the amount of \$19,645.80 for Trial Court Administration
- Western Idaho Fair in the amount of \$1,349.75 for County Fair
- Creative Awards in the amount of \$2,132.00 for County Fair
- Skyline Silversmiths, LLC in the amount of \$6,657.00 for County Fair
- T.O. Engineers in the amount of \$7,200.00 for Facilities Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Slicks Bar to be used 6/17/22 and Payette Brewing Co to be used 6/16/22 and 7/8/22

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 9:05 a.m. to consider agenda items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Steve Fultz (left at 9:29 a.m.),

Building Official Dave Curl (left at 9:27 a.m.), Fair Director Diana Sinner (left at 9:38 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Public Hearing regarding proposed revised Development Service Department's building permit and planning and zoning fee schedules and consider signing a resolution adopting revised Development Services Department building permit and planning and zoning fee schedules: A review of how the revised fees were determined was provided and a copy of the spreadsheet indicating the current fee, percentage change, 2022-2023 proposed fees and comparisons to Ada, Owyhee and Gem counties. Today's hearing was properly noticed in the Idaho Press Tribune but no members of the public attended to offer comment nor was any written comment received. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution adopting the revised Development Services Department building permit and planning and zoning fee schedules (see resolution no. 22-137).

Consider signing resolution for a refund request for Sierra Vista Properties, Inc for a withdrawn variance application: Director Fultz said that upon review the application it didn't meet the criteria for a variance. There was a small amount a staff time used for review of the application and a refund of \$412.50 is recommended. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution to issue a refund of \$412.50 to Sierra Vista Properties, Inc for a withdrawn variance application (see resolution no. 22-136).

Public Hearing regarding a proposed admission fees charge by the Canyon County Fair and consider signing a resolution setting and adopting fees for the Canyon County Fair: Director Sinner said the last increase was in 2017 and provided a brief overview of the changes. Mr. Wesley noted that changes to the concert tickets and reserved seating will be brought forth at a later time, however, it was inadvertently included in this resolution so it will be corrected with a strikethrough. Today's hearing was properly noticed in the Idaho Press Tribune but no members of the public attended to offer comment nor was any written comment received. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution setting and adopting fees for the Canyon County Fair (see resolution no. 22-138).

As part of the legal staff update, Commissioner Van Beek thanked Mr. Wesley for his assistance with the impact fees meeting with Canyon Highway District no. 4 and provided the timeline of when those meetings will be occurring.

The meeting concluded at 9:39 a.m. An audio recording is on file in the Commissioners' Office.

FY2023 BUDGET PRESENTATION FOR METRO COMMUNITY SERVICES

The Board met today at 1:31 p.m. for the FY2023 budget presentation for Metro Community Services. Present were: Commissioners Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Grant Jones with Metro Community Services and Deputy Clerk Monica

Reeves. A review of the past year was provided. In the last year the organization has struggled with employee staffing/retention, inflation, and supply chain issues which have affected and impacted the organization and the way it operates. Their free transportation service, which provides service to seniors, those with disabilities or who are financially-limited, has suffered as well. They will phase out the food pantry service as there are others who provide regular and consistent food services to the community and will focus on other key programs they can expand and enhance. For FY2023 Metro is requesting \$125,000. The meeting concluded at 2:58 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 8, 2022

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

No meetings were held this day.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 9, 2022

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

APPROVED CLAIMS

- The Board has approved claims 585166 to 585184 in the amount of \$13,887.25
- The Board has approved claims 585306 to 585336 in the amount of \$54,137.30
- The Board has approved claims 585185 to 585222 in the amount of \$49,693.11
- The Board has approved claims 585223 to 585270 in the amount of \$53,848.35
- The Board has approved claims 585271 to 585305 in the amount of \$131,419.90

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Boise Window Tint in the amount of \$1,478.10 for Facilities Department
- Cole Architects in the amount of \$4,032.50 for Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Dori Smith, Deputy Public Defender I; Joshua Barnett, Deputy Sheriff-Inmate Control; Alexis Haddad, Clerk I; Heather Coatney, Clerk I; and Sarah Winslow, Auditing Supervisor.

DETAILED MINUTES TO COME AT A LATER TIME

Medical Indigency Decisions

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

DETAILED MINUTES TO COME AT A LATER TIME

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

Action Item: Consider signing legal notice of public hearing regarding Canyon County Highway District No. 4 impact fee proposal

CONSIDER SIGNING TREASURER'S TAX CHARGE ADJUSTMENTS BY PIN FOR MAY 2022

The Board approved tax charge adjustments by PIN for May 1 through May 31, 2022.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 10, 2022

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

APPROVED CLAIMS

- The Board has approved claims 585337 to 585393 in the amount of \$174,155.88
- The Board has approved claim 585394 in the amount of \$6,427.72

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 13, 2022

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Thompsons Inc. in the amount of \$1,455.35 for Facilities Department
- Essential Objects in the amount of \$2,999.00 for Information Technology Department
- Project Manager.com in the amount of \$16,254.00 for Information Technology Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change forms for Presley Ramey, Fair Summer Intern; Theodore W. Lagerwall, Jr., Deputy Attorney II

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Scott Hillman

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for The Curb Bar & Grill to be used 6/25/22

MEETING TO DISCUSS AND REVIEW COMMISSIONERS' PROPOSED BUDGET REGARDING THE POTENTIAL POSITION FOR A CHIEF OPERATING OFFICER

The Board met today at 8:39 a.m. to discuss and review Commissioners' proposed budget regarding the potential position for a Chief Operating Officer. Present were: Commissioners Keri Smith and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, and Deputy Clerk Monica Reeves. Commissioner Van Beek supports the position but would like the incoming Commissioners (who will be sworn-in to office in January, 2023) to weigh in on how they want to manage the position. Commissioner Smith is supporting of the position and reiterated the points she's previously made about the how the position will benefit the County in terms of teambuilding, efficiencies, timely response to department needs, etc. Regarding Commissioner Van Beek's request that the new Commissioners be involved, Commissioner Smith said there is not a process for them to participate at this point. Clerk Yamamoto said it could be a helpful situation if you have the right person and if there is a board or council conducive to that kind of activity, but it would be adding a position and how much efficiency could this position bring? He suggested the job description be revised to remove the section that refers to sitting a desk for up to 8 hours a day since it's important for the person to be out and about and meeting/talking with departments. Commissioners Smith and Van Beek agree that language should be revised. The salary range for the position is \$98,000 (minimum), \$116,693 (mid-range) and \$135,000 (maximum). Controller Wagoner said we typically budget at the mid-range amount so that would be \$116,693 and with factoring in benefits we should include a total amount of \$150,000. The Board supports moving forward with the position. The meeting concluded at 8:52 a.m. An audio recording is on file in the Commissioners' Office.

COMMISSIONERS' OFFICE FY2023 PRELIMINARY BUDGET WORKSHOP

The Board met today at 9:00 a.m. for the Commissioners' Office FY2023 preliminary budget workshop. Present were: Commissioners Keri Smith and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, and Deputy Clerk Monica Reeves. Highlights from the budget review were as follows:

- Elected officials' salaries will remain at the same level of \$309,249
- No COLA, step, or merit increases have been included for regular employees at this time
- The BOCC wants to add funding for a Chief Operating Officer position to the regular employee line which brings that total to \$795,606
- "B" Budget expenses are standard. The education and training line item was brought to \$6,000 and should be utilized for the investment in the BOCC's administrative staff and the COO position this year versus for BOCC training
- The subscription line item was increased to renew the annual subscription for the Idaho Statesman
- There are incidental amounts for small office/computer equipment, but nothing for office furniture
- The second part of the BOCC office/meeting room remodel will be included in the Facilities budget

There was a review of the general budget.

- BOCC wanted to remove the \$10,000 in the Attorneys line item. (The last time it was used was in 2018)
- There was a review of the outside agencies' funding requests and following comments the BOCC suggested the following amounts for the outside agencies seeking funding for FY2023:
 - Advocates Against Family Violence \$50,000
 - Caldwell Veterans Council \$32,000
 - Canyon Soil Conservation District \$15,000 *(BOCC wants more information regarding the funding source and the possibility of moving this item to the DSD budget)*
 - COMPASS \$122,508
 - Genesis Community Health \$75,000
 - Jannus \$18,000
 - Jesse Tree of Idaho \$0 *(BOCC does not want to approve for ARPA funds either)*
 - Metro Community Services \$62,500
 - Nampa Family Justice Center \$20,000
 - Southwest District Health \$2,257,029
 - Treasure Valley Partnership \$5,580
 - Valley Regional Transit \$40,000
 - WVHS \$200,000
 - WICAP \$55,000
 - Youth Court \$10,000

The Board is awaiting the recommendations from the Historic Preservation Commission regarding FY2023 project funding amounts. The meeting concluded at 10:11 a.m. An audio recording is on file in the Commissioners' Office.

SHERIFF'S OFFICE FY2023 PRELIMINARY BUDGET WORKSHOP

The Board met today at 10:17 a.m. for FY2023 preliminary budget workshop meetings. Present were: Commissioners Keri Smith and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Sheriff Kieran Donahue, Chief Marv Dashiell, CCSO Financial Manager David Ivers, and Deputy Clerk Monica Reeves. Highlights from the budget review were as follows:

- Shortages in personnel have to be addressed. In May they were down 14 vacant deputy positions in the jail (17 by the end of June); down 4 patrol deputies and 3 detectives
- Seeking a customer service position at driver's license, and an administrative assistant to help the emergency manager with paperwork, grants, invoicing, and reports

- Rifle replacements and weapons for the SWAT team as well as firearms and ballistic vests for deputies
- Fleet needs: 9 Patrol vehicles, 2 trucks and 1 van
- Replace office chairs, tables, and training room mats
- Replace/update computers, mobile modem system for vehicles, body camera and the digital information management system
- Remodel projects for CID and locker room (turned into external interview rooms); and the ad-tech booking area in the jail
- Battery replacement for radio towers likely in FY2022 due to the concerns of backup power supply in the towers
- Waterways boat purchase – CCSO was awarded \$93,000 in grant funds with a \$24,000 match
- Ammo budget – The current vendor is having a lot of supply issues
- CCSO will apply for a \$92,000 grant to replace the computers and monitors in dispatch center with a high-end system, which is contingent on grant funding
- Working with IT on a test-run of a single-monitor system
- Contracts - Some vendors are seeking 20%-25% increases in their standard annual supplies
- Fuel – CCSO has a 78,000-gallon annual average and at \$5 per gallon that's a \$125,000 increase
- CCNU building lease will increase to \$54,000 annually, with the potential of acquiring that asset later
- There are large overtime amounts due to staffing issues (\$450,000 and of \$125,000 in separate line items)

Commissioner Smith said the Board requested a report from HR on unfilled positions and there are 25 unfilled positions for CCSO since May. There are several positions haven't been filled as far back as 2011 and six that haven't been filled since 2019. Chief Dashiell said he will have to review the information to figure out where those assignments are. Commissioner Smith asked what the dollar value is for those and it would seem prudent since the taxpayer has been paying for those for a very long time that we cut the positions until we know we can fill them. She is not asking to cut them, but she would like more information. Controller Wagoner said we have not paid anything out for those positions; there are no expenditures for vacant unfilled positions. We do not levy property tax for those. Every year we use fund balance to balance the budget – we don't fully fund the budget with property tax money, we anticipate there will be vacant positions so we do not levy property tax for those. Sheriff Donahue wants to look into the six positions referenced by Commissioner Smith.

Commissioner Smith asked what percentage of salary increase was proposed. Chief Dashiell spoke about putting appointed salary positions at a percentage below their supervising personnel so they would be at a fixed level, coming down off the Sheriff, rather than in a running scale into the future. However, they have not had a lot of opportunity or direction on where the County is going with

the compensation plan this year so he was waiting on that. Commissioner Van Beek asked if the County is moving forward with a wage and compensation analyst? Commissioner Smith said that's a good note and it can be brought during the HR budget workshop.

Commissioner Van Beek asked for the Sheriff's position on incorporating a negotiator/social critical incident task force person or providing education and training to assist officers not only for their own mental health but also in the field when there is an acute crisis of mental health. Sheriff Donahue said there is a mental health crisis in the U.S., but putting another citizen into a potential volatile situation where they are going to be susceptible to harm is not something he is willing to do. His officers have the training and protection for those calls and although it is an evolving thing he is not in a position now to commit to having another person in the fray on those mental health calls because they are not trained to do what law enforcement does. His goal is to continue providing training to the officers and the realization that people have mental health issues whether it's caused by drug addictions, alcohol, economic stressors, etc., and we'll have to deal with it the best we can but to bring another person into the scene is not something he is contemplating. Chief Dashiell said Ada County has a CIT – crisis interdiction team – that could be called upon by CCSO if needed. Boise City started a mental health team where a fulltime officer is paired with the counselor. He believes it would be a better option to look at a group that would work with all law enforcement agencies instead of individual agencies having a specific person assigned to their agency. He does not believe the CCSO call load would support a fulltime position in that field but said it might make more sense to have someone on a contract basis, potentially.

Commissioners Smith and Van Beek asked questions regarding the line items for hospital services, OT expenses, use of grant funds, and security services (inmate housing lease/POD 6). Commissioner Van Beek asked for the resolution that transferred the inmate housing lease from the current expense fund to security services. When initially proposed in 2018 the funds were in the current expense fund and then it was moved, but in order to do that there has to be a resolution to move between accounts but she cannot locate the resolution. Controller Wagoner said it's the annual lease payment for Pod 6 and because it's currently used for housing inmates it is appropriate to account for it in the justice fund in the security services function because it most accurately reflects the actual use of those dollars. Commissioner Van Beek said historically when there's been a transfer of money between accounts there has to be a resolution. The lease expires in 2-3 years and we want to be careful with the tracking of those dollars on what it's used for because we told taxpayers we were taxing to provide for housing for inmates and so this could be a significant part of an annual lease payment to provide for a new jail facility in the security services, and that would be the right use of that. Chief Dashiell said it was placed initially in the justice fund (410) and that's where the lease amounts were paid from. Last year that amount moved to the revenue replacement line along with some contracts. This year they have reinserted those items into the Sheriff's budget as expenditures and it will be up to the BOCC and Auditing to work through what may come out of revenue replacement opportunities. Commissioner Smith said the \$1.4M was ARPA money for 2022 and the Controller has said we need that money to make the payment and we will wait on the Clerk's suggested budget on where to pay it. Commissioner Van Beek wants to make sure those funds help, she said we are also going to be receiving money that's coming back from the revenue allocation area that will be a little over \$2M.

We don't have an identified funding source that's committed long-term to the future of building a new jail. When the lease is done that money will no longer be dedicated toward paying for Pod 6 and we'll either return them or will repurpose that annual payment amount and that money could be a significant factor in the annual amount for construction of a new jail. Sheriff Donahue said when the lease ends we still have to house inmates and there will be costs associated with that. There was discussion regarding the CCSO training budget. Commissioner Smith the training budget was left at \$45,000 but costs for hotel and meals were cut nearly in half. Chief Dashiell said he expects to see training becoming available again locally because agencies are starting to see a cycle on retirements and with younger people coming into leadership positions. Commissioner Smith said since the hotel and meal line items were reduced it makes sense to reduce the training line as well. Chief Dashiell offered to reduced it to \$30,000. Sheriff Donahue said they are very frugal with training dollars and associated expenses and they get pushback that they do not send people to enough training, especially out-of-state training. They wait for training to come in state. He also pointed out that his office returns a lot of money back to the County coffer each year. Training is very important and he wants to make sure he has enough to cover the needs. Clerk Yamamoto said with regard to the staffing in the Sheriff's Office, they put the personnel level at the per capita basis and they have not filled those positions fully for several years, but they have left it in the budget in case they could be filled. Auditing figures out how much money will be expended on those personnel levels and that's what they charge the taxpayer. For example, if there is \$5M for personnel but they think they're going to spend \$4M, that's how much we take property tax-wise. Commissioner Smith said if we are not using the positions and if we cannot fill them perhaps they can be used for other positions like the admin for the emergency manager, for instance. Where is the need and do these positions need to keep up with the times and be changed so they can be filled? Sheriff Donahue said it's a multi-faceted issue and they will have to do research on the initial question about the six (6) positions, but setting those aside they are desperate to fill positions. They are down 25 employees and the positions are critical to the mission whether it's the communications center, driver's license, patrol, CID, etc. They are drowning and their OT numbers are huge, but worse than that is the burnout of employees who are working mandatory overtime in the jail and it's causing them to look elsewhere for employment. He said it's a good discussion to have but it's not that he has those 6 positions because they are overfilling - they are required. Clerk Yamamoto said he is fine with OT and holiday pay because it's a bargain in that it's replacing a fulltime paid position, but there is the burnout factor to consider. Commissioner Smith said some positions cannot be filled because we're not competitive and so continuing to fund the positions at levels we cannot pay people at is not a service and we're not doing our duty. The question is: do we need that position or do we need a different position and what should it be funded at? We should fix the problem because we are burning out employees not only in the Sheriff's Office but other offices as well. Commissioner Van Beek's concern is that we tax more than we spend and we are supposed to matching services and so that is a conversation that needs to happen. Clerk Yamamoto said that is not true – we have seen a huge increase in other non-property tax revenues. The meeting concluded at 11:42 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Executive Session, pursuant to Idaho Code, Section 74-206(1)(e) to consider preliminary negotiations involving matters of trade or commerce

DETAILED MINUTES TO COME AT A LATER TIME

FY2023 Preliminary Budget Workshops for:

Clerk's Office

Assessor's Office

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 14, 2022

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

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for O' Michael's Pub & Grill to be used on 7/2/22, 7/3/22, 7/8/22, and 7/16/22; and the Curb Bar & Grill to be used on 6/25/22; and Paleteria Y Neveria Mi Linda Michoacana Ice Cream, LLC to be used on 6/18/22.

DETAILED MINUTES TO COME AT A LATER TIME

FY2023 Preliminary Budget Workshops for:

Public Information Officer

Treasurer's Office

Coroner's Office

County Fair Department

DETAILED MINUTES TO COME AT A LATER TIME

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

Action Item: Consider signing a resolution designating surplus property and donating to the Idaho State Police

DETAILED MINUTES TO COME AT A LATER TIME

Executive session pursuant to Idaho Code 74-206(1) (b) and (d) to discuss personnel matters and records exempt from public disclosure

CONSIDER SIGNING INDEPENDENT CONTRACTOR FRAMEWORK AGREEMENT FOR CIVIL LEGAL WORK FOR AND THROUGH THE PROSECUTING ATTORNEY'S OFFICE AND FY2023 PRELIMINARY BUDGET WORKSHOP FOR PROSECUTING ATTORNEY'S OFFICE

The Board met today at 1:32 p.m. to consider an Independent Contractor Framework Agreement for Civil Legal Work for and through the Prosecuting Attorney's Office, and to conduct the FY2023 preliminary budget workshop for the Prosecuting Attorney's Office. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Prosecuting Attorney Bryan Taylor, PA Office Manager Melinda Longoria, Controller Zach Wagoner, PIO Joe Decker, Ambulance District Director Michael Stowell, Director of Juvenile Probation Elda Catalano, and Deputy Clerk Monica Reeves.

The agreement was considered as follows: Prosecutor Taylor said his civil division has been down a few deputies and they do not have the manpower to complete all of the projects for the elected offices so they want to contract with former Civil Deputy PA Dan Blocksom to review some of the civil obligations such as contract review, legislative review, etc. He has the funds to pay for this due to unfilled positions within the office. Mr. Blocksom will do the initial project under the auspice of the civil division and it is solely on a contract basis at a rate of \$200 per hour which is the going rate for attorney fees. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the Independent Contractor Framework Agreement for Civil Legal Work for and through the Prosecuting Attorney's Office. (Agreement No. 22-051.)

The PA budget review was as follows:

"A" Budget: PA Taylor is not asking for new positions this year but he is asking for funding for existing positions because it's been difficult to attract and retain employees. If the Public Defender Department is asking for more positions he needs to be authorized the same number of attorneys. He said the County needs to look at an across-the-board cost of living adjustment, but he will defer to the Controller and Board on what that amount will be.

"B" Budget: There are increases are in four primary areas:

- Experts, travel expenses, transcripts, and witness fees
- Miscellaneous professional services: Professional service contracts for outside civil attorneys and they want to put that into the FY2023 budget to have a \$50,000 line item for those contracts for the civil division. If he is able to fill attorney positions then the line may become a moot issue.

- He has been working with IT on recommendations for technology replacement and moving away from the Chromebooks and taking on the IT Department's recommendations (includes copiers and docking stations). The Chromebook laptops are coming to the end of their life and the replacements are more expensive than the current Chromebooks. One-third of the desktops have to be replaced based on the quote from the IT Director. There was discussion regarding the case management software. He had \$75,000 within his budget as a placeholder on the off chance the Justware product fails they would have the money to start the process of getting a new case management software. His IT person and IT Director Rast have had communication about software and exploring whether it's prudent to do an RFP for a case management system. He has been utilizing IT's team and it has remained stable so there is no need to spend more dollars as long as the system is working. Commissioner Smith said the PA's "B" budget growth is 33% and noted if there are no plans for the \$75,000 it is a very simple process to reopen the budget for unplanned expenses.
- Facilities Director Britton has provided an estimate on a remodel of the copy room which will be cut down by two-thirds to insert new cubicles that would add 6 more slots for support staff. They wiped out the file room this budget year for additional office space for attorneys and if they fill all positions in 2023 they would be out of space so that's why they are doing this project. There is \$15,000 in the capital construction line for demo/construction and \$17,000 for the cubicle systems.

The Board had questions about another line item for office furniture for \$15,000, and the value of the construction inventory that's stored in the warehouse. Prosecutor Taylor said he will defer to the Facilities Director on the value. There are bundles of wood and that have been sitting with Facilities for almost two years for a build-out which was planned for the PA training room and some of that wood has been set aside for a standardized desk and bookshelf for each office. The PA has been waiting for projects since 2019 but understands there are other priorities. There was discussion regarding support staff positions; whether the attorneys work from home; the increase in the training budget; and the prosecution services contracts with the Cities of Nampa and Caldwell. Controller Wagoner said he neglected to add \$1,000 to the PA uniforms line item for the investigators. Regarding the 30% growth in the "B" budget, he said we need to consider the operating circumstances, such as the 17 pending homicide cases, for example. There is a decrease in the "A" budget for two positions that were previously funded, those positions have been unfunded for FY2023 so before we factor in any COLAS, the "A" budget is down around \$500,000. Discussion ensued. Commissioner Smith said it's important to take out the \$75,000 only because the Board is treating others like that. Commissioner Van Beek agrees. Commissioner Smith wants the PA to pull back his office furniture line item. She said he's doing a great job of running an office with the attorneys he has and she wants to continue to make sure we're able to invest in the human capital and so if we can take a little bit from a couple other areas she thinks that would be important because she doesn't think he pays the civil attorneys enough. Some positions have been open since 2019, 2020 and 2021 but the PA has been actively recruiting and has already done one pay scale adjustment. We should be evaluating what the pay scales look like. Commissioner Smith said the PA should look at that and make sure we are offering these positions and retaining the

employees we currently have at wages that will retain and hire people. Prosecutor Taylor said that has been the challenge. The meeting concluded at 2:14 p.m. An audio recording is on file in the Commissioners' Office.

FY2023 PRELIMINARY BUDGET WORKSHOP FOR FACILITIES

The Board met today at 2:16 p.m. for the FY2023 preliminary budget workshop for the Facilities Department. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, Facilities Director Rick Britton, Maintenance Technician Carl Dille and Deputy Clerk Monica Reeves. Director Britton's review was as follows:

Increase to the overtime budget: The department is doing away with comp time and doing straight overtime.

New positions and Reclassifications: Upgrade senior customer service position to an office manager position, and the housekeeping supervisor to a custodian supervisor so she can be at the same level as the other supervisors within the department; and upgrade the maintenance II tech positions in order to have some structure to have longer-term employees.

Three (3) new positions:

- A project analyst administrative specialist to be a backup for office manager and to help regulate budget with logging manhours and tracking jobs; help keep projects in order, and that person would be in charge of the warehouse and be a backup to the office manager.
- A fair expo custodial position to maintain the new center and the old fairgrounds
- A maintenance 2 tech position

He eliminated one of the tech positions (-\$59,000), but he would like to hire an HVAC specialist.

There was discussion regarding how to staff coverage of the parks on weekends, including Celebration Park and Lake Lowell Park due to complaints about trash, graffiti and maintenance of the restrooms. There was also discussion about the potential of having a partnership with Fish and Game. Director Britton wants another position for the grounds department but he was trying to regulate and not ask for 5 new positions, but if the desire is to make sure Saturdays and Sundays are covered he would like two additional positions: one in the grounds department and one in the maintenance department and that way he would have sufficient staff to maintain parks in the summer months. Commissioner Smith is supportive of that. Commissioner White asked about contracting with a cleaning company for the parks coverage, but Director Britton would prefer his staff perform that work due to the costs that would be involved. Commissioner Van Beek asked about the status of improvements to Storey Trail. Director Britton said the funds were not there for the Parks Department last year, and with the amount of work they have this year he was looking at 2024 to finish the trail. Director Schwend is budgeting for that project next year. Commissioner Smith wants to explore the idea of charging a park usage fee at Lake Lowell to assist

with the seasonal help and improvements. There would have to be a partnership. Commissioner Van Beek said Director Schwend has done a good job with building relationships with federal agencies and she is interested in looking at the MOU and exploring partnerships. She also likes the idea of having coverings/sails that would add a lot to the aesthetic and it would upgrade that area. Director Britton said he talk with Director Schwend about it and he will obtain some pricing options on the sails. Commissioner Smith said there is general support to add a position back in to the budget. Controller Wagoner said the \$308,000 in the line item includes four new positions. Review of the budget continued as follows:

Idaho Power costs have increased by 13% increase this year.

Painting and LED conversion throughout the campus. He wants to convert lighting to LED around the campus (converting from fluorescent to LED with a cost savings of 8%-10%)

\$65,000 for jail repairs and maintenance supplies

Request for funds to purchase two homes next to courthouse campus

\$1.6M for capital construction for A&E fees for a second administration building. There will be other fees on top of that amount. The plan at the moment is that ARPA funds would pay for the building. ARPA funds must be spent be obligated by 2024 and spent by 2026.

\$72,500 for 3 pieces of equipment:

- \$45,000 for a pull behind lift (huge asset for facilities in terms of safety and because he wouldn't have to rent the equipment)
- \$17,500 for a riding lawnmower (existing one is 16yrs old and needs work)
- \$10,000 for an ATV 4-wheeler for ice melt on sidewalks, fertilizer, and spraying throughout summer and winter months

Funding for new vehicle replacements as recommended by Fleet

Commissioner Smith asked what items could be cut, and Director Britton said he could eliminate one of his vehicle requests.

Capital improvement contracts – LID improvements with City of Caldwell for streetlights and crosswalks, and bump-outs around the campus. The city provided a number of \$300,000 and there is a 70/30 split, with the County's portion being 70%. Commissioner Smith wants to negotiate a 50/50 split. There was discussion about whether the streetlight lamp posts will include cameras. There are discussions to be had on the cost for camera installation. Director Britton will see if he can regulate the fee a little better.

\$68,750 for a jail kitchen dishwasher

He has received plans for the animal shelter roof, but he doesn't have a number yet but once he does he will meet with the Controller to see where they can come up with the money.

Controller Wagoner said there is a 162% increase in the Facilities "B" budget. Earlier this afternoon he was asked about a 30% increase in the PA's budget and this total budget is a 79% increase. We have to be cautious of blindly evaluating just a percentage change year to year. The value created by Director Britton's team is tremendous and if you look at a 10-year history of Facilities, the number of employees has hardly changed. He supports the request for additional personnel. The meeting concluded at 3:23 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER ISSUING RECOMMENDATION ON ADJUSTMENT TO MIDDLETON, STAR OVERLAPPING CITY IMPACT AREAS PER IDAHO CODE §67-6523(C)

The Board met today at 3:33 p.m. to consider issuing a recommendation on adjusting the Middleton and Star overlapping city impact areas per Idaho Code § 67-6523(c). Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, GIS Analyst Tony Almeida, and Deputy Clerk Monica Reeves. Commissioner Smith said Deputy PA Wesley sent an email stating the Board needs to issue a recommendation on adjusting the overlapping areas within 30 days of the City of Middleton's request. If a majority recommendation is not reached we need to meet again before the deadline. Deputy PA Wesley responded to the letter dated May 24, 2022 from the City of Middleton/Givens Pursley Law Firm, and on June 3rd the Board received a response from City of Star's attorney and their position has not changed. Middleton has not, in their opinion, been responsive to them. They both acknowledge that they are not in agreement on the impact area. Commissioner Van Beek provided gave the following summary: Star's last correspondence indicates Middleton is not willing to negotiate unless they concede that property owners in that crossed area have the right to select which city they want to be a part of, and, in the absence of that agreement they would allow citizens to choose who they want to be a part of. They are saying Middleton is not willing to negotiate and they would consider their proposal at the next city council meeting if Middleton provided a proposed alternative to the Committee of Nine recommendation. Commissioner Smith said we should stay clear of the lawsuit and focus on where those impact areas should be. The cities cannot agree. The County needs to provide a recommendation that does not have overlapping impact areas and the cities can argue in court. We want to establish two nonoverlapping impact areas and let them do the rest. Dan Lister said staff did not have time to make a recommendation but they have brought maps the Board has seen before during discussions on the City of Star's Impact Area and Committee of Nine discussions. The options are as follows:

- Option A: Up to Blessinger Road instead of Kingsbury, and include the piece that has been annexed into Star, bringing it into "no man's land"
- Option B: Generally around the existing annexed area of the City of Star
- Option C: A one-mile boundary from both city limits

- Option D: A half-mile boundary for the city limits but it severely reduces Star’s impact area to the north and it would also reduce Middleton’s impact area

Commissioner Smith likes Option D and wants to know if we can adjust the nonoverlapping area. Commissioner Van Beek believes the City of Nampa will fight that and said we may have to look at it on a case-by-case basis. If you restrict it for one it will be problematic for the other 7 cities within Canyon County. Commissioner Smith said they are causing urban sprawl. The law is vague; you can do voluntary annexations outside of impact areas. Middleton’s case might have their own standing that it doesn’t say you can annex inside someone else’s impact area, but if you pull it back and create a no man’s land whoever can service it first gets it. The County is not telling cities you cannot annex, it is saying here is the identified growth area. Commissioner Van Beek suggested an Option E that could include the area up to Edna. Go to the half mile at Kingsbury and allow them to go north and leave the southern tip in place. Discussion ensued. Commissioner Smith wants to pull back both sides, but we need to run it by Deputy PA Wesley. She also wants a message on the Nextdoor App that tells citizens about the upcoming meeting. Commissioner White said she is okay with the map approved by the Committee of Nine. Commissioner Smith said if we can pull it back we should consider creating an area that has no impact area in the middle that both of them can annex. (Reviewed the Middleton Future Land Use Map with Star’s overlay). One proposal would be to give no impact area between that boundary except the land that Star has already annexed. Commissioner Smith wants staff to make new maps and come back next week. Dan Lister said a “no man’s land” means it would stay in the County there would be no impact area, and the question is can we affect that area and make it no man’s land. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the matter to Friday, June 17 at 9:00 a.m. to allow time for updated maps and to run the matter by legal counsel. The meeting concluded at 4:01 p.m. An audio recording is on file in the Commissioners’ Office.

JUNE 2022 TERM
CALDWELL, IDAHO JUNE 15, 2022

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

APPROVED CLAIMS ORDER NO. 2219

- The Board of Commissioners approved payment of County claims in the amount of \$1,845,347.07 for a County payroll (approved electronically)

JUNE 2022 TERM
CALDWELL, IDAHO JUNE 16, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Norm Swaffield, Building Inspector; and Milagros Aguila, Legal Assistant I

Medical Indigency Decisions

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

Public Meeting to Consider Resolution Granting Materne North America a Property Tax Exemption Pursuant to Idaho Code 63-602NN

Action Item: Consider signing resolution granting Materne North America a property tax exemption pursuant to Idaho Code 63-602NN

Meeting with county attorneys for legal staff update

Meeting to consider abatement pursuant to Canyon County Ordinance 07-19-01 (6) for Parcel No. 21400500

FY2023 Preliminary Budget Workshops for:

Landfill Department

Weed and Pest Department

Parks, Cultural & Natural Resources Department

Human Resources Department

FY2023 PRELIMINARY BUDGET WORKSHOPS

The Board met today at 2:00 p.m. to conduct the FY2023 preliminary budget workshops for the County Agent's Office and the Development Services Department. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Patrick Momont from the University of Idaho Extension Office, DSD Director Steve Fultz, and

Deputy Clerk Monica Reeves. DSD Office Manager Jennifer Almeida arrived at 2:26 p.m. The workshops were held as follows:

County Agent's Office – 2:00 p.m. to 2:20 p.m.

Patrick Momont gave an update on staffing levels noting there are three vacancies of the five U of I faculty in the office. They are in the process to fill the positions. One of the major increases is in the County Agent's contracts: \$18,000 for the 4-H program coordinator and temporary help for the master gardener education program where the salary will increase from \$10 per hour to \$15 per hour. There was discussion regarding mileage and meal amounts for educators and well as grant funding the educators receive. Commissioner Smith asked about reducing some of the line items and Mr. Momont said that could be done on a temporary basis since they have some vacant positions. He spoke of efforts being made to assist the Fair Office. Commissioner Smith asked if there any grants that could be used to construct a new building, potentially near Fair office. Mr. Momont said he is only aware of ARPA funds. Clerk Yamamoto asked if the Board is clear on who has what duties with the relationship between the County Agent and the Fair. Commissioner Smith said the Board just went through that MOU at a previous meeting with Mr. Momont. There are two MOU's, one is for the Fair relationship and the one is the general MOU between the U of I and the County. Commissioner Smith said the biggest concern she had was the relationship issues between the two offices, but Mr. Momont and Fair Director Sinner are working through that.

Development Services Department 2:21 p.m. to 2:43 p.m.

Director Fultz reported that the department is self-supporting through its fees. He is projecting that \$25,000 as the County enters into agreements with cities for planning and economic development services. Other notable increases:

Seeking a part-time position for document scanning. (The position was temporary but he is hoping a part-time person will stay in the position longer.)

\$20,000 for professional consultants. The engineer that was hired is working toward getting his PE designation and the department will need backup engineering services. (Note – the engineering line item went from \$70,000 to \$0.)

\$35,000 for miscellaneous professional services for the hearing examiner and code enforcement abatement and demolition. Commissioner Smith wants those two items separated: \$10,000 for hearing examiner and a separate line for abatement and demolition with the amount to be determined after Director Fultz discusses the case information with the code enforcement officer.

\$28,000 for marketing for the economic development team. DSD is working on large industrial leads so they need marketing materials for projects in the new Caldwell Urban Renewal Area and other areas. He has an upcoming meeting with the City of Middleton who wants to present an area for a large basic sector employment group.

Funding for service contracts for Pictometry and GIS mapping licensing.

Funding for miscellaneous maintenance for a storefront entry similar to what PA has.

\$126,000 for IT recommended computer systems and software. \$120k of that is for the digital plan review and plat review software project, and \$6k for the code enforcement division to help track down property owners.

Funding for education and training. In the year since Director Fultz was hired, the department has hired 17 new people.

Commissioner Smith said DSD revenues are projected at \$3,087,000 and expenses are \$3,079,000. Director Fultz said they are seeing a slight trend down in residential, but it's trending up in industrial and commercial. Commissioner Smith asked him to think about a balance on that because building will slow down so she wants him to reduce his amounts but then add back in the recently approved fee increases and then see where the numbers fall.

Commissioner Smith noted for the record that an application was received today from Aaron St. George with Canyon Recovery Community Center but because the application was incomplete so the Board decided to cancel the meeting.

The meeting concluded at 2:44 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2022 TERM
CALDWELL, IDAHO JUNE 17, 2022

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Idaho Survey Group in the amount of \$14,950.00 for the Solid Waste Department

CONSIDER JUNE 17, 2022 AGENDA ITEMS SCHEDULED FOR 9:00 A.M.

The Board met today at 9:02 a.m. to consider the June 17, 2022 agenda items scheduled for 9:00 a.m. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Treasurer Tracie Lloyd, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Property Appraisal Supervisor Greg Himes, Deputy PA Alex Klempel, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. The items were considered as follows:

Reschedule public hearing to consider a request by Troost Family Living Trust for a rezone, Case No. RZ2021-0035: Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to August 15, 2022 at 9:00 a.m.

Meeting with County Treasurer to consider a request by Darigold for a casualty loss exemption - Greg Himes said there are two applications, one on the real property and one for personal property where the date of loss due to a fire was on October 12, 2021. The application was filed timely but was slightly late getting to the Board because there was a lot of conversation between the Assessor's Office and Darigold. There was a review of the real property and person property calculations. Tracie Lloyd reported the total value on the personal property for casualty loss was \$1,181,213 and the taxes to be cancelled are \$14,597.79; and for the real property it was \$153,800 and cancelled taxes on that amount are \$1,900.69 for the 2021 taxes. Chief Deputy Assessor Joe Cox said the values are prorated so they did pay from January until the date of loss. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to grant the exemption for the real property and personal property owned by Darigold in the amount of \$16,498.48, to broken out as two separate items as explained by the Treasurer.

Consider signing resolution for a refund request for Steven & Kathleen Squellati for a withdrawn conditional use permit modification - Dan Lister said the applicants withdrew their application because they opted not to build the structure that necessitated the need to modify their existing CUP. Staff worked on the application and it was supposed to be heard last night by the P&Z Commission but the applicants withdrew their application. Staff has done at least 50% of the \$550 fee and is recommending a partial refund of \$275. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the partial refund amount of \$275. (Resolution No. 22-142.)

Consider issuing recommendation on adjustment to Middleton, Star overlapping city impact areas per Idaho Code § 67-6523(c) - Dan Lister provided copies of maps; one depicts what was decided at the last meeting which shows Star's area of city impact in blue and Middleton's in orange. The Board wanted staff to look into whether it could make no impact areas within these certain locations as shown on the left-hand side of the map. In looking at the state law, staff does not believe that is available. If today we find out we can only affect the overlap area and cannot take away he still wants the opportunity for the Board to give a recommendation on how to fix that overlap. Deputy PA Alex Klempel reviewed the statute and said the way it's written indicates it's about who has the area of city impact not whether we can take it away, and the reasoning behind that is because of what happens if the cities do not go along with the Board's recommendation it goes to election and the electors in that overlap area have a choice of which area of impact they

want to live in, not whether they will live in an area of impact. Based on the language of the statute the Board has to either give all of it to Star or all of it to Middleton or split it somewhere in the middle. Commissioner Van Beek reviewed the maps and asked questions of staff. The last time the Board met it talked about splitting those two areas labeled “no impact area” but that’s not an option. If we look at who’s providing service, Star Sewer and Water put a lift station on Joplin Road that is intended to service. She attended meetings yesterday with the City of Nampa and said that is potentially an area where there is going to be a committee of nine because Nampa also wants that area so it seems messier to give that one to Middleton to get three agencies involved in that triangle so what about giving that to Star and giving the other on Purple Sage Road as Middleton is already planning for residential development in that area and moving toward Kingsbury Road. Dan Lister said the Willowbrook area looks like they may have an agreement with Star to build so there’s a lot of moving pieces, and at the end of the day what has happened with Star is they have annexed into a city impact area that was not theirs and until we get more interpretation through state law about that it seems perfectly okay at this point that they did that. Either way if we switch these lines, if we come up with no overlap he thinks the annexation rules are still in place in the sense that if somebody wants to voluntarily annex something and one of the cities gets to them first, until the state law changes he thinks it’s still a fair game to who gets what, who can service what, and at that point they are coming back and fixing their area of city impact through the same process we went through. It’s kind of a muddy situation but unfortunately, we went through the first half and today our job is to fix the overlap that’s has been created and if staff has to make any recommendations at this point based on the decisions made at the last impact area meeting, staff recommends keeping it as-is – keeping the map the committee of nine adopted and pushing Middleton’s boundary to the Kingsbury line. Commissioner Smith recommends continuing on with the committee of nine’s recommendation for the Star impact area and pull the Middleton impact area back. Commissioner Van Beek supports that. Commissioner White asked what to do about the people who want to stay in the County. Mr. Lister said we have to remember this is still Canyon County’s jurisdiction. We just have an agreement with those cities that they get some talking points and in the case of Star, certain things that we have to look at their code to see if it matches just in case it ever gets annexed into their city that it follows some of their policies and codes, but at the end of the day it’s still Canyon County and they are still in our jurisdiction which is considered first at the end of the day. This is just to understand that they are in an area where it’s foreseeable in the future that it can be annexed. It doesn’t mean it’s annexed or pushing to be annexed - but we do have to consider their plan and their growth pattern. Commissioner Van Beek said there is not an option just to remain Canyon County without either side because people already live in an impact area already they just may not have known that they were in Middleton’s impact area even though they live in rural Canyon County. No matter what, they are in an impact area. The Board gave direction to staff to move forward with the Committee of Nine map recommendation understanding the approval documents will be prepared next week. The meeting concluded at 9:21 a.m. An audio recording is on file in the Commissioners’ Office.

MEET WITH TRIAL COURT ADMINISTRATOR TO CONSIDER SIGNING RESOLUTION FOR THE JOB TITLE, JOB DESCRIPTION AND FLSA STATUS OF A POSITION UNDER THE TRIAL COURT ADMINISTRATOR

The Board met today at 9:32 a.m. with the Trial Court Administrator to consider signing a resolution for the job title, job description, and FLSA status of an office administrator position under the Trial Court Administrator. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, Administrative District Judge Davis Vander Velde, TCA Jamie Robb, Assistant TCA Benita Miller, HR Generalist Demi Etheridge, and Deputy Clerk Monica Reeves. TCA Robb wants to shift some job duties and change one judicial assistant position to an office administrator which will be filled by the person who is currently in the position. This person will be working on management-level projects and will also fill in for the administrative supervisor when that person is out of the office. The net impact to the budget will be minimal around \$1,000. The minimum range will be a salary of \$51,614 and a maximum salary of \$66,089. Following questions from the Board, Commissioner Van Beek made a motion to approve and sign the resolution for the job title, description and FLSA status for the position for the TCA. The motion was seconded by Commissioner White and carried unanimously. (Resolution No. 22-141.) The meeting concluded at 9:40 a.m. An audio recording is on file in the Commissioners' Office.

JUNE 2022 TERM
CALDWELL, IDAHO JUNE 21, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerk Jenen Ross

APPROVED CLAIMS

- The Board has approved a special Jury claim in the amount of \$3,552.53
- The Board has approved claim 585404 in the amount of \$1,500.00
- The Board has approved claims 585405 to 585431 in the amount of \$82,173.35
- The Board has approved claims 585432 to 585462 in the amount of \$30,309.30
- The Board has approved claims 585463 to 585476 in the amount of \$5,069.25
- The Board has approved claims 585510 to 585525 in the amount of \$14,901.61
- The Board has approved claim 585526 in the amount of \$170.00
- The Board has approved claims 585575 to 585593 in the amount of \$164,385.07
- The Board has approved claims 585626 to 585645 in the amount of \$30,008.03
- The Board has approved claims 585669 to 585693 in the amount of \$45,660.17

- The Board has approved claims 585744 to 585766 in the amount of \$50,200.67

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

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Landfill Director David Loper (left at 9:21 a.m.), Fair Director Diana Sinner (left at 9:06 a.m.), Deputy Clerk Jenen Ross. Weed and Pest Superintendent AJ Mondor participated via conference call from 9:22 a.m. to 9:39 a.m. The action items were considered as follows:

Consider signing Canyon County Fair parking lot rental agreement with Caldwell Bowling, Inc.:

Director Sinner said this agreement is the same as past years. The parking lot will be rented for \$500 during the week of fair to be used as reserved parking for superintendents and staff. Director Sinner did note that Caldwell Bowling is under new management and next year's contract has already been negotiated; there will be a slight increase to \$800. Ms. Klempel said the agreement has been reviewed by Deputy P.A. Wesley and there is no legal reason not to sign. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Canyon County Fair parking lot rental agreement with Caldwell Bowling, Inc. (see agreement no. 22-052).

Consider signing dance competition coordinator agreement with Monique Michel-Duarte for the Canyon County Fair:

Director Sinner explained that Ms. Michel-Duarte coordinates the dance competitions and that the agreement contains the same terms as previous years. Ms. Klempel said the agreement has been reviewed by Deputy P.A. Wesley and there is no legal reason not to sign. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the dance competition coordinator agreement with Monique Michel-Duarte for the Canyon County Fair (see agreement no. 22-053).

Consider signing independent contractor agreement with Rodney Evans + Partners, LLC for Pickles Butte Landfill landscape improvement bidding services and construction administration:

Director Loper explained this contractor will assist with bid documents, bidding and negotiations and construction administration related to the Landfill beautification project. As part of the project an entrance sign will be added and improvements made to the hardscape and ingress/egress. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the independent contractor agreement with Rodney Evans + Partners, LLC for Pickles Butte Landfill landscape improvement bidding services and construction administration (see agreement no. 22-054).

In response to a comment from Commissioner Van Beek, Director Loper said he would resend his email to the Board regarding the SWAC (Solid Waste Advisory Committee). He said there is a draft ordinance and draft bylaws, but feels there needs to be additional discussion between himself and

the Board. Further discussion ensued regarding the role of the SWAC and how the committee will be comprised.

EXECUTIVE SESSION – PERSONNEL MATTERS

A request was made to go into Executive Session as follows:

Commissioner White made a motion to go into Executive Session at 9:22 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Leslie Van Beek and Pam White. Weed and Pest Superintendent AJ Mondor participated by teleconference. The Executive Session concluded at 9:39 a.m. with no decision being called for in open session.

An audio recording of the open portion of the meeting is on file in the Commissioners’ Office.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 22, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerk Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$5,950.47 for the IT Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Ashley Sagrero, Interpretive Specialist; and Javier Guizar, Interpretive Specialist; and Riley Portwood, Deputy Sheriff; Shelby McCain, TCA Office Administrator

CONSIDER WRITTEN DECISION ON ADJUSTMENT TO MIDDLETON, STAR OVERLAPPING CITY IMPACT AREAS PER IDAHO CODE § 67-6523(C)

The board met today at 10:05 a.m. to consider written decision on adjustment to Middleton, Star overlapping city impact areas per Idaho code § 67-6523(c). Present were: Commissioners Keri Smith and Pam White, Deputy P.A. Alex Klempel, Director of DSD Steve Fultz, Planner Juli McCoy and Deputy Clerk Jenen Ross. Deputy P.A. Klempel said she has drafted a letter to the Cities of Star and Middleton which has been reviewed by Deputy P.A. Wesley and Planning Official Dan Lister; the letter has also been reviewed by Commissioner Van Beek who is supportive and provided approval to use her signature stamp if the Board moves forward with signing the letter. Discussion ensued regarding the map that is attached, Ms. Klempel said it is her understanding that the map is to follow the Committee of 9 recommendation. She suggested that the letter could be amended to either removed the notation that a map is attached or include language indicating that depiction on the map is approximate and does not supersede the Committee of 9 recommendation. Director Fultz believes the map is accurate but would like to take a closer look and Commissioner Smith thinks it's important for the map to be included with the letter. The Board would like for the boundary roads to be clearly identified. Director Fultz will speak with Mr. Lister to confirm all the boundaries are correct and to get the map cleaned-up as requested by the Board. This meeting will be continued to 1:15 p.m. today.

The meeting concluded at 10:14 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO FOLLOW:

MEETING TO DISCUSS COUNTY REVENUES

CONSIDER WRITTEN DECISION ON ADJUSTMENT TO MIDDLETON, STAR OVERLAPPING CITY IMPACT AREAS PER IDAHO CODE § 67-6523(C)

JUNE 2022 TERM
CALDWELL, IDAHO JUNE 23, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerk Jenen Ross

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:49 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross.

Case no. 2022-504 does not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue an initial denial with written decision in 30 days.

Director Baker asked for Board direction regarding case no. 2006-419 which is an approved case. The applicant passed in 2019 and since that time the property taxes have gone unpaid and the property is scheduled to be taken for public auction. A gentleman has come forward who would like to purchase the property before it goes to auction in an effort to clean it up as the structures are uninhabitable and the property itself is in poor condition. The gentleman has offered to reimburse the county \$20,000 to settle the lien against the property; the outstanding amount on the case is \$85,660.75. After extensive discussion regarding the value of the property, intention of the potential buyer and position of other lienholders the Board is in favor of continuing to let this property go to public auction.

The meeting concluded at 9:04 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2022-381

The Board met today at 9:06 a.m. to conduct a medical indigency hearing for case no. 2022-381. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel, the applicant and spouse and Deputy Clerk Jenen Ross. Following testimony provided by Director Baker and the applicant, and Board discussion, Commissioner White made a motion to continue the case to August 25, 2022. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:15 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:17 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross. Neither the hospital nor the applicant appeared for the following cases: 2022-480, 2022-481, 2021-957 and 2022-472. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue denials with written decisions in 30 days on the cases as read into the record. The meeting concluded at 9:18 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER REQUEST FOR APPROVAL BY THE MIDDLETON URBAN RENEWAL AGENCY OF TWO RESOLUTIONS ACCEPTING THE MURA EAST AND MURA WEST ELIGIBILITY REPORTS

The Board met today at 11:07 a.m. to consider request for approval by the Middleton Urban Renewal Agency of two resolutions accepting the MURA east and MURA west eligibility reports. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Controller Zach Wagoner, Mark Wendelsdorf, Middleton City Clerk Becky Crofts, Attorney for the City of Middleton Doug Waterman, Legal counsel for the agency Abby Germain and Deputy Clerk Jenen Ross.

Commissioner Smith indicated that legal has not had a chance to review the documents provided by the City of Middleton, additionally, the Board would also like more time for review. Ms. Germain has indicated that the sooner these resolutions can be scheduled the better as the timeframes are tight. She explained that these are the resolutions accepting the eligibly reports which is really what allows them to start the planning process. This is not the area that will end up being the revenue allocation area, it is just the area they'll be considering for project development in putting together the economic feasibility study. The sooner they are able to start looking at the areas the sooner they will be able to come back to the Board with what they'd like in the actual revenue allocation area.

Commissioner Van Beek made a motion to continue this meeting to June 29, 2022 at 1:15 p.m. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 11:16 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY RYAN & TANYA ROBINSON FOR A CONDITIONAL REZONE: CASE NO. RZ2021-0042

The Board met today at 1:46 p.m. for a public hearing to consider a request by Ryan and Tanya Robinson for a conditional rezone, case no. RZ2021-0042. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Planning Official Dan Lister, Todd Lakey, Keith Cochran, Marty Delk, Katie Delk, Lee Brawley, Paul Calverly, John Weilmunster, Tanya Robinson via teleconference and Deputy Clerk Jenen Ross.

Commissioner Smith explained this is a second hearing request. The planning and zoning commission recommended approval of this case but at the April 20, 2022 hearing the Board (Commissioner Smith was not present for this hearing) wanted to reverse that decision and recommended denial. This is the third and final hearing where the Board will be rehearing it as a brand-new case; this will be a final decision either way.

As a housekeeping matter from the last hearing, Mr. Wesley said that at the BOCC hearing there was a material change from the planning and zoning decision which resulted in a denial. Today's hearing is from scratch so all evidence can again be accepted. It is Mr. Wesley's understanding that Commissioner Smith has reviewed the record from the prior hearing and is aware of what transpired. Commissioner Smith personally knows the applicants so Mr. Wesley reviewed statue,67-6506, which allows her to participate in the hearing today and Commissioner Smith

made disclosures about how she knows the applicants noting that she has never done any business with the Robinson's and she would have no financial gain based on today's decision. She has made it clear to Ms. Robinson that if she planned to develop the property there could be no conversations specifically about the property. Together they did look into some procedural items on a former conditional use permit on the property, but they have never had a conversation about it being rezoned. After the previous hearing, Ms. Robinson did text Commissioner Smith letting her know that the Board had reversed the decision and that the hearing was kind of a mess; she had concerns about possible ex parte communication between Mr. Lister and a commissioner. Commissioner Smith said she would like to participate today so that there is a 3-person Board decision.

Mr. Wesley said the other matter to be addressed is perception of ex parte communication between Commissioner Van Beek and Mr. Lister regarding the merits of the case. Mr. Lister said there was a break taken to allow the Commissioners time to review the land use matrix to determine what is applied in an ag or light industrial zone. Commissioner Van Beek requested additional information from Mr. Lister because he had written a list of each of the uses, this was added as exhibit 4 of the staff report at the March 29th hearing; there was no conversation about the case. Commissioner Van Beek explained that during that hearing she had not had the benefit of reviewing the land use matrix and wanted that opportunity. There were no merits of the case discussed, it was simply to work thru the document. Mr. Wesley said that it is important that today's hearing be treated as a new hearing and that any contact or communication about the case be made part of the record so that the applicant or any opponents or friends of the application have the opportunity to review and comment on them.

Mr. Lister gave the staff report stating that this is a request by Tanya Robinson for a conditional rezone. They are requesting a change from 'A' agricultural zone to a conditional rezone, light industrial. The request includes a development agreement that restricts the use and minimizes the impacts to the surrounding uses and properties within the area. The property is approximately 20 acres and located along Van Slyke and Peckham Roads. Canyon County's future land use map shows that it is in an industrial designation, this is similar to the City of Greenleaf's comprehensive plan's future land use map which also shows it as an industrial designation. To the east is Wilder's impact area, where just east of the property is designated for commercial and industrial. Besides the a few properties south of Peckham Rd. the majority of the area is zoned agricultural. The vicinity map shows the average lot size in the area is 34.6 acres. Mr. Lister referenced the zoning map and provided a review of the properties that have been zoned to M-1. Soils in the area are predominantly best suited soil, about 4.5 acres are moderately suited soil and not considered prime farmland. Within in a two-mile radius it is near feedlots and gravel pits and in a nitrate priority area. There are three subdivisions within area. This property is in existence as an agricultural property, there is no development on it, it's surrounded by properties that are actively used for agriculture purposes and maintain an agricultural/rural character. The area does not truly contain industrial uses even though it is in an M-1 zone, the businesses that are located in area are uses that can be obtained in the ag zone via a conditional use permit. The property is north of Peckham Rd. which is in transition between agricultural and industrial. There were development agreement requirements that have been vetted out with the applicant and have been agreed

upon; there are a number of uses the applicant is willing to prohibit in order to make it more consistent with the uses found in that area and to not be detrimental to the area. Additionally, the applicant has agreed to make a food processing facility a conditional use permit which would force it to go to a public hearing. The operations plan includes a 100 ft. setback from all property lines, noise and exterior lighting plans, DEQ review for air pollution, waste water, public drinking water requirements and a dust management plan; there will need to be review and approval by Golden Gate Highway District which may include a traffic impact study depending on the use or trip generation study. There will be a landscaping plan to ensure there is a visual buffer along the south and east boundaries of the property and a plan to maintain the site. Modifications to any historic laterals, drainage, ditch flows or things of that matter are protected and there will need to be approval from the jurisdiction before making any modifications. Golden Gate Highway District finds that this property does not have a legal access so the appropriate permits would have to be obtained. The Boise Project Board of Control said that Mayhew drain and Guess gulch bisect the property and the canal has a 90' easement so they've requested that any development observe that and that any modifications be approved thru their agency. Storm drainage and run off needs to be maintained onsite. The City of Greenleaf does not oppose this request, although, Mr. Lister did provide a background stating that initially the applicant wanted to split the site through a previous conditional use permit, however none of the conditions of that CUP were met and Greenleaf as well as staff recommended denial of the request because it was an expired permit and needed to go thru a different process. As part of the letter sent by Greenleaf they feel this really is an industrial area and therefore should be industrial uses and not another house, or should remain ag until it can meet the future designation. Throughout the hearings a number of comments and letters have been received, Mr. Lister referenced letters in opposition from Martin Delk, H. Lee Brawley and Paul Calverly. This case was before the planning and zoning commission on January 6, 2022 where there was a recommendation of approval with conditions of the development agreement as presented today, however, P&Z added the condition that if there are any divisions on the property that it has to go thru the platting process which would provide notice to the neighbors and allow affected agencies to make comment. On February 10, 2022 this case was heard by the BOCC and after review of the staff report and public comment the Board directed staff to re-notice the hearing to consider denial of the case due to no specific use, too many conditions applied and without a known use there are unknown impacts to the existing agricultural area, therefore findings B, D and F could not be made and directed staff to provide FCOs with those changes. The hearing was tabled to March 29, 2022, at that point it was tabled to April 14, 2022 but the applicant didn't appear and it was tabled again to April 20, 2022 where the applicant requested more time for legal staff to review the case. The recommendation today is to either follow the Board's direction from the last case which was a denial and to sign the FCOs as provide by staff, if approved, the Board would need to direct staff to bring back amended findings of approval, a development agreement and change to the ordinance. Several late exhibits were provided to the Board today – March 29, 2022 is an addendum to the original staff report and marked as exhibit 12, June 16, 2022 a memo was provided to the Board providing an update of what has transpired with this case which included new FCOs and states that the June 23rd public hearing notice was posted on June 14th, this is exhibit 13. Exhibit 14 is photos provided by Tanya Robinson and exhibit 15 is the PowerPoint presentation that will be presented by Mr. Lakey.

In regard to a question from Commissioner Van Beek regarding access, Commissioner Smith clarified that this property has 50' of road frontage which, per the county ordinance, provides access. They do not have an approach permit from the highway district. Commissioner Smith said that the Robinson's, or whomever owns the property will be required to mitigate traffic concerns and find an approved approach permit.

Both Development Services staff and the Planning and Zoning commission both recommended approvals, although the P&Z commission added the condition that any splits require platting.

Todd Lakey provided testimony in support of the application stating that the previous staff report covers how the application complies with the comprehensive plan and the zoning ordinance. In regard to economic development, there needs to be an increase in industrial uses in the right areas in Canyon County. Mr. Lakey provided a slide in his PowerPoint presentation which outlined numbers related to industrial business. Canyon County is well below the average for industrial space but demand remains high. There were a lot of comments at the previous hearing about wanting to see a specific user – Mr. Lakey doesn't feel that economic development can be done in that 'piece-meal' way. There needs to be land that is already zoned industrial so that business that are considering Canyon County have a reduced risk and a reduced start time to begin operations. If businesses are looking at an area and don't see land that is zoned properly and entitled they will look elsewhere. The comprehensive plan supports the application, additionally, it also supports the approach to get land zoned and ready to recruit and attract business. Mr. Lakey discussed the character of the area and why this won't be a negative change. This corridor and parcels have been planned and zoned for industrial use and he feels the requested zoning is more appropriate than the existing zoning. In referencing the county's future land use map, the rail line is very prominent which is a key element of this corridor, additionally it is close to highways 95 and 19 and I-84, thus the reason for the industrial planning. Mr. Lakey again referenced his slide which shows the county's future land use map and existing zoning map – there is a corridor that has been planned and there is existing strait M-1 zoning in this location that follows the rail spur and Peckham Rd. which has been planned for this type of use. Greenleaf has this property planned for industrial use, located within their impact area where growth should occur. It is also near Wilder's impact area to the west, they also plan this area for commercial and industrial use. The comments stating that this request is poor planning is simply not true, this area has been very well thought out and planned by both the cities of Greenleaf and Wilder and the county to designate this corridor for industrial use along both sides of Peckham Rd. Mr. Lakey addressed some of the industrial uses and zoning in the area, this has been conditioned to focus on ag support. Previously the focus was on the land use matrix and where a particular use is located on paper, this this is not just about what's on paper, whether this will negatively change the character is in large part about looking at what's out there currently and determining whether those impacts and intensity of those uses are similar to what is being proposed in this application. Pictures were provided in Mr. Lakey's presentation giving an overview of other businesses already in the area. In regard to traffic, this area was planned for industrial uses from a traffic standpoint. The regional freight study done by COMPASS designates this property and this area as a regional freight cluster. Peckham Rd. is also designated in that study as a supporting connector to the regional freight corridors in the area and as a major collector by the highway district; good portion of it has already

been improved pursuant to the grants that were obtained by highway district in cooperation with the cities. There has been an additional grant obtained to continue to improve Peckham Rd. The required access has been obtained in the form of frontage and if the highway district requires Van Slyke that can also be utilized. They have no concerns from a capacity standpoint. The condition to follow the recommendation of the highway district is adequate in this area that is planned and has been improved. His client agrees with the conditions of approval – as he reviews the remaining list of uses he does not see anything in the list that is more intense or more impactful than the uses that are out there currently.

Based on the uses already in the area and the very coordinated planning for this area, he feels that is why it is more appropriate to rezone this property in this location, in this corridor to industrial. It is also necessary for economic development in Canyon County.

A brief break was taken from 2:46 p.m. to 2:49 p.m.

Keith Cochran offered testimony in favor of the application stating he is a real estate agent that works with a lot of industrial land and parks. He spoke about some of the recent projects in the area that he's worked on and the need for industrial areas. He addressed Commissioner Van Beek's comment about not knowing what will go on this property stating that it is unknown what will go there but that it needs to be zoned in way to attract businesses/buyers. In response to a question from Commissioner Smith regarding the conditions being placed on the property, Mr. Cochran spoke about the importance of accurate marketing of a property. He feels this would be a good thing for that particular area. Commissioner Van Beek spoke about smart growth and planning and making sure all the pieces are compatible.

Tanya Robinson offered testimony in favor of the application in regard to the letters of concerns from some of the property owners in the area. She greatly respects the concerns for change in the area, however, when asked about a specific use that seems detrimental to the area they have no answer. She also addressed the concern of how one will negatively affect the character of the area. She said that Mr. Calverly owns directly across from the trailer manufacturer which is not an allowed use in an ag zone, however, it is an allowed use in an M-1 zone. Mr. Delk and Mr. Brawley live directly across from Valley Agronomics, that property was already zoned M-1 prior to them purchasing their property. The view from their mailbox is of silos and the warehouse plant. The two 5-acre parcels owned by Mr. Delk and Mr. Brawley are the only ones in the area and wonders if the argument could be made that those two parcels don't fit the area. They do not currently maintain an ag use on their property but they are requesting that the Robinson's do. As for the development agreement, they have been very willing to be less impactful than any other M-1 zoned property in the area. She feels that they have essentially agreed to be the pioneers and have agreed to accommodate the request of the county by setting the tone with a landscape plan, noise reduction plan, dust mitigation and so forth. No other businesses in the area or M-1 zoned properties have any such plan. Ms. Robinson said they've agreed to go back thru the channels should they decide to divide the property so that all neighbors are noticed and have accommodated every request so far. They have no business plan at this time and cannot move forward with any such plan until they have the appropriate zoning. She has stated several times under oath that she has no intended use at this time, she cannot declare one without the proper

zoning. It has been requested, on the record, for her to list the property and come back with a buyer but that is not legal or ethical for her to do. At this time, she cannot provide an intended use as there is not an investor or business partner that will speak with her before the property is zoned appropriately. She has lived in Canyon County for 13 years and has a mutual respect for the ag community and the ag based businesses. This property was purchased as long-term investment, to have a business different from their careers and they are still hoping they will be granted the opportunity to do so. Commissioner White reiterated several of Ms. Robinson's points for clarification and noted that she doesn't understand why lighting, noise, landscape and dust mitigation plans are being required as there does not seem to be any of this in the surrounding area. She wondered if just because M-1 zoning is on one side of the street should it also just be put on the other side too and the conflicts of personal property rights. She feels that the balance needs to be found between protecting ag and personal property rights.

Commissioner Van Beek confirmed with Mr. Lister that both the cities of Wilder and Greenleaf as well as Canyon County all show the north side of Peckham Rd. as M-1 industrial. Mr. Lister spoke about a similar decision made in 2020 which contained similar conditions. It is located on Lower Pleasant Rd. which is in the industrial area just off of Simplot – it is on the cusp of where the agricultural and industrial designations meet and it was determined that was a transitional area. The conditions that have been applied to today's application are similar to the ones crafted for the 2020 case. In the end it was denied by the Board for the enforcement issues relating to all the conditions and it wasn't the right time. Today's case is in the same area, it is the same transitional area. It is recognized that in the future this will be an industrial area but just not the right time.

Discussion ensued regarding the noise decibel level. Ms. Robinson has requested the level be at 100dba which is consistent with noise in the area such as a tractor or combine.

Commissioner Smith asked about a vehicle service facility being prohibited, she feels that is an agricultural use that could be helpful to an agricultural area. Mr. Lister said that initially it was part of the conditions copied from the 2020 case. Generally, a vehicle service facility is mechanical or car repair and found in a commercial or industrial zone. It is a use that is allowed across the street so Commissioner Smith wondered if it is a use that could be found by the planning and zoning commission thru a conditional use permit with applicable conditions. Commissioner Smith asked about the food processing facility, as a county that relies on agriculture, a lot of commodities are shipped outside the county and outside the state; for an area that already has food producers, she is opposed to any restrictions on a food processing facility. She feels they are appropriate in ag areas. Mr. Lister believes it was added because it's still an agricultural area so if there were to be a food processing facility in an ag zone then they'd have to go thru a hearing and conditions would be applied for that use. Commissioner Smith said that for her personally, a food processing facility is appropriate in this area. Commissioner Van Beek said she would be in favor of reviewing the land use matrix of everything that would still be allowed in this area and thinks it may help mitigate some of the concerns.

Marty Delk offered testimony in opposition of the application stating that there are many things to refute. The original statement by Ms. Robinson to surrounding property owners was that she

wanted to build a house and an arena but when she couldn't get the CUP she changed the request to a rezone. Mr. Delk has indicated that there is nothing comparable in the area and that it's all houses and farms. He has concerns that a new buyer may want to reinstate some of the removed uses. Additionally, he feels that Commissioner Smith has a conflict of interest in this case. The only area that is light industrial is from Travis Rd. to the hop field north of Peckham Rd. – everything else is farmland and farmhouses.

Commissioner Smith feels that she gave a fairly detailed review earlier and stated that she did speak with Ms. Robinson about the previously expired CUP which has nothing to do with this case so that would not prohibit her from taking part in this hearing.

Commissioner Van Beek explained that part of the difficulty during the decision-making process was because there was vacillation that she heard – they weren't sure if they were going to sell the property or what they were going to do with the property. She feels that it's fair to state for the record that what she has heard as a Commissioner is that a property comes with property rights so when people buy in an area they understand what they're buying and where they're buying it. Mr. Delk said he absolutely knew what he was buying when he bought, however, this rezone north of Peckham Rd. didn't happen until after he'd purchased. Also, due to being outside of Greenleaf city limit he didn't have any say when they rezoned the area. Commissioner Smith clarified that this decision will be permanent, they will have two years to comply with the conditions and if they don't the land will be reverted back to ag. It's important to note that the development agreement will run with the land, it is not for Ms. Robinson. Everyone has property rights and any new owner could apply for an amendment to the development agreement, apply for a new rezone, it is a property right to make application.

John Weilmunster offered testimony in opposition stating that he is in full agreement with Mr. Delk's comments. He reiterated that they received no notification of hearings from the City of Greenleaf, feels Commissioner Smith has a conflict of interest, and has concerns about being able to spray his hops. He thinks this project should stay on the southside of the railroad tracks and that this parcel should remain ag. Mr. Weilmunster answered questions from Commissioner Van Beek and Commissioner Smith about how much land he owns/farms, how long he's lived in the area and if the current M-1 zone in the area impacts his living or farming capabilities. He owns/farms approximately 900-1000 acres, has lived in the area for 18 years and the current M-1 zone does not affect his living or farming abilities.

Lee Brawley testified that at the last hearing this was declined based on the lack of a plan, and as of today nothing has changed. He would like to be supportive of the Robinsons but he has no idea what the plan is so he's not able to do that. In response to a question from Commissioner Van Beek, Mr. Brawley pointed out his property on the map stating that it is the closest property to Ms. Robinson's. Commissioner Smith asked if the M-1 zoning directly across from his house affects his life. He said that the noise and the traffic do have an impact on him.

Paul Calverly offered testimony stating that he owns the 80-acre parcel to the west of the subject property which they've owned for 15 years and have grown hops on. He said this area is class I soil and should be kept in agriculture and expressed his concern about industrial in this area.

Mr. Lakey provided rebuttal testimony addressing the concern that this remain in ag. This area was a very coordinated effort between Canyon County, Greenleaf and the City of Wilder to designate this corridor on both sides of Peckham Rd. Peckham Rd. is a conduit, not a barrier, both sides need to be allowed use for close proximity to both the road and the rail corridor. In regard to a comment from Commissioner Van Beek about finding a place where ag goes and where industrial goes, he feels this is a place in close proximity to the corridors where industrial should be. He feels that their proposed use is compatible or less impactful and that it is consistent. Ms. Robinson has done a good job in trying to mitigate, conditions were something she included voluntarily to help reduce potential impacts in response to neighbors' comments. It reduces impacts below what they're experiencing out there from agriculture as far as noise and dust and the existing uses that were shown earlier. Some of the conditions include buffering, landscaping and hours of operation. The owner of the property to the north is supportive of this request. In regard to spraying and agricultural activities in the area, that is why light industrial is a good neighbor to agriculture. The trucks and noise and such have existed in this area compared to residential uses. Van Slyke Rd. has been improved and has additional grant funding to keep improving it and with the condition to comply with the highway district requirements traffic has been/or will be mitigated. Locations for industrial uses are needed in Canyon County. This is a very limited area that is properly designated and it's designated for a reason because of those corridors and infrastructure that's there.

Late exhibits were accepted into the record.

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

Commissioner Van Beek spoke of her thoughts when looking at the area collectively and when taking it all into consideration there are approximately 19-acres against 275-acres equating to 4% of a piece of property that was bought on speculation, does that drive change in an area that is agricultural? She would submit that it does but she is not sure it's the right time, however, she does realize there is a need for industrial property. She hears the testimony that the property is unable to be marketed without a zone change but if the Board changes the zone without knowing what could potentially go in there, the affects they are trying to mitigate, she just doesn't know what that looks like. To her, it's hard to make an argument if in-fill should be considered first, she wondered if perhaps the wrong side of the tracks was purchased. There is ground available that would in-fill the M-1 zone and created demand for increasing the M-1 availability in the area. The ground where the trailer company is located has not developed even though it's zoned. It's hard to make an argument to expand and move north when the area south hasn't been developed.

Commissioner Smith said that Peckham Rd. with the rail line is gold for economic development and a community. Some of the land hasn't been developed because of the ownership of it. She

agrees with Commissioner Van Beek's analysis that the zone with the existing uses is south of Peckham Rd. but per land use planning and Idaho statutes that regulate zoning this request wouldn't be considered spot zoning, it's an area that meets the comprehensive plan, there is existing zoning in the area and existing uses that support it. She appreciates the efforts that were put into place between the applicant and staff to help mitigate concerns on the other side of the road. In her analysis there are over 19 businesses in the M-1 zone that support the ag industry and she supports agricultural growth. She would be willing to go thru the list and eliminate the uses that don't support ag growth but she thinks it's already been narrowed down to focus on the ag businesses and it would stay consistent with a changing area. She is supportive of the use and thinks that if there is support from another Commissioner that they should look at the land use table.

Commissioner White said that she recognizes that M-1 is just across the road but it's still a difficult decision because this is ag property. She does not support this, she feels it is on the wrong side of the tracks. This is still crop property and she would like it to remain as agricultural for the time being.

Commissioner Van Beek reviewed the 115 categories listed in the land use matrix in the M-1 zone and how the consideration of those influenced her decision. She has concerns about going north when the economy is turning, protection of agriculture, and unknown impacts of locating an additional facility there. She believes in smart growth and planning.

Commissioner White made a motion to deny the request and to not approve the conditional rezone on case no. RZ2021-0042. The motion was seconded by Commissioner Van Beek. Commissioner Smith confirmed with Commissioners White and Van Beek that they are denying based on findings for denial as prepared by staff. Commissioner Van Beek said there was clarification provided on letter G regarding the access point so that should be removed as a reason for denial, the property does have legal access. Commissioner White noted that the change is included in her motion and Commissioner Van Beek said her second still stands. A vote was taken on the motion with Commissioners White and Van Beek voting in favor and Commissioner Smith voting in opposition. The motion carried in a 2-to-1 split vote. Commissioner Smith read a statement into the record stating that the applicant or other affected persons may request reconsideration of this Board's decision by filing a request for reconsideration with this Board that identifies specific deficiencies in the decision within 14 days of the Board's final written decision. The Board will then have 60 days to respond to the request in writing. The applicant or other affected persons who intends to seek judicial review must first request reconsideration with this Board. The 28-day timeframe for seeking judicial review will be tolled pursuant to Idaho code 67-6535 until the Board issues a written decision regarding reconsideration or the 60-days has passed.

The hearing concluded at 4:26 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 4:28 p.m. for a meeting with county attorneys for a legal staff update. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Due to the length of the previous land use hearing Commissioner White made a motion to continue the legal staff update to Friday, June 24th at 9:00 a.m. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 4:29 p.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO FOLLOW:

[PUBLIC HEARING TO CONSIDER A REQUEST BY SPRING HILL RANCH, LLC REPRESENTED BY SUBDIVISION MAKER, LLC FOR A PRELIMINARY PLAT: CASE SD2021-0070](#)

JUNE 2022 TERM
CALDWELL, IDAHO JUNE 24, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – OUT
 Deputy Clerk Jenen Ross

APPROVED CLAIMS

- The Board approved claims 585477 to 585509 in the amount of \$218,618.63
- The Board approved claims 585527 to 585573 in the amount of \$88,229.10
- The Board approved claims 585626 to 585645 in the amount of \$30,008.03
- The Board approved claims 585646 to 585667 in the amount of \$24,146.96
- The Board approved claims 585669 to 585693 in the amount of \$45,660.17
- The Board approved claims 585694 to 585743 in the amount of \$780,892.23
- The Board approved claims 585767 to 585800 in the amount of \$17,677.22
- The Board approved claims 585801 to 585826 in the amount of \$12,135.63
- The Board approved claims 585827 to 585828 in the amount of \$3,389.67
- The Board approved claim 585829 in the amount of \$1,118.72

MEETING WITH PARKS DIRECTOR TO RECEIVE RECOMMENDATIONS FOR FY2023 HISTORIC PRESERVATION GRANT AWARDS

The Board met today at 9:00 a.m. with the Parks Director to receive recommendations for FY2023 Historic Preservation grant awards. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Controller Zach Wagoner, Parks Director Nicki Schwend, HR Director Kate Rice, HR Generalist Jennifer Allen and Deputy Clerk Jenen Ross. Director Schwend gave a brief review of the Historic Preservation Commission, commission members, explanation of what the funds can be used for and the application process/information being collected.

The total requested amount for FY23 is \$84,936 and the total amount being recommend by the HPC is \$74,936. Director Schwend gave a brief explanation of each application, project and the requested amount. The recommendations are as follows:

Canyon County Historical Society: \$32,709
Historical Society of Middleton: \$6,900
Melba Valley Historical Society: \$3,700
Nampa Public Library Foundation: \$7,627
Parma Lion's Club: \$0
Warhawk Air Museum: \$24,000

The Board is supportive of the recommendations. Controller Wagoner spoke about how these funds are levied and that formal action accepting the recommendations will be part of the budget approval process.

The meeting concluded at 9:20 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 9:20 a.m. with county attorneys for a legal staff update. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, HR Director Kate Rice, HR Generalist Jennifer Allen and Deputy Clerk Jenen Ross.

A request was made to go into Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 9:23 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to

enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy P.A. Alex Klempel. HR Director Kate Rice and HR Generalist Jennifer Allen participated from 9:23 a.m. to 10:01 a.m. The Executive Session concluded at 10:13 a.m.

At the conclusion of the executive session, Commissioner Smith said that claim no. 585646 is being held for further discussion but that the rest of the batch is approved for payment.

The meeting concluded at 10:14 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 27, 2022

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Grainger in the amount of \$3,866.46 for the Fair
- SHI in the amount of \$272,688.94 for Information Technologies Department
- SHI in the amount of \$46,896.86 for Information Technologies Department
- Poly Seal the amount of \$9,000.00 for Facilities Department
- Best Buy in the amount of \$51,960.00 for Facilities Department

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for The Undiscovered Barrel to be used on 7/3/22, and for Raising Our Bar to be used 7/1/22, 7/2/22, 7/3/22, 7/6/22, 7/9/22, 7/15/22, 7/16/22, 7/22/22, 7/23/22, 7/24/22, 7/29/22, 7/30/22, and 7/31/22

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Ciara Dalley, Customer Service Specialist – Booking

EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206 (1) (B) AND (D) REGARDING PERSONNEL MATTERS AND RECORDS THAT ARE EXEMPT FROM PUBLIC DISCLOSURE

A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 8:37 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, HR Director Kate Rice, HR Generalist Jennifer Allen and Richard Friddle with Weed and Pest. The Executive Session concluded at 9:15 a.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Van Beek made a motion to continue the meeting to 3:30 p.m. today. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 9:16 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER APPROVING FINAL PLAT FOR LAKE VISTA ESTATES, CASE NO. SD2021-0043

The Board met today at 9:23 a.m. to consider approving the final plat for Lake Vista Estates, Case No. SD2021-0043. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Darin Taylor, and Deputy Clerk Monica Reeves. Mr. Lister reported that the plat is in conformance with Canyon County Code and all conditions have been met. Commissioner Van Beek had questions of staff regarding roads. Darin Taylor offered comments in support of the plat. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted to approve the final plat for Lake Vista Estates. The meeting concluded at 9:31 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING FOR BORTON-LAKEY LAW AND POLICY, REPRESENTING NICK AND HAILEY BLAND FOR A CONDITIONAL REZONE, CASE NO. CR2022-0002

The Board met today at 9:32 a.m. for a public hearing in the matter of a request by Borton-Lakey Law and Policy, representing Nick and Hailey Bland, for a conditional rezone of Parcel R29600012, approximately 1.27 acres, from an "A" (Agricultural) zone to a CR-R-1 (Conditional Rezone - Single Family Residential) zone. The request includes a development agreement limiting residential development to a primary dwelling on the site. The property is located at 9762 Deer Flat Road in Nampa. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning

Official Dan Lister, Todd Lakey, Nick Bland, Hailey Bland, Reese Verner, Tracey Cook, Carey Cook, Von Duke, Valerie Duke, Diana Stanford, Grace Blaylock, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that she has known the Verner Family for many years but that will not affect her ability to render an unbiased decision in this case.

Dan Lister gave the oral staff report. The 40-acre property that divided the lots was divided without County approval. In 2011 a land division was approved to recognize the division of a 3-acre parcel and the division away from the farm ground which was 37 acres. The 3-acre parcel includes an existing dwelling and accessory structures most of which are from the 1940's. In 2011 a building permit was submitted on the 3-acre parcel to construct a secondary dwelling and during the construction of that dwelling the parcels were split off and sold. The 1.7-acre parcel was sold to the Blands and the other parcel was sold to the Duke family. Once this was discovered, construction was stopped on the Bland home and a violation was sent to both parcels for them to be abated by either rezoning the property and do a subsequent land division to recognize the division, or, they would have to merge the parcels back together and complete the secondary dwelling process. The application was initially for both parcels affected by the split that was not recognized by the County (Parcels R29600 and R2960012). The applications were signed by the Duke and Bland families. On April 7, 2022 the P&Z Commission recommended approval with conditions that affected both parcels that said no secondary dwellings or further divisions will be allowed. After the hearing the Dukes withdrew their portion of the application and so today the application before the Board is amended to where it's just the 1.27-acre parcel seeking the zone change with the development agreement and so it's a material change from what the P&Z Commission reviewed. Mr. Lister reviewed the applicable standards and regulations; analysis; surrounding land use/character; soil and farmland information; access and traffic; facilities; essential services; comprehensive plan; potential impacts; and public comments and agency comments. Staff recommends the Board approve the request subject to the conditions of the development agreement. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in support of the request:

Todd Lakey testified that the Krajniks owned the 40 acres and they split off the 3 acres and the 37 acres without going through the process, and then they sold the 37 acres to Lake View Farms. The request today is supported by the comprehensive plan and the zoning ordinance and is narrowly tailored so it will not have any impact on the Dukes or others in the area, and it will allow the Blands to finish their house that's three-quarters constructed. This started last year with Mrs. Bland's father, Carey Cook, looking for a parcel where the kids could live close to his lot and he talked to Mr. Krajnik about selling the parcel to him. They met with DSD staff about buying the 3-acre parcel and explained they wanted to divide the parcel and have it for their kids to be close by. They would not have purchased had they been told that was not do-able. The options that were explained by the County were either get the building permit from Lake View Farms, or pursue a secondary residence, or pursue a conditional rezone and so they started with the least intrusive option but the farmer was not willing to sell the building permit. They pursued the secondary residence option and that's when they discovered that the original split was not recognized by the County so they had to correct the split that was not done correctly by Mr. Krajnik and they thought

that solved the property but then they learned there were additional processes to go through. They did not understand the fact that the code talks about the family member owning one parcel and getting the secondary residence permit on the second so that was part of the misunderstanding. They got the secondary residence permit and split the parcel with the intent being the same all along that one split would be sold and the Blands would have the split on the subject parcel. The Blands got their construction loan and began construction and then discovered the problem and so this is the third option they are pursuing. There was never any nefarious intent on the Blands part as they thought they were doing what they needed to do before they got to this point with the rezone, and as part of that process DSD staff suggested the Dukes being on the application. It's Mr. Lakey's understanding that the Dukes did not comprehend what was entailed with rezoning their property as far as the differences for uses they had as an agricultural property versus R-1 zoning, but everyone knew that the idea was that the Blands would have that property available. Once they learned the Dukes did not want to be involved that's when Mr. Lakey became involved and requested they be removed from the application. This is not spot zoning and does not establish any kind of precedent for residential development in the area. It eliminates the negative impact on the Dukes and narrowly tailors the solution in this case. Following his testimony, Mr. Lakey responded to questions from the Board.

Nick Bland testified that he and his wife purchased the property to be close to their family members who have lived in the area for decades. They have the best interest in mind in preserving the land and protecting the area. A year and a half ago when they bought the property they thought they had a building permit and they hired a company to build their home and then last February it was paused and it's been a very stressful time with hundreds of thousands of dollars on the line. They want to build one house on 1.27 acres and preserve the area exactly how it is. They were confused about the process but they have not tried to be deceitful. Following his testimony, Mr. Bland responded to questions from the Board.

Hailey Bland testified they knew the building permit was in process but they were not involved in the discussions with DSD staff regarding the process or the secondary residence permit. They were waiting for the go-ahead from their builder.

The Board had questions for staff about the permit process. Dan Lister said staff found the property to be not in compliance with the ordinance and the request is to authorize the 3-acre parcel so the applicant can apply for a secondary residence and it shows the parcel with an existing house on it in the name of Carey Cook. The building permit states the owner of the lot or parcel containing the second residence must live on site. The permit was issued with the understanding that that has to happen otherwise it cannot be a secondary residence. Follow-up questions and discussion ensued.

Tracey Cook testified the Krajniks sold the property to them. The Blands and the Dukes were friendly until the P&Z Commission hearing when the Dukes got the impression the Cooks were trying to do something illegal, which may have been what happened but it was not intentional. When she looked at the building permit it was confusing because the Cooks listed their residential address on the application but it was for a building permit for the Bland's new address – they (the

Cooks) were not claiming they lived on the property and so she believes there was a mistake when the County issued that permit.

Reese Verner testified that he lives in the area and Hailey Bland is his granddaughter. He purchased his property over 40 years ago and they later sold the farmstead off of their parcel to the Cooks (his daughter and son-in-law) and at that time he went through the administrative split process for his 40 acres and he got approval for the original homestead, which the Cooks live in, and two other parcels and another permit for the rest of the 40 acres. He built a home four years ago and amended the split process and now it provides for the Cook parcel, the Schmidt parcel, and the Verner house which comprises the rest of the 35 acres. They gave up that one building permit when he built his home in order to clean up the descriptions, etc. Mr. Verner supports Nick and Hailey Bland being allowed to continue building their home.

Carey Cook testified that when he bought the 3 acres he was intending to split it and he used a realtor to do that and to work with the County, and this is one of the ways the County told them to move forward after one of the other options didn't work. There has never been any intent on his part, the builder's part, or the realtor's part to be deceptive. When the Dukes purchased the existing farm house they knew the Cooks intended to build another home next door and they agreed to it. He listed his permanent address on the application and there's a letter on file stating he is the current owner, but it never said he is the current resident of 9762 Deer Flat. He believes it's an administrative mistake and when staff saw Deer Flat they assumed the Cooks were living there, but they were not. He acknowledged there were mistakes but it was not intentional and he should have read the documents more carefully because he did not realize a secondary building permit meant that he was to be the primary resident – he thought it was a second building permit. Commissioner Smith pointed out that there are multiple documents in the file stating there are no permits and no other land divisions available for the property. Following his testimony, Mr. Cook responded to questions from the Board.

The following people testified in opposition to the request:

Von Duke testified the biggest reason he is opposed to the application is because at the P&Z Commission hearing he learned his agricultural zoning was going to change to residential zoning. He questioned why the owners didn't wait to sell the house until all this was figured out, and he asked why his address is still listed on the documents associated with this case. The application for the first hearing was signed by his wife at the request of Carey Cook who said it would allow the Blands to keep moving forward with their house, which the Dukes were in support of in the beginning. He was opposed to it once he learned they were trying to change the zoning of his land without telling him and that's why he wanted to stop the process. He has a small barn he was hoping to convert to a studio apartment for when his mother visits. When he read the paperwork and saw the Cooks applied for a second building and he questioned why the realtor didn't tell him there were strings attached to the property before he purchased it. According to Mr. Duke, permits for the approach, the sewer, and fire district access were issued under his address and/or parcel number. Mr. Duke said he knew a house was going in but he did not know he was attached to it and that's where the hostility came from because everything that was done to move forward

was wrong and he wants the application denied. Following his testimony, Mr. Duke responded to questions from the Board. Commissioner Van Beek said there is a consistent theme that there was a failure on the part of the Dukes, the Blands, and the Cooks to understand the definition of a secondary residence. She doesn't understand why Mr. Duke is still upset when there is a remedy for this situation. Commissioner White wants to talk about solutions and find a legal way to work this out and move this forward.

Dan Lister said this is the solution. The Dukes are no longer part of the application so their property would stay agricultural and it would only rezone the 1.27 acres with the stipulation that there will be no secondary houses. If the zoning is approved they can go through the process to recognize the land division and then it would be legal. Commissioner Smith said the other option is for the ordinance amendment that allows for a transfer of building permits and so it's a matter of timing and waiting until August (when the ordinance is considered) and exploring all options to purchase a building permit and to move it. Mr. Lister said once that ordinance is adopted there is an opportunity for the 1.27 acres to get a building permit from the Boehlke site if they are willing to sell. Commissioner Smith said there are Idaho Supreme Court cases that reject spot zoning and this case should be put on hold and wait for the ordinance amendment and exhaust all avenues. There are other avenues the Blands can explore before creating this spot zoning. Commissioner Van Beek said we don't know if the Boehlke's are willing to give up their building permit.

Valerie Duke testified they purchased their property as a blended family and she was hoping to file a business application but has not done it because of the issues associated with the property. She was fine with the Blands being out there, but she questions how Carey Cook made so many mistakes with the process. Mrs. Duke wants the Board to deny the request and she will work with the Blands in some way. She testified she signed the application at Carey Cook's request, but she was recovering from surgery and was heavily medicated and didn't know what she was signing. Commissioner Van Beek wanted to know about the type of business Mrs. Duke wants to put on her property. Dan Lister said the use the Dukes want is not allowed in the R-1 zone which is why they want to maintain the agricultural zone. Further discussion ensued.

Grace Blaylock is opposed to the request and says it's suspicious that the house was built at the back side of the property because it makes no sense and therefore she believes their intent was to put two houses on the parcel.

Diana Stanford testified she has lived in the area for over 20 years and has opposed zoning changes due to residences infringing into agricultural areas. She said the normal process was not followed with the permitting process associated with the subject property.

Rebuttal testimony was offered by Todd Lakey who said this is a legal solution. There was a lot of confusion over the secondary residence but that's not the basis for what brings us here today. They are not asking for an illegal secondary residence permit, what they are asking for is a conditional rezone that's very narrowly tailored to just the Blands and it prohibits further development or splitting the property and that's what everybody agreed to. The Dukes said they are okay with the Blands living there as long as their property is not part of the application and it

gets to remain in agriculture. To the point of waiting for the ordinance to come into place, we don't know if Mr. Boehlke will sell a building permit. This a conditional rezone that meets the requirements of the comprehensive plan and zoning ordinance. Spot zoning is a question of whether it complies with the comprehensive plan and in this case, there is a reasonable finding that it does comply with the comprehensive plan so we don't get to type 2 spot zoning. He agrees with the analysis and staff's application of that analysis. We have everybody in agreement on the solution except Ms. Stanford and Ms. Blaylock who live on their 1.3-acre parcels, but there was no nefarious intent or ill intent to further develop this property. The Blands just want to build their house. The Board had follow-up questions for Mr. Lakey following his testimony.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek said there was confusion on everyone's part as to what this meant; it is a nonconforming piece but if we look at precedent for citing non-spot zoned cases, she believes Mr. Lakey's citation of the US Supreme Court decision that we can argue that this was not to encourage development in this area but to find a legal remedy. She supports staff's analysis and findings. She said the nonconforming piece of 1.27 acres started with the Krajniks not the Blands and its unfortunate for everyone that properties were sold and didn't go through the County process. The request will not change the nature or character of the area. Commissioner Smith said the property does not meet the definition of a nonconforming parcel, it's a parcel with a code enforcement violation. This is not consistent with the comprehensive plan or the comprehensive plan map; it's not close to another residential district. There are multiple findings that do not support the change to residential. In the court case *Evan vs. Teton County* it's very clear there are two types and this one meets the definition of type 2 spot zoning. This is not consistent with the comprehensive plan nor is the requested rezone more appropriate than the current zoning designation. She provided adequate information that moving forward is very risky and she does not support the request. This is prime farmland and agricultural pieces are thriving in the area and she said this case will set a precedent moving forward. Commissioner Smith encouraged the applicants to wait for an ordinance amendment that would allow them to continue the use. There was further discussion as part of the Board's deliberation. Commissioner White wants to pause the case so they can thoroughly explore the options. There are misunderstandings but she doesn't see any ill will. Commissioner Van Beek said there needs to be a resolution and a solution and she thinks the Board could find support for this to allow both parties to cohabitate and it's unfortunate the process is creating the animosity heard today. To the point of making the applicants wait for the adoption of an ordinance, what if the ordinance is not adopted? Commissioner Smith said they can apply for other amendments and they are able to get involved with the comprehensive plan and look at different. There are many times where cases are denied and the Board has suggested waiting until the area is more appropriate for a single family or rural residential zone. Commissioner Van Beek said a text amendment can take up to a year but that's not reasonable, it's a hardship. Mr. Lister said today's application is different than what was considered by the P&Z Commission (two parcels, three acres) so a second hearing is required. We could re-notice the hearing for a new date and during that time we could ask the applicants to talk to Mr. Boehlke. Commissioner Van Beek made a motion to approve the conditional rezone for Case CR2022-0002 with the development agreement which supports the FCOs by the P&Z Commission. The motion died for lack of a second.

Commissioner Smith made a motion to deny the case as presented based on it not being consistent with the comprehensive plan map and she directed staff to bring back findings that evaluate the policies both in favor of and opposed to introducing this zone to the ag area, and for the reasons stated previously on the record for B and C staff should modify those two conclusions of law and findings. Additionally, the development agreement should be denied and brought back to a new hearing for those considerations. The motion died for a lack of a second. Commissioner White said she is not against the request, but she wants the hearing re-noticed. Commissioner Smith said if there isn't something that substantially changes she does not know that it will change anything other than what's happening today. There could be an ordinance amendment by then that could change it, but we don't know. Commissioner White wants a continuance so the applicants can check on other options. Mr. Lister said the building plans show a 3-acre parcel, not a 1.27-acre parcel so we have to look at that and make sure it meets setbacks. They are changing the application to say it's 1.27 acres and to state who the owners are and that it's not a secondary residence so we can remove those conditions. If the conditional rezone is approved they have to amend their previous land division to show this division and once that gets approved then those properties are split per the code and they do not affect one another. The Dukes would have to get a building permit for the secondary dwelling they want. Both properties have an open violation case so until something happens to abate it they are stuck. Commissioner White made a motion to continue the hearing to August 10, 2022 at 2:00 pm. Commissioner Smith said no matter what is decided another hearing will be required because there has been a material change to the P&Z Commission's recommendation. The motion was seconded by Commissioner Smith specifically to gain information from the applicant if they are able to find another means for approval which would include a potential purchase of a building permit. The motion carried unanimously. The hearing concluded at 12:43 p.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO FOLLOW:

Executive session: Pursuant to Idaho Code, Section 74-206 (1) (b) and (d) regarding personnel matters and records that are exempt from public disclosure

JUNE 2022 TERM
CALDWELL, IDAHO JUNE 28, 2022

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Dower Product Services in the amount of \$84,275.28 for the Sheriff's Office

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Bianca Valadez, Pre-Sentence Investigator; Sydney Brown, Juvenile Probation Officer; Brent Moore, Deputy Sheriff; and Scott McDonald, Deputy Sheriff

DETAILED MINUTES TO FOLLOW:

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND ACTION ITEMS:

ACTION ITEM: CONSIDER SIGNING ENTERTAINMENT COORDINATOR AGREEMENT WITH BOISE ARTS & ENTERTAINMENT FOR THE CANYON COUNTY FAIR

ACTION ITEM: CONSIDER SIGNING IDAHO PARKS AND RECREATION GRANT AGREEMENT FOR NON-MOTORIZED EAST END FISHING ACCESS IMPROVEMENTS PROJECT

ACTION ITEM: CONSIDER SIGNING RESOLUTION REAPPOINTING ZACH WESLEY TO THE HISTORIC PRESERVATION COMMISSION

*CONTINUED TO 2:00 P.M.

BOARD OF EQUALIZATION HEARINGS AND MATTERS:

BOARD OF EQUALIZATION HEARINGS AND MATTERS:

CONTINUED MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

*Continued from 9:00 a.m.

JUNE 2022 TERM

CALDWELL, IDAHO JUNE 29, 2022

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

CONSIDER SIGNING RESOLUTION TO APPROVE JOB TITLE, JOB DESCRIPTION AND FLSA STATUS FOR THE WAGE AND COMPENSATION ANALYST POSITION

The Board met today at 8:44 a.m. to consider signing a resolution to approve the job title, job description, and FLSA status for the wage and compensation analyst position. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, HR Director Kate Rice, and Deputy Clerk Monica Reeves. The resolution was not ready so the Board reviewed the draft job description for a compensation and benefits manager. Director Rice said it seems to be a manager position and while it does not manage people it would manage a major function within the County that has a major expense as the County spends about 70% of its expenses on salaries and therefore we need a person who is an expert in that area to focus exclusively on the compensation program to bring equity within the County and between the County and the competing entities. Director Rice is proposing a mid-range salary of \$75,000 annually. Commissioner Van Beek said if the person is started at the mid-range salary it would be more than the similar position in Ada County and we have adopted a posture that we would not exceed their wages but would be within 10%-15% of their pay bands. Commissioner Smith would like to match the salary. We used to be able to live more affordably in Canyon County than in Ada County but you cannot argue that the cost of living would substantiate a 20% reduction in wages in any longer. Commissioner Van Beek asked Director Rice to find out if we are comparable to the position in Ada County and the Board can make some justification if we are looking at matching that. She also asked about the expectation for reviewing job descriptions and if it should be done on an annual basis. Director Rice said because of the number of positions at the County (over 200 unique positions), annually is almost unattainable, but at a minimum a review should be done when position rolls over or at a 3-year rotation. The Board wants to start recruiting now and fill the position if we can. Commissioner Van Beek wants the position to fall under HR independently of any office or department. Commissioner Smith said the position is brand new and the person may not be able to provide the level of information we need for this year. Director Rice will bring the resolution for the Board's consideration next week. The meeting concluded at 8:55 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR GREINER PROPERTIES, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:02 a.m. to conduct a property tax assessment protest hearing for Greiner Properties, LLC, Account No. 30933010B0. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Sam Stone, Cindy Greiner, Assessor's Office employees, and Deputy Clerk Monica Reeves. Cindy Greiner offered testimony in favor of the application. Mike Cowan, Greg Himes and Sam Stone offered testimony on behalf of the Assessor's Office. Following testimony, rebuttal, and Board discussion, Commissioner Van Beek is in favor of leaving the agricultural exemption on the property and she supports continuing the hearing to allow time for the applicant to bring in a lease agreement. Commissioner White wants to uphold the Assessor's value.

Commissioner Smith believes that with the information available today the Board should issue a decision and then the applicant can go through the appeal process. Commissioner White made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Smith. Commissioner Van Beek was opposed to the motion. The motion carried by two-to-one split vote. The hearing concluded at 9:42 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR DINA CONSULTING AND DESIGN, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:45 a.m. to conduct a property tax assessment protest hearing for Dina Consulting and Design, LLC, Account No. 30933010 0. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Sam Stone, Claudia Dina, Assessor's Office employees, and Deputy Clerk Monica Reeves. Claudia Dina offered testimony in favor of the application. Mike Cowan, Greg Himes and Sam Stone offered testimony on behalf of the Assessor's Office. Following testimony, rebuttal, and Board discussion, Commissioner Van Beek supports granting the agricultural exemption for this property. Commissioner White said the Board does not have adequate information overturn the Assessor's value on the property. Commissioner Smith said the Board does not have any information that the assessed value is incorrect nor was there specific information that this property qualifies for an exemption. Commissioner White made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Smith. Commissioner Van Beek was opposed to the motion. The motion carried by two-to-one split vote. The hearing concluded at 10:04 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR JRP PROPERTIES, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:10 a.m. to conduct a property tax assessment protest hearing for JRP Properties, LLC, Account No. 36355011 0. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser, Rural Supervisor Roger Craig, Assessor's Office employees, and Deputy Clerk Monica Reeves. The appellant was not present for today's hearing. Commissioner Smith believes the case should be dismissed because the applicant was not present nor did he provide any evidence. There was Board consensus to dismiss protest number 22032 for JRP Properties, LLC. The matter concluded at 10:14 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR MOUNTAIN CREST IDAHO, LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:14 a.m. to conduct a property tax assessment protest hearing for Mountain Crest Idaho, LLC Account No. 31031000 0. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser, Rural Supervisor Roger Craig, Assessor's Office employees, and Deputy Clerk Monica Reeves. The appellant was not present for today's hearing. There was Board consensus to dismiss protest number 22061 for JRP Properties, LLC. The matter concluded at 10:16 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR CHICK-FIL-A, INC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:16 a.m. to conduct a property tax assessment protest hearing for Chick-Fil-A, Inc., Account No. 309711020. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser, Rural Supervisor Roger Craig, Assessor's Office employees, and Deputy Clerk Monica Reeves. The appellant was not present for today's hearing. Joe Cox said the appellant called yesterday and said she would not be able to attend and asked for a hearing date of August 1, 2022, but that is past the BOE deadline. Darryl Spieser said the evidence referred to a cost approach to value but he valued it on an income approach. Chief Deputy Cox said the appellant met the minimum requirements and so the case should not be dismissed. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to uphold the Assessor's value and allow the appellant to appeal to the board of tax appeals. The hearing concluded at 10:19 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO FOLLOW:

MEETING TO CONSIDER A REQUEST FOR APPROVAL BY THE MIDDLETON URBAN RENEWAL AGENCY OF TWO RESOLUTIONS ACCEPTING THE MURA EAST AND MURA WEST ELIGIBILITY REPORTS

See Resolutions 22-144 and 22-145

MATTERS RELATED TO THE BOARD OF EQUALIZATION

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:03 p.m. to consider matters related to the Board of Equalization. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Business Manager Jennifer Loutzenhiser, Residential Supervisor Holly Hopkins, Residential Appraiser Autumn Wall, Residential Appraiser Kathy Kinney, Residential Appraiser Tyler VanWarmerdam, Patricia Jordan, Greenleaf Mayor Brad Holton, Other Assessor Office staff and Deputy Clerk Jenen Ross. Due to no evidence presented and lack of appearance by the applicants

on protest nos. 22018 for Donald Lawrence Davis and 22097 for Emilia Claudia Stoica, the Board chose to dismiss the cases. The meeting concluded at 2:05 p.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR PATRICIA JORDAN

The Board of County Commissioners, sitting as a Board of Equalization, met today at 2:03 p.m. to conduct a property tax assessment protest hearing for Patricia Jordan, protest no. 22058/PIN 09173586 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Business Manager Jennifer Loutzenhiser, Residential Supervisor Holly Hopkins, Residential Appraiser Autumn Wall, Residential Appraiser Kathy Kinney, Residential Appraiser Tyler VanWarmerdam, Patricia Jordan, Greenleaf Mayor Brad Holton, Other Assessor Office staff and Deputy Clerk Jenen Ross. Patricia Jordan offered testimony in support of her protest application. Tyler VanWarmerdam and Greg Himes offered testimony on behalf of the Assessor's Office. After Board comments and deliberation Commissioner Van Beek made a motion to uphold the assessed value. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 2:49 p.m. An audio recording is on file in the Commissioners' Office.

MATTERS RELATED TO THE BOARD OF EQUALIZATION

The Board of County Commissioners, sitting as a Board of Equalization, met today at 3:02 p.m. to consider matters related to the Board of Equalization. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Appraisal Supervisor Greg Himes, Rural Appraisal Supervisor Roger Craig, Chief Deputy Assessor Joe Cox, Business Manager Jennifer Loutzenhiser, Greenleaf Mayor Brad Holton, Other Assessor's Office staff and Deputy Clerk Jenen Ross. Due to no evidence presented and lack of appearance by the applicant on protest no. 22036 for James Lawrence and protest no. 22042 for Richard William Sims, the Board chose to dismiss the cases. The applicant did not appear but written evidence was provided on case no. 22059 for Jesse Ray Prather so Commissioner Van Beek made a motion to uphold the assessed value. The motion was seconded by Commissioner White and carried unanimously. Evidence was also presented for case no. 22006 for William W. Petersen although the applicant did not appear. Upon the motion by Commissioner Van Beek and second by Commissioner White the Board voted unanimously to uphold the assessed value. The meeting concluded at 3:07 p.m. An audio recording is on file in the Commissioners' Office.

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

APPROVED CLAIMS ORDER NO. 2220

- The Board of Commissioners approved payment of County claims in the amount of \$1,997,256.59 for a County payroll (approved electronically)

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Timberlake Construction in the amount of \$76,322.40 for the Facility Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Daniel Patterson, Deputy Sheriff; John Mueller, Housekeeper; Tristan Hafer, Interpretive Specialist; Vanessa Mondragon, Legal Assistant I; Jeremiah Mollat; Grant Horlocher, Deputy Sheriff; Elizabeth Hayes, Marine Deputy; and William Hopkins, Deputy Sheriff

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for Eastside Tavern to be used 7/16/22, 7/22/22 and 7/30/22; County Line Wine Co., to be used 7/8/22, 7/23/22, and 8/6/22; Treasure Valley Road Runners, LLC, to be used 7/2/22, 7/17/22, and 9/24/22; 1918 Lounge to be used 7/8/22, 7/16/22, and 7/22/22

EXECUTIVE SESSION – PERSONNEL MATTERS AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 8:39 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, ADJ Davis Vander Velde and TCA Jamie Robb. The Executive Session concluded at 8:53 a.m. with no decision being called for in open session.

DETAILED MINUTES TO FOLLOW:

SIGN THE FCOS, DEVELOPMENT AGREEMENT AND ORDINANCE FOR RZ2022-0003 (FRANKS CONDITIONAL REZONE CASE)

The conditional rezone was approved by the BOCC on June 2, 2022

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND ACTION ITEMS:
ACTION ITEM: CONSIDER SIGNING LEGAL NOTICE OF PUBLIC HEARING REGARDING CANYON COUNTY HIGHWAY DISTRICT NO. 4 IMPACT FEE PROPOSAL

ACTION ITEM: CONSIDER SIGNING GRANT AGREEMENT FORM WITH IDAHO DEPARTMENT OF PARKS AND RECREATION FOR CELEBRATION PARK BOAT

ACTION ITEM: CONSIDER SIGNING A MEMORANDUM OF UNDERSTANDING BETWEEN CANYON COUNTY AND THE CITY OF PARMA FOR RURAL COMMUNITY PLANNING COMPREHENSIVE PLAN UPDATE

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR SUSAN AND DAVID WISHNEY FAMILY TRUST

The Board of County Commissioners, sitting as a Board of Equalization, met today at 9:37 a.m. to conduct a property tax assessment protest hearing for Susan and David Wishney Family Trust, Protest no. 22031/PIN 04580000 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Appraisal Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser, David Wishney, Other Assessor Office staff and Deputy Clerk Jenen Ross. Mr. Wishney offered testimony in support of his protest application. Mike Cowan, Darryl Spieser and Greg Himes offered testimony on behalf of the Assessor's Office. After Board discussion and deliberation, the Board requested that the Assessor's Office and Mr. Wishney work together to determine numbers based on the income approach using specific rental rates. Once there is some additional information established the Assessor's Office will contact Commissioners' staff to reschedule the hearing. The hearing concluded at 10:41 a.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR CALDWELL HEALTHCARE DEV LLC

The Board of County Commissioners, sitting as a Board of Equalization, met today at 10:41a.m. to conduct a property tax assessment protest hearing for Caldwell Healthcare Dev, protest no. 22145/PIN 00691101 0. Present were: Commissioners Keri Smith and Leslie Van Beek, Appraisal

Supervisor Greg Himes, Commercial Supervisor Mike Cowan, Commercial Appraiser Darryl Spieser, Other Assessor Office staff and Deputy Clerk Jenen Ross. The applicant did not appear for the hearing but documentation was provided with the protest application. Commissioner Van Beek made a motion to uphold the Assessor's value. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 10:42 a.m. An audio recording is on file in the Commissioners' Office.

THE MINUTES OF THE FISCAL TERM OF JUNE 2022 WERE READ AND APPROVED AND FOUND TO BE A PROPER RECORD OF THE PROCEEDINGS OF THE BOARD OF CANYON COUNTY COMMISSIONERS, CANYON COUNTY IDAHO.

DATED this _____ day of _____, 2022.

CANYON COUNTY BOARD OF COMMISSIONERS

Commissioner Leslie Van Beek

Commissioner Keri K. Smith

Commissioner Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: _____, Deputy Clerk