

NOVEMBER 2022 TERM
CALDWELL, IDAHO NOVEMBER 1, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **Out of the office**
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **Participated remotely**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Matthew Brown – Deputy Public Defender I; and Trevor G. Lenz – Staff Attorney.

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 9:09 a.m. to consider agenda items. Present were: Commissioner Leslie Van Beek, Commissioner Pam White via teleconference, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Oscar Klaas, Deputy P.A. Zach Wesley, Landfill Director David Loper (left at 9:15 a.m.), Facilities Director Rick Britton and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Public hearing to receive comment regarding the sole source procurement for the installation of a gas well, the sole source procurement for the construction and installation of a candlestick flare and skid station and the sole source procurement construction of a skid station compressor building at the Pickles Butte Landfill: No one appeared for today’s hearings to offer comment. Mr. Laugheed said that there were inquiries regarding the project but nothing that amounted to an objection. Today’s action items will close out the procurement portion of the project and contracts will be brought back at a later time. Commissioner Van Beek made a motion to authorize the purchase from SD Drilling, Inc. for the installation of a gas well, the purchase from Perennial Energy to construct and install a candlestick flare and skid station and the purchase from Compressor World to construct a skid station compressor building at the Pickles Butte Landfill.

Consider signing Alarm Monitoring Agreement with StateFire for the Canyon County Expo Building: Director Britton explained this contractor is installing the fire system at the new fair expo building and in order to cover any warranty work would like to continue using this company for the next year. In future years this contract will be moved to the company that handles the rest of the county. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the alarm monitoring agreement with StateFire for the Canyon County Expo Building (see agreement no. 22-125).

The meeting concluded at 9:18 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 11:00 a.m. to consider matters related to medical indigency. Present were: Commissioner Leslie Van Beek, Commissioner Pam White via teleconference, Case Manager Kellie George and Deputy Clerk Jenen Ross.

Case nos. 2022-502 and 2023-1 meet the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue approvals with writing decisions within 30 days.

The meeting concluded at 11:02 a.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 2, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **Out of the office**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED SICK TO VACATION LEAVE TRANSFER FORMS

The Board approved sick to vacation leave forms for Leticia Vance, Elda Catalano and Adrian Chavez.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Real Environmental Product, LLC, in the amount of \$47,853.53 for the Solid Waste department
- CDW-G, LLC, in the amount of \$70,200.00 for the Information Technology department
- Gunarama in the amount of \$5,165.00 for the Sheriff's Office
- Curtis Blue Line in the amount of \$2,728.50 for the Sheriff's Office
- K. Safety in the amount of \$2,444.31 for the Sheriff's Office
- Salt Lake Wholesale Sports in the amount of \$41,738.79 for the Sheriff's Office

PUBLIC HEARING TO CONSIDER A REQUEST BY GARY STARK FOR A CONDITIONAL REZONE FROM AN "A" (AGRICULTURAL) ZONE TO A "CR-RR" (CONDITIONAL REZONE - RURAL RESIDENTIAL) ZONE, CASE NO. CR2021-0013

The Board met today at 9:01 a.m. to conduct a continued public hearing in the matter of a request by Gary Stark for a conditional rezone from an "A"(Agricultural) Zone to a "CR-RR" (Conditional Rezone – Rural Residential) Zone, Case No. CR2021-0013. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planning Official Dan Lister, Gary Stark, Brian Smith, Laurie Smith, and Deputy Clerk Monica Reeves. Today's hearing was continued from October 18, 2022 so that more information could be obtained regarding setbacks or a reconfiguration. Commissioner Smith said did not participate in the first hearing because a homeowner asked her not to because she knew the applicant, Mr. Stark. Commissioner White is not present today so Commissioner Smith listened to the to the audio of the second hearing and will participate today in order to move the case forward. Dan Lister gave the oral staff report and advised that the applicant and the neighbor, Brian Smith, have come to an agreement regarding the fencing and setback. A condition has been added to the development agreement which states, in part: *1. A permanent fence to be built on the property line separating the two properties and will be constructed in a timely manner coinciding with construction. To be built using pipe and succor rod or may be a solid fence if desired by the owner. Fence may be a combination of both types of fencing and will run full length of the lots on north side. 2. Allow a buffer/setback on the north side 100 feet from the property line for residence (home) building only. To clarify, this buffer/setback restriction applies to residences (homes) only.* Mr. Lister said having the language in the development agreement sets an expectation that it will happen and it gives peace of mind to the neighbor that there is an agreement. Commissioner Van Beek said it's always best if the parties involved in a decision-making process have a say so, that's the highest level of success you are going to achieve in a mediation process. Commissioner Smith appreciates the parties working together and the amount of work that went into this case. Commissioner Van Beek made a motion to approve the request for Case No. CR2021-0013 for a conditional rezone from an "A" (Agricultural) to "CR-RR" and approve the FCO's, the development agreement (No. 22-126), and the ordinance (22-023). The motion was seconded by Commissioner Smith and carried unanimously. The following statement was read by Commissioner Smith: This is a final decision. An applicant or other affected person may request reconsideration of this Board's decision by filling a request for reconsideration with this Board that identifies specific deficiencies in the decision within fourteen (14) days of the Board's final written decision. The Board will have sixty (60) days to respond to such requests in writing. An applicant or other affected person who intends to seek judicial review must first request reconsideration with this Board. The twenty-eight (28) day time frame for seeking judicial review will be tolled pursuant to Idaho Code §67-6535 until the Board issues a written decision regarding reconsideration or the sixty (60) days has passed. The hearing concluded at 9:10 a.m. An audio recording is on file in Commissioners' Office. **Note for the record - the recording system stalled at the beginning of the hearing resulting in approximately two (2) minutes of audio that were not captured.*

MEETING WITH FACILITIES DIRECTOR TO REVIEW JUVENILE DETENTION CENTER GYM FLOOR

The Board met today at 1:35 p.m. with the Facilities Director to discuss the Juvenile Detention Center gym floor. Present were: Commissioners Keri Smith and Leslie Van Beek, Facilities Director

Rick Britton, Assistant Director of Juvenile Detention Shawn Anderson, Controller Zach Wagoner and Deputy Clerk Jenen Ross.

Director Britton explained that the current flooring has been in place since 1992, is worn out and needs to be replaced. The gym space is used not only for activities for the juveniles but also staff trainings and over the years there have been a couple of claims due to participants being injured. Several options were explored and the rubber flooring option was decided upon which will be less labor intensive for the Facilities staff in regard to care and maintenance. A moisture test was done and came back at 96% so it was decided to go with a slightly more upgraded version of the rubber flooring which will allow for proper ventilation under the flooring. The upgraded flooring has an increased cost of \$9123.78 which can be split between the Facilities budget and the Juvenile Detention budget which will make use of cigarette tax monies; the total cost to replace the floor is \$36,331. Controller Wagoner confirmed that there are funds available to absorb this extra cost and also feels there will be cost savings in reduced maintenance hours spent on the current flooring. He appreciates the work and thoughtfulness Director Britton, Director Brown and Assistant Director Anderson have put into this project. The Board is supportive of this continuing forward.

The meeting concluded at 1:45 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH HR DIRECTOR AND CLERK OF THE COURT TO CONSIDER ACTION ITEMS

The Board met today at 2:03 p.m. with the HR Director and the Clerk of the Court to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White via teleconference, Clerk Chris Yamamoto, Controller Zach Wagoner, HR Director Kate Rice, HR Generalist Kendra Elgin, Director of Court Operations Jess Urresti and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution approving changes to the job title and job description of five (5) positions in the Clerk of the Court Department (Court Support Service Clerk to Court Clerk I): Mr. Urresti spoke about how the Court Support department has historically focused on the manual "backroom" kinds of tasks but with the Odyssey program most tasks are now electronic and the job has become more of a Clerk I type position. This change was budgeted for in the FY2023 budget, the resolution just completes the transition in changing the Court Support Service Clerk to Court Clerk I titles. Ms. Elgin confirmed the compensation is consistent with the 2023 compensation plan and there are no significant changes to the min, mid and max pay scale between the two titles; currently the employees filling these positions are at the mid-level and there will be no change to compensation. Ms. Elgin also noted that with this change the title of Court Support Service Clerk will no longer exist. Commissioner White made a motion to sign the resolution approving changes to the job title and job description of five (5) positions in the Clerk of the Court Department (Court Support Service Clerk to Court Clerk I). The motion was seconded by Commissioner Smith. A vote was taken with Commissioners Smith and White voting in favor

and Commissioner Van Beek abstaining from voting. The motion carried in a 2-to-1 split vote (see resolution no. 22-221).

Consider signing a resolution approving changes to the job title, job description, and salary range of four (4) positions in the Clerk of the Court Department (Court Clerk II to Court Clerk III): Commissioner White made a motion to sign the resolution approving changes to the job title, job description, and salary range of four (4) positions in the Clerk of the Court Department (Court Clerk II to Court Clerk III). The motion was seconded by Commissioner Smith. A vote was taken with Commissioners White and Smith voting in favor and Commissioner Van Beek abstaining from voting. The motion carried in a 2-to-1 split vote (see resolution no. 22-222).

The meeting concluded at 2:14 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS FUNDING SOURCE FOR 2022 YOUTH BEHAVIORAL HEALTH COMMUNITY CRISIS CENTER

The Board met today at 2:20 p.m. to discuss the funding source for 202 Youth Behavioral Health Community Crisis Center. Present were: Commissioners Keri Smith and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, SWDH Director Nikki Zogg, and Deputy Clerk Monica Reeves. The County received a request from Southwest District Health (SWDH) to help with startup funds for a teen crisis center that will be a standalone building like an adult crisis center, but it would be geared towards youth. The Board wanted to write a letter of support for SWDH, but it needs the Clerk and Controller to help identify the funding source especially since we have opioid funds. Controller Wagoner said we need to make the best use of our available resources. The County chose to participate in the opioid matter and a settlement has been awarded and over 18 years the County is slated to receive over \$2.2M. To date we have received \$457,000, and none of those monies have been expended for opioid abatement/response measures. The monies are restricted and need to be used as part of a response to the opioid crisis. He shared with the Board earlier today a 12-page document that outlines some approved uses, and one that caught his attention was to support crisis stabilization centers that serve as an alternative to hospital emergency departments. Director Zogg said SWDH is also receiving opioid settlement funding and there are several areas where she feels like general support for the youth crisis center could be supported and one of those was investing in infrastructure or staffing at government or non-profit agencies to support collaborative cross-system coordination with the purpose of preventing overprescribing, opioid misuse/overdose, treating those with OUD and other co-occurring side and mental health conditions. The vision for the youth crisis center is to provide the center and go above and beyond that minimum expectation and provide other support services so she feels like funding could also potentially be used if it wasn't just for infrastructure, but for counselling and support services. Commissioner Van Beek said it sounds like it qualifies but we want to ensure that we are within compliance. Director Zogg said SWDH is preparing to make a recommendation to the board of health to commit a good portion of their funding in the first year to the youth crisis center. Commissioner Smith said the request for startup funds was \$600,000 but the County only has \$457,000, and she asked if that can get it started knowing the next amount comes in 2024.

She asked if the County can use COVID funds for the balance. Controller Wagoner is hesitant to use the COVID or ARPA monies for the balance but said we could use other general County balances. Director Zogg estimates the startup costs to include renovation and operational costs around \$3.6M. SWDH has applied for \$1,060,000 in funding and will know by December 1st if they will be awarded the funds. They anticipate a six-month lead time to identify a contractor to run the center and renovate the space, and if they receive state funding they hope to open by July 1st. The other funding commitments they have are going towards infrastructure, renovation/remodel or wraparound services and support. She wants to renovate as much as possible to allow community partners to co-locate there and provide a one-stop shop for youth and their families. The district will lease the facility with the intention of purchasing it; the lease is expensive and so she is hoping their partners will help share in the costs. Commissioner Smith asked if the County allocates all the opioid funds (the 2 years in the bank) towards this project and there is still a funding need, does SWDH want the County to find funding for the balance? Director Zogg said if that is not feasible she could come back in FY2024 and make another request. If SWDH is awarded funding they plan to fundraise to help with the startup costs. Clerk Yamamoto said he was opposed to being part of the opioid settlement because it's like a government grant that doesn't cover all the costs and then the taxpayer cover the rest. Do we utilize what we have and see where we can go with that, or provide more funding? He said it should not come from COVID funds. A third option is to wait and see where we're at. Director Zogg said this is a one-time request in that they are looking for funds to get the facility up and running, and in terms of operation their goal would be to make it as self-sustaining as possible with the primary income being based on medical billing for services. They will work with insurance payers to use the existing reimbursement rate for the adult crisis or if they want to do a different rate for the youth model to do that. Youth need intensive outpatient services and partial hospitalizations. Currently the state sends youth out of state for inpatient care and there is a shortage of so if we could add that service at this location it would meet a lot of current needs and gaps but also help make the model sustainable. The need is estimated to be 2,000 youth a year, and this facility will only have 8 beds initially. Commissioner Van Beek agrees with Clerk Yamamoto's that we have not contemplated outside the budget process. Director Zogg said the state is planning to award 3-4 centers in the state and have said they plan to fund a facility up north, and in eastern Idaho and potentially two in the Treasure Valley. She is planning to add more space than what they will be allowed to serve initially so they can plan for the future, noting it is important to build in transitions of care so that partial hospitalization and intensive outpatient services are step downs to help the youth stay out of crisis. Commissioner Smith said the County will commit funding and Director Zogg will come back if we need to allocate more from another funding source. Controller Wagoner said the settlement monies are limited in their use, we cannot just deposit those into current expense and spend how we want. Commissioner Van Beek said currently aren't any other projects that qualify for using these funds, and this one appears to be a good fit for a good purpose and it's not competing with something else in the community. Controller Wagoner said he is not aware of other conversations regarding the use of these specific Opioid settlement monies. Director Zogg said SWDH is also receiving settlement funding this year and is putting a large majority toward this effort, but they are holding a little back so they can assess the opportunities and gaps that exist for future use of the opioid funds. Their plan is to collect that across the 6-county region and use that information to share with the cities and counties that receive opioid settlement funding, and

for SWDH to use and try to be strategic as they move forward knowing they will be receiving the funds for 18 years. They can look at opportunities to use the funds to implement in a way that establishes sustainable policy change, or a system change or medical billing so it's not just going in and disappearing after 18 years. Commissioner Smith said Commissioner Pam White sent a message stating she supports the use of opioid funding, per the email from Controller Wagoner, and it sounds like the full Board is in support as well. Director Zogg will know by December 1st if they are awarded the funding, and she will keep the Board informed. The meeting concluded at 2:44 p.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 3, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **Out of the office**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 2303

The Board approved payment of County claims in the amount of \$2,076,857.72 for a County payroll.

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Young Elevator in the amount of \$1,900.00 for the Facilities department

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Warna Sears, temporary elections and early voting worker.

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 Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas, Controller Zach Wagoner (left at 9:09 a.m.), Chief Deputy Sheriff Doug Hart, Recording Supervisor Emily Howell (left at 9:09 a.m.), CCSO Sr. Administrative Specialist

Margaret Spurgeon (left at 9:15 a.m.), CCSO Deputy Jay Warren (left at 9:07 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Traffic Enforcement Grant Project Agreement with Idaho Transportation Department: Deputy Warren explained this is a yearly grant that CCSO regularly takes part in. These monies are granted from the Idaho Transportation Department Office of Highway Safety for specialized mobilization project. A list of FY2023 projects was provided to the Board and is on file with this day's minutes. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the Traffic Enforcement Grant Project Agreement with Idaho Transportation Department (see agreement no. 22-129). *Note for the record: Mr. Wesley addressed a previous question stating that the State is the higher tier and the county is the lower tier recipient.*

Consider signing Delivery Agent Electronic Document Recording Agreement with Four Tier Software, LLC: This vendor has requested to become established as a new vendor in order to submit electronic documents. There is no cost to the county for this service – any e-recorded documents are revenue to the county. Mr. Klaas said that legal approves of the agreement. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the delivery agent electronic document recording agreement with Four Tier Software, LLC (see agreement no. 22-128).

Consider signing the Federal Annual Certification Report and Annual Equitable Sharing Agreement: Ms. Spurgeon explained this is the yearly report for assured assets and by complying CCSO receives a percentage of the proceeds received from seized property. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the Federal Annual Certification Report and Annual Equitable Sharing agreement (see agreement no. 22-127).

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 9:20 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. Oscar Klaas. The Executive Session concluded at 9:40 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.

PUBLIC HEARING TO CONSIDER A REQUEST BY RACHEL BURGO FOR A CONDITIONAL REZONE, CASE NO. CR2022-0008, AND A SHORT PLAT FOR DIRT ROAD RANCH SUBDIVISION, CASE NO. SD2022-0015

The Board met today at 10:03 a.m. to conduct a public hearing in the matter of a request by Rachel Burgo for a conditional rezone of Parcel R37627101 from an "A" (Agricultural) zone to an "CR-R-R" (Conditional Rezone – Rural Residential) zone. The request includes a development agreement restricting division of the parcel into no more than three lots. The request also includes a short plat for Dirt Road Ranch Subdivision (formerly Rustic Acres West Subdivision). Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planning Official Dan Lister, Rachel Burgo, and Deputy Clerk Monica Reeves. There was no one in opposition to the request. Commissioner Smith disclosed that she is very familiar with the area. Dan Lister gave the oral staff report. The property is located at 34103 Rustic Court in Star and is located within the existing plat of Rustic Acres Subdivision. The development agreement limits the development to a total of three lots; their homesite on approximately five acre, and two smaller lots along the frontage of Blessinger Road. There was a review of conditions, site characteristics, zoning designations in the area, and agency comments. The preliminary plat is ready but the final plat is not. It's a 7.5-acre property and the applicant is requesting a total of 3 lots with an average lot size of 2.5 acres. It is located within the Middleton and Star Impact Areas. The City of Middleton did not provide comment. The City of Star has requirements for subdivisions, road width, landscaping, and roadway connections unless waived. The City of Star sent a letter waiving those requirements and provided some corrections on the final plat. On September 15, 2022, the P&Z Commission recommended approval of the conditional rezone and preliminary plat for Dirt Road Ranch Subdivision, subject to conditions. Staff is recommending approval as well. Following his report, Mr. Lister responded to questions from the Board regarding the irrigation plan, the agricultural well, water rights, and access. Commissioner Smith said there needs to be some cleanup done regarding the preliminary plat: have a shared easement on Lot 2 and Lot 3; wait for information from IDWR regarding water rights; have a clear record of what is happening with the water rights; and have the development agreement state that the applicable irrigation plan must be provided as part of the preliminary plat. Rachel Burgo provided testimony regarding the irrigation system and the mylar final plat. They have three water rights: the ½ acre domestic right, the 7.5 acres of ground water irrigation; and the 1.5 acre from the Mills Slough. They installed a full irrigation system and have irrigated the entire property. They have submitted an application and have confirmation from IDWR that the statement of completion for the permit and the ownership change has been submitted. IDWR will confirm that the irrigation is installed before they approve it, however, they are about one year behind so they may not have the transition from the permit to the water right for another year. The property is irrigated, but they do not have underground irrigation for the two lots. Ms. Burgo said they will not sell the water right for monetary value for themselves, but if they sell two lots when the permit is approved it will be approved for 5 acres versus 7.5 acres. The mylar plat still needs three signatures. Following her testimony, Ms. Burgo responded to questions from the Board. Commissioner Smith said there are a lot of unknown related to the irrigation plan and she wants the applicant to do some more work on the plat. There was discussion regarding conditions that would require the shared easement for the access off Blessinger Road, and a standalone condition that prohibits secondary dwellings on Lots 2 and 3. An irrigation plan must be submitted

prior to preliminary plat approval. 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 an irrigation plan needs to be submitted with the preliminary plat and she asked staff to make amendments to the FCOs that discuss Lots 2 and 3, designate access off Blessinger Road with a shared access and easement, and to add a condition that secondary residences are prohibited on Lots 2 and 3. She supports the rezone to a CR-RR zone. Commissioner Smith wants staff to amend the FCO's to state that two new homes will not increase the anticipated 500-trip per day threshold, and to remove the verbiage about generating new traffic. A condition of approval will require a shared easement, so the finding needs to reflect the agreement for the shared easement. They have legal access, and it will be via Rustic Court for one lot and via a shared easement for the two lots off Blessinger Road. Add a finding stating irrigation must comply with state law which requires utilizing surface water rights prior to using domestic well for irrigation. The applicant will submit an irrigation plan. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the conditional rezone for Rachel Burgo, Case No. CR2022-0008, and to direct staff to amend the FCO's as discussed during deliberation, and to sign the ordinance and development agreement with conditions of approval. (See Agreement No. 22-130 and Ordinance No. 22-024.) The preliminary plat portion of the hearing will be continued so the applicant can update the plat with the changes noted in today's hearing including the zoning designations that are listed on it and showing the easements. The Board went off the record briefly and then went back on the record for additional comments regarding the new hearing for the short plat. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to continue the hearing for the short plat to November 14, 2022 at 9:00 a.m. The hearing concluded at 11:31 a.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 4, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **Out of the office**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Sandra Ayala, Housekeeper.

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for Treasure Valley Road Runners, LLC to be used 11/06/22.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 7, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White – **Out of the office**
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 589162 to 589164 in the amount of \$462.00
- The Board has approved claims 589165 to 589178 in the amount of \$8,369.00
- The Board has approved claims 589179 to 589223 in the amount of \$195,636.85
- The Board has approved claims 589224 to 589261 in the amount of \$65,547.09
- The Board has approved claims 589262 to 589302 in the amount of \$60,900.74
- The Board has approved claims 589303 to 589347 in the amount of \$580,105.68
- The Board has approved claims 589537 to 589546 in the amount of \$1,645.86

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Christina Jeffes, Jury Commissioner.

APPROVED SICK LEAVE TO VACATION LEAVE TRANSFER FORM

The Board approved a sick to vacation leave transfer form for Linda Hall.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- VSL Live in the amount of \$2,200.00 for the Information Technology Department
- Carbon Networks in the amount of \$5,768.00 for the Information Technology Department
- Dell in the amount of \$1,475.00 for the Information Technology Department
- Dell in the amount of \$1,660.24 for the Information Technology Department
- Dell in the amount of \$30,985.50 for the Information Technology Department
- Western States CAT in the amount of \$1,227.21 for the Sheriff's Office
- B&H Photo in the amount of \$1,783.80 for the Sheriff's Office

DETAILED MINUTES TO FOLLOW

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

PUBLIC HEARING - REQUEST BY PAMELA CARLTON FOR A CONDITIONAL REZONE FROM AN "R-R" (RURAL RESIDENTIAL) ZONE TO A "CR-R-1" (SINGLE FAMILY RESIDENTIAL) ZONE, CASE NO. RZ2022-0008

The Board met today at 9:00 a.m. to conduct a public hearing in the matter of a request by Pamela Carlton for a conditional rezone of a 2.04-acre parcel R30591 from an "R-R" (Rural Residential) zone to a "CR-R-1" (Single Family Residential) zone. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Cassie Lamb, Pamela Carlton, and Deputy Clerk Monica Reeves. Cassie Lamb gave the oral staff report. The request includes a development agreement that limits the number of divisions of the parcel. The property is located at 620 N. Robinson Boulevard in Nampa. The parcel is considered an original parcel created prior to September 6, 1979. If approved, the owner will proceed with an administrative land division application to divide the parcel into two one-acre parcels. The Hearing Examiner recommended approval subject to the dev agreement. The parcel is located within the Nampa impact area; the city's future land use is low-density residential which aligns with Canyon County's 2020 comprehensive plan as residential. The property is considered prime farmland if irrigated, and contains moderately suited soils. An active gravel pit site is located to the east. There are 41 subdivisions located within the vicinity with a 1.24-acre average lot size. The property will be served by a domestic well. Wells in the area have had nitrate issues but do not that exceed DEQ's threshold. Individual septic systems will be utilized, and irrigation from a domestic well will be used in accordance with Idaho law. Access will be along the frontage to North Robinson Boulevard, and the Nampa Highway District has already approved an approach for the split application. The City of Nampa stated a water line is approximately 1,000 feet south of the property and a sewer line is located 900 feet east on the adjacent Nampa School District parcel. Nampa Planning and Zoning is requesting pre-annexation approval and agreement with the city prior to obtaining a rezone with the County, and they are asking for a 25-foot landscape buffer from the property line on East Orchard Avenue and Robinson Blvd., along the frontage. Located within the city's future land use low-residential density designation, lot sizes shall not exceed 32,000 square feet. With the acreage configuration and the size of 2.04 acres only approximately two 32,000-square foot parcels could be created. City utilities are not close enough to the parcel to be feasible for one owner and platting is not required. Staff did not find any parcels in the subject are to have a landscape buffer. The nearest parcel located in the city limits is approximately one mile away from the subject parcel, which is not contiguous with city limits. Neither staff nor the Hearing Examiner required a condition requiring a pre-annexation agreement. On September 14, 2022, the Hearing Examiner recommended approval subject to the conditions of the development agreement. Following her report, Ms. Lamb responded to questions from the Board. Pamela Carlton testified that when she agreed to remove the driveway on the south side they were going to split it off and use it, however, she has decided she does not need another access so instead she will install a small fence through the driveway so it cannot be used. She is agreeable to not having a secondary residence on her site. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the

Board voted unanimously to close public testimony. Commissioner Van Beek agrees with staff's position to not condition this project as the City of Nampa requested as the property is not contiguous with city limits, and it meets the criteria for the average lot size in the City of Nampa. Commissioner Smith agreed with Commissioner Van Beek's comments as well as the analyses of staff and the Hearing Examiner. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the conditional rezone for Pamela Carlton, Case No. RZ2022-0008, including the FCO's, ordinance (22-025) and development agreement (22-131.) Commissioner Smith read into the record the process for filing a request for reconsideration/judicial review. The hearing concluded at 9:25 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO FOLLOW

MEETING WITH HR AND THE FACILITIES DIRECTOR TO CONSIDER AN ACTION ITEM

Action item: Consider signing a resolution to adopt changes to the job title and description of one (1) position in the Facilities Department

MEETING WITH THE DIRECTOR OF DEVELOPMENT SERVICES TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND TO CONSIDER ACTION ITEMS

Action items:

Consider signing a resolution granting a refund to Gennie & Justin Fishburn for a withdrawn property boundary adjustment application fee

Consider signing a resolution granting a refund to Lorinda Norton for a conditional use permit that was not necessary

Consider approval/denial of a resolution to grant a fee reduction/partial refund to William Werhane for a conditional rezone fee

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 8, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **Out of the office**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 589348 to 589393 in the amount of \$63,705.75

- The Board has approved claims 589394 to 589440 in the amount of \$135,734.44
- The Board has approved claims 589441 to 589489 in the amount of \$110,160.57

MEETING TO CONTINUE THE PUBLIC HEARING TO CONSIDER THE REQUEST BY NICK AND HAILEY BLAND FOR A CONDITIONAL REZONE, CASE NO. CR2022-0002

The Board met today at 10:03 a.m. to continue the public hearing to consider the request by Nick and Hailey bland for a conditional rezone, case no. CR2022-0002. The applicant has requested that this hearing be continued to a later date and upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to continue the hearing to December 6, 2022 at 10:00 a.m. The meeting concluded at 10:05 a.m. An audio recording is ion file in the Commissioners' Office.

MONTHLY MEETING WITH DIRECTORS TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today 10:05 a.m. with the Parks Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Parks Director Nicki Schwend and Deputy Clerk Jenen Ross. The following topics were reviewed with the Board:

- Campsite posts have been installed at Celebration Park and campsite designations are being added.
- Discussion regarding vehicles parking in the RV turnaround area; following discussion the Board is supportive of Director Schwend adding 'no parking' signs in the turnaround area, 'day use' parking signs in the appropriate areas and to speak with the BLM to see if parking signage can be added to their property.
- Working to apply for the FY24 Idaho State Parks – Waterways Improvement Fund Grant to replace an existing dock system at Celebration Park; the grant application is due January 27, 2023, notification of award will be in the summer of 2023 but any work relating to this project done in FY23 will count as match toward the grant if it is awarded. The Board is supportive of making application.
- Director Schwend and two HPC members recently attended the Idaho Heritage Conference; at the conference Ms. Schwend met Yvette Towersap who makes rabbit fur blankets, one of which she is willing to sell to the Parks department as part of the 'artifake' collection at the Crossroads Museum – the Board is supportive of this purchase.
- Director Schwend is now the Director of Programming for the Idaho Archaeological Society.
- BSU Archaeology Field School intends to return in the Summer of 2023.
- Parks Master Plan update/status – Agnew: Beck has suggested additional public comment; as an alternate the Board suggested putting the masterplan online noting that the Board will be hearing this and accepting comment either via the public hearing or by email.
- Director Schwend has been recreating several 'artifakes' that have been well loved and starting to degrade.

- They are currently at winter staffing levels and continuing to move forward with several projects.
- The MOU with the Deer Flat Wildlife Refuge is still in process but has been a bit delayed due to some personal issues on the refuge's part. Additionally, Director Schwend spoke about how the MOU may need to be more encompassing of the county as a whole vs. just with Parks.

The meeting concluded at 10:42 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER APPROVING ABATEMENT COSTS FOR 11488 W. FLAMINGO AVENUE, NAMPA (PARCEL NO. R31451)

The Board met today at 11:07 a.m. to consider approving abatement costs for 11488 W. Flamingo Ave, Nampa (Parcel no. R31451). Present were: Commissioners Keri Smith and Leslie Van Beek, Code Enforcement Supervisor Eric Arthur and Deputy Clerk Jenen Ross. Mr. Arthur explained this property has been in violation for approximately 2 years. It has been sent to the PA's Office and two notices of violation have been posted however, they continue to operate the trucking operation. Code Enforcement has requested that the contractor also abate the weeds as it is believed more trash will be found there; the trailers will not be able to be removed because they are titled property. NW Land Services has provided a bid of \$4900 for abatement. The Board is supportive of moving forward with abatement and upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to approve the abatement costs for 11488 W. Flamingo Ave., Nampa (Parcel no. R31451). The meeting concluded at 11:14 a.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM
CALDWELL, IDAHO NOVEMBER 9, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **Out of the office**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 589547 to 589590 in the amount of \$80,934.97
- The Board has approved claims 589490 to 589536 in the amount of \$335,063.23
- The Board has approved claims 589591 to 589613 in the amount of \$92,409.66

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- W2W Flooring in the amount of \$9,123.78 for the Facilities department

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Paul McGrew, Interpretive Specialist.

MEETING TO CONSIDER TRANSFERRING PROPERTY TO THE NAMPA HOUSING AUTHORITY

The Board met today at 9:31 a.m. to consider transferring property to the Nampa Housing Authority (NHA). Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy PA Oscar Klaas, Treasurer Tracie Lloyd, Deputy Treasurer Tonya May, Deputy Clerk Monica Reeves, and other interested persons. On October 20, 2022 the Board signed a notice of grant of real property setting a public meeting date of November 10, 2022 to hear comments on the proposed transfer of property located at 132 Owyhee Avenue in Nampa (Parcel No. 08419000 0) to the Nampa Housing Authority. On October 20, 2022 the Board also signed a notice of surplus property auction, which listed six (6) properties, including the Owyhee Avenue parcel, announcing that the properties would be offered for sale on November 9, 2022. Today, Andy Rodriguez was invited to attend a meeting and discuss with the Board the NHA's interest in the property. He spoke talked about NHA obtaining blighted properties and fixing them up; the goal is to better the neighborhood and paying off the tax deed and putting them on the market at a rate where investors can put money into the property themselves and create an opportunity for them to make money off the property while the NHA works on their mission of beautifying the neighborhood and creating affordability in housing for the community. Mr. Rodriguez responded to questions from the Board and a roundtable discussion followed. Commissioner Smith does not believe it's in the best interest to transfer the property when there are people here to bid on it and they will likely renovate it and put it back on the tax roll. She prefers it be auctioned and if it doesn't sell the Board can reconsider giving it to the NHA. Commissioner Van Beek said given the current conditions where we are potentially looking at downturn she made a motion to transfer the property to the Nampa Housing Authority. The motion was seconded by Commissioner Smith. When the vote was taken, Commissioner Van Beek voted in favor of the motion, and Commissioner Smith voted against the motion. The motion failed, and therefore tomorrow's action item regarding the property transfer will be cancelled and the parcel will be offered for sale at today's public auction. The meeting concluded at 10:03 a.m. An audio recording is on file in the Commissioners' Office.

SURPLUS PROPERTY AUCTION

The Board met today at 10:04 a.m. to conduct a surplus property auction (tax deed property sale). Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy PA Oscar Klaas, Treasurer

Tracie Lloyd, Deputy Treasurer Tonya May, other interested persons, and Deputy Clerk Monica Reeves. The following parcels were sold:

PIN: 02170000 0

ADDRESS: 523 KEARNEY ST CA ID

ACRES: 0.18

MINIMUM BID AMOUNT: \$12,236.26

PREVIOUS OWNER(S): RAFAELA G REYNA

Sold for \$145,000 to Eric Bowen

PIN: 02231000 0

ADDRESS: 114 PLYMOUTH ST CA ID

15-4N-3W SE GOLDEN GATE ADD LOT 14 & E 25' OF LOT 15 BLK 84 & 85

ACRES: 0.28

MINIMUM BID AMOUNT: \$8,905.14

PREVIOUS OWNER(S): CHERYL K MOONEY

Sold for \$75,000 to Eric Bowen

PIN: 08419000 0

ADDRESS: 132 OWYHEE AVE NA ID

ACRES: 0.16

MINIMUM BID AMOUNT/AMOUNT DUE TO TAX COLLECTOR AS OF 11/9/2022: \$10,988.06

PREVIOUS OWNER(S): TERRY CRAIG OHRT

Sold for \$145,000 to Jason Thompson

PIN: 19509000 0

ADDRESS: 110 E STOCKTON ST PA ID

ACRES: 0.16

MINIMUM BID AMOUNT: \$3,181.04

PREVIOUS OWNER(S): MARIA A SANDOVAL

Sold for \$15,000 to Pablo Guzman

PIN: 24658014 0

ADDRESS: 0 N PIT LN NA ID

ACRES: 0.07

MINIMUM BID AMOUNT: \$701.46

PREVIOUS OWNER(S): FRANK E PALMER
JANET PALMER

NOT SOLD – NO BID

PIN: 34528010 0

ADDRESS: 0 EL PASO RD CA ID

ACRES: 0.49

MINIMUM BID AMOUNT: \$881.12
PREVIOUS OWNER(S): JERRY L BURNIE
JULIA A BURNIE

Sold for \$20,000 to Rosa Oviedo

The deadline for payment is 4:00 p.m. today. Once payment is received for the parcels the Board will schedule the signing of the quitclaim deeds. The meeting concluded at 10:21 a.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM
CALDWELL, IDAHO NOVEMBER 10, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White – **Out of the office**
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for Slicks Bar to be used 11/25/22.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- D&B Supply in the amount of \$34,560.00 for the Solid Waste department
- Flow Serve in the amount of \$28,860.00 for the Solid Waste department
- Idaho Precast in the amount of \$47,572.04 for the Solid Waste department
- Northwest Pipe Fittings, Inc. in the amount of \$11,239.90 for the Solid Waste department
- Northwest Land Services, LLC in the amount of \$4,900.00 for the Development Services department (Code Enforcement)
- R&H Wholesale Supply in the amount of \$20,557.00 for the Facilities department
- Mountain Home Auto Ranch in the amount of \$39,202.00 for the Fleet department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Brad Snell, Computer Network Technician; Nina Diane Lautenschlager, Cust. Serv. Specialist – Driver's license 41003; Ariel Nicole Perez, Cust. Serv. Specialist – Records 41004; Henry Gomez, Deputy Sheriff – Courts and Transports 51002; Tamera Tilford, Hazardous Waste Screener; Sheila Warner, Juvenile Detention Officer; Debbie Root, Planner III; Maira Martinez, Clerk II; Valerie Cruz, Clerk II; Aldo Fortanelly, Clerk III; Heidi Schultz, Clerk III; Mariah Rezendes, Clerk III; Margaret Witt, CSS Clerk to Clerk I; Michael Daniels,

CSS Clerk to Clerk I; Shelby Savage, CSS Clerk to Clerk I; Anjelina Rivera-Gaspar, Housekeeper; and Jacob Stuart, Maint. Tech I.

APPROVED SICK LEAVE TO VACATION LEAVE TRANSFER FORM

The Board approved a sick leave to vacation leave transfer form for Gabriel McCarthy.

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

The Board met today at 2:04 p.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas, Deputy P.A. Zach Wesley, Treasurer Tracie Lloyd, Sgt. Rob Whitney and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Notice of Sole Source Procurement with Linear Systems for Upgrade to Digital Information Management System: Sgt. Whitney provided a review of the system which was installed in 2010 and stores all CCSO digital evidence. The company is offering a discount of nearly \$23,000 if the county continues to use them via sole source vs. going out for RFP. Sgt. Whitney provided several reasons for continuing with sole source which include the investment of county time in knowing how to properly operate the system and the data that is already stored and will need to be stored indefinitely; he is not sure data would be able to be transferred to a new system. The cost with the discount for the upgraded machine is \$69,248.80; there is also a yearly maintenance fee. Mr. Klaas said there is no legal reason not to sign. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the notice of sole source procurement with Linear Systems for upgrade to Digital Information Management System.

Consider Signing Resolution Authorizing the Issuance of Quitclaim Deeds to Successful Bidders at the November 9, 2022 Auction of Surplus Property: Treasurer Lloyd said all funds were received yesterday. Commissioner Van Beek made a motion to sign the resolution authorizing the issuance of quitclaim deeds to successful bidders at the November 9, 2022 auction of surplus property. The motion was seconded by Commissioner Smith and carried unanimously (see resolution no. 22-227). Treasurer Lloyd said letters to the parties in interest will be sent in the next 30 days.

Ms. Klempel explained to the Board that there was a contract with Aumentum signed in March where the Board inadvertently signed an extra page. In order to correct this Ms. Klempel would like to just remove the extra signed page and replace it with a blank as it should be until the contract is fully executed. The Board is supportive of this course of action and Ms. Klempel said contact would be made with Aumentum to advise them of this. Once a fully executed copy is obtained the Board's records will be updated.

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

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

Commissioner Smith made a motion to go into Executive Session at 2:13 p.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion 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, Deputy P.A. Oscar Klaas and Deputy P.A. Alex Klempel. The Executive Session concluded at 2:50 p.m. with no decisions being called for in open session.

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

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 14, 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 forms for Peter Donovan, Deputy Attorney I; Hayden Stauffer, Deputy Sheriff – Inmate Control 51003; Garrett McRae, Deputy Sheriff – Inmate Control 51003; Jacob King, GIS Mapping Tech; Christine Smith, GIS Land Records Supervisor; Aurora Morris, Customer Service Specialist; Stephanie Soto, Customer Service Specialist.

PUBLIC HEARING TO CONSIDER THE SHORT PLAT FOR DIRT ROAD RANCH SUBDIVISION, CASE NO. SD2022-0015

The Board met today at 8:40 a.m. to conduct a public hearing in the matter of a short plat for Dirt Road Ranch Subdivision (formerly called Rustic Acres West Subdivision). Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Rachel Burgo, and Deputy Clerk Monica Reeves. On November 3, 2022 the Board approved the conditional rezone, development agreement, and ordinance for Rachel Burgo's request, Case No. CR2022-0008. The short plat was continued to November today's date. Dan Lister gave the oral

staff report. The updated preliminary plat shows the private driveway access has been added and note #9 states how that access will be utilized. The Board wanted the zoning changed from agriculture to the conditional rezone - rural residential. The irrigation plan is note #5 and it states the sub-divider shall comply with I.C., Section 31-3805 regarding irrigation and water rights. Lots 2 and 3 of Block 1 will each utilize a half-acre domestic well right. Lot 1 of Block 1 will maintain a half-acre domestic well right, a 1.3-acre Farmer's Union Ditch right for use in irrigation and additional irrigation rights covering the remainder of the property as approved by IDWR. Lot 1 of Block 1 will be obligated for assessments from IDWR and the Farmer's Union Ditch Company. The final plat is not yet ready for Board approval because the applicant needs to work with the Middleton Fire District to provide a wildfire interface plan and appropriate fire access. An agreement between the applicant, developer, and Middleton Fire District shall be included in the CC&R's for the subdivision or recorded as part of an agreement. Rachel Burgo testified she has obtained signatures on the mylar, but did not realize she needed an agreement with the Middleton Fire District. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the preliminary plat and FCO's for Dirt Road Ranch Subdivision, formerly Rustic Acres West Subdivision, Case No. SD2022-0015. The final plat will come back for Board consideration once the applicant has submitted the fire wise plan. The hearing concluded at 8:48 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER RESOLUTION APPROVING ALCOHOLIC BEVERAGE LICENSE TRANSFER FOR BIG SMOKE #102

The Board met today at 8:54 a.m. to consider approving an alcoholic beverage license transfer for Big Smoke #102. Present were: Commissioners Keri Smith and Leslie Van Beek, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the alcoholic beverage license transfer for Big Smoke #102. (Resolution No. 22-228.) The meeting concluded at 8:55 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY WESTERN CONSULTING REPRESENTING CORY AND CRISTINE CODR FOR A CONDITIONAL REZONE, CASE NO. RZ2021-0055

The Board met today at 9:03 a.m. for a continued public hearing in the matter of a request by Western Consulting, representing Cory and Cristine Codr, for a conditional rezone, Case No. RZ2021-0055, of Parcel R37431017A from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. The request includes a development agreement limiting future development to no more than six (6) lots. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Cory Codr, Dennis Codr, Rocky Yoneda, Steve Peterson, Lisa Trexler, Mark Rich, Brian Fisher, Bobbi Yoneda, Morgan Trexler, other interested citizens, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 9:54 a.m.

The Board previously heard this case on July 28, 2022 and August 16, 2022, and subsequently a Board majority decided to reverse the decision of the P&Z Commission and approve the request with changes to the FCO's and with the addition of conditions for a development agreement with a conditional rezone.

Commissioner Smith disclosed that this morning she asked the Codrs if they had talked to the neighbor to the east of the property and their answer was no, and she spoke with Lisa Trexler about an email she sent this morning pertaining to exhibit #14 that includes additional neighbors that signed the petition.

Dan Lister gave the oral staff report noting this is the third hearing regarding the conditional rezone request. On May 5, 2022, the P&Z Commission recommended denial. On August 16, 2022, the Board asked staff to re-notice the case to consider approval subject to conditions (enumerated in the development agreement as Attachment "A"). He reviewed the late exhibits which included a letter from the Arkoosh Law Firm regarding a 25-foot easement that goes through the Lippert property to the east. Mr. Lister said the subject property was created illegally so the 25-foot easement does not meet County code, it has to be at least 28 feet, subject to a Director's decision. The letter from Arkoosh says it's meant for one use, but it's not meant to have six residences coming off it. The easement would have to be brought up-to-date and would require working with the neighbor. Exhibit #14 was an exhibit provided by Lisa Trexler which represents a number of neighbors south of the property and it cites that the parcel is illegal and that the Canyon Highway District section line would impact some people off that section line setback-wise; surrounding acreages need to be considered and alternative accesses should be explored; that the Board should support the P&Z Commission's decision to deny as they found the access would take a while to fix; that the property was not inspected properly to show the true impacts; concerns about water availability and well issues; that the road provided would impact trash services and EMS; and they are unclear about the expense of the access and if the developer can actually complete that. As requested by the Board, Mr. Lister has provided FCO's to support the decision. It's a rezone application and the Board has found it is appropriate in this area. Access is an issue but it would have to be proven at the time of platting, and they would have to work with the highway district even though there is not a clear existing access point. Canyon Highway District mentioned all the options they are willing to work with the applicant on and the best one is through Gloria Road, Merlin, and to Gilbert Lane. There is an attainable access. The conditions would require the applicant to work with the highway district to establish the access at the time of platting, and if two years expire then the development agreement will expire and the zoning would revert back. Following Mr. Lister's report, he responded to questions from the Board regarding access, easement, and right-of-way issues.

Testimony in support of the request was as follows:

Cory Codr testified that since the last hearing his attorney drafted a letter regarding access to the property. Prior to purchasing the property, he met with Canyon Highway District and discussed what access was possible; the district said opening the closed access of Gilbert Lane would be a good option. Precedent was set by the highway district when the closed rights-of-way were

opened in addition to Merlin Lane. There were favorable conversations with DSD staff about the possibility of rezoning the property to residential. The P&Z Commission's decision denied the case because it believed there was not legal access to the property; however, Mr. Codr obtained legal access one week later during a meeting with the Canyon Highway District where they approved access. He has approached Middleton Fire Department and they have no opposition to the request, and he has agreed to their recommendations. In discussions with the highway district, they asked him to research a different access besides going through Gloria/Merlin Lane and then to Gilbert Lane, and they asked if he could purchase an easement from Mr. Lippert who owns the property to the east; however, Mr. Lippert declined to proceed with any type of easement allowance because it could impact development of his own property. With regard to the 25-foot easement that was received through Title One, Mr. Codr said he discussed it with Lenny Riccio from the highway district who said it would be difficult if not impossible to put a road in there considering it was not up to the district's standards. The road did not have to meet their standards considering it would be a private road; the only part where the highway district would have input is on how the road was built on the approach to the public road, which would be Gilbert Lane/Breezy Lane. Mr. Codr said his attorney believes it would be possible to build a private road, but realizing there may be a lawsuit from Mr. Lippert if they did more than one (1) residential property. The 25-foot easement will face a lot of challenges. The highway district did not have much input on what Mr. Codr could do because they did not have input on private roads. He has legal access through Gloria Road/Merlin Lane, and he will do everything he can to gain access through Gilbert Lane from the east and continue on that process. He asked for approval conditional on finalizing access through the easement. He believes he has proven that this land is in a situation where residential fits the area, and he recognizes access has been the challenge, but there are legal options to grant the conditional rezone. Following his testimony, Mr. Codr responded to questions from the Board. To access his property, he will travel along Purple Sage Road, north on Lansing Lane, and left on Gloria Road and around; that is the current legal access today to Merlin Lane to Gilbert Lane. The division is intended for his family; there are three households and three will mostly likely be developed to sell.

Testimony in opposition was as follows:

Rocky Yoneda testified he has done research on the Gilbert Lane concept and he believes Canyon Highway District is not following their own codes as they pertain to highway standard and development procedures. The required width of the right-of-way indicates the Gilbert Lane concept should be 56 feet wide for a low volume local rural road. The highway district approved at 20-foot public road in a 40-foot right-of-way to the subject property. The Gilbert Lane concept only meets the private road and driveway requirement. Also, fire district road requirements state: the construction of driveways and private road longer than 150 feet from a public street right-of-way line to the most distant portion of the inhabited building must be approved in writing from the applicable fire district. Driveways and private roads requirement state minimum standard driveway and private roads shall be built to the following minimum standard: a private road that is estimated to serve 180 average daily trips or less should be 20-feet wide all weather drivable. Private roads that are estimated to serve more than 180 average daily trips, should be 24 feet for local roads and 26 feet for collector roads. How can Canyon Highway District allow a 20-foot public

low volume, local rural road into the subject property when they are planning to have six lots in the subdivision? Mr. Yoneda asked the Board to deny the rezone until they find access off Breezy Lane. Commissioner Smith said it is correct that those were the standards, but variances can be granted for those non-standard road construction conditions, and a variance was approved in this case. She asked Mr. Yoneda if he is opposed to the rural residential zoning if access comes from the east, and Mr. Yoneda said yes, he is to rezoning that if it came in from Gloria, Merlin, and Gilbert. However, he does not oppose the rezone if access comes from Eric to Gilbert Lane.

Deputy PA Zach Wesley arrived at 9:54 a.m.

Commissioner Smith requested to go into Executive Session to ask for a legal interpretation.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION

Commissioner Van Beek made a motion to go into Executive Session at 10:01 a.m. pursuant to Idaho Code, Section 74-206(1) (d) records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Monica Reeves with Commissioners Smith, Van Beek and White 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 PA Zach Wesley, and DSD Planning Official Dan Lister. The Executive Session concluded at 10:18 a.m. with no decision being called for in open session.

Commissioner Smith put on the record that the discussion with legal counsel was about access and she said the Board is obligated to make a finding about access and it was found at the last hearing and today's hearing that the information provided by Canyon Highway District is legal access. Exhibit No. 4B has many pages and includes a Canyon Highway District Board decision authorizing access. She said we might not like that access but it is an approved legal access and there isn't anything the Board of Canyon County Commissioners can do about that.

Testimony in opposition resumed as follows:

Lisa Trexler said the extra 25 feet along Gilbert Lane is only along the east coming from Eric, it does not extend the entirety of Gilbert Lane, it's only along the Lippert property. She is opposed to Condition No. 2b listed in development agreement. She understands the highway district has the ability to grant variances but said the neighbors' last hope is if the rezone is denied because it's not right and because the proposed road will be 17 feet off from her home and through her backyard. Ms. Trexler believes a lot of things have been done illegally: the parcel was created illegally; the easement around the Lippert property is illegal; and the access points are only through variances. If the rezone is approved the neighbors will have to question for the next two years if the road will be built and if their yards will be torn up. The neighbors have had to attend numerous meetings with the highway district and the County to protect what stands to be destroyed. Ms. Trexler said she sent in pictures of the property and today is the first time they

have gone on record and talked about how nobody has ever asked to see the site they are talking about tearing up. There was a variance granted for Merlin Lane coming from Gloria, so why couldn't there be a variance coming from Breezy Lane or some other direction that doesn't egregiously harm properties that have been there for decades. Ms. Trexler said she asked Mr. Codr if he would consider selling the property to the neighbors, and he was open to that idea but said he would have to be reimbursed for the cost and time he has invested. Following her testimony, Ms. Trexler responded to questions from the Board.

Dan Lister said the highway district chose the option through Gloria to Merlin Lane through Gilbert Lane from the west side going into the property. The district looked at the other options of Eric to Gilbert through Breezy Lane but he doesn't think they understood that there was a 25-foot easement there but there is a 40-foot easement that is an unopened right-of-way that could be opened, but they preferred not going through that location due to the grade on Eric Lane. He believes they chose option 1 because it gets closer to the highway district's requirements. It does not stop the applicant from trying to get a variance to go through a different location. The question is working with the highway district to see if they would allow that, but at the end of the day, they are sticking with option 1. Commissioner Smith said the district reopened the Gilbert Lane right-of-way so it's not applicable to the easement to the east. It does not need to exist to the west because the Gilbert Lane right-of-way was reopened. She believes it's terrible what is happening to the neighbors, but the highway district did it and it is legal access, and if the County made a different finding the taxpayers would be responsible for the taking on the Codr property, so the County should be making the decision to let the highway district handle that. Ms. Trexler said she understands the legality, but if we start from the origination of the parcel it was created illegally. Commissioner Smith said the Codrs have the right to make an application, and neither Idaho law nor the zoning ordinance has "any stop to that property just because a parcel was divided outside of the ordinance standards for a land division." We do not have a standard that addresses whether there were legal issues with the property. Ms. Trexler asked if the language in Condition No.2B, which references hiring a professional to evaluate the existing easement and to explore as an access option, leaves that issue open for debate/discussion. She would like the matter tabled. Commissioner Smith said it acknowledges legal access exists, but that condition layers an extra standard to evaluate access to the east and if they cannot get access to the east it still gives them legal access to the west.

Mark Rich said from the beginning this proposal has been opposed by the nearly every resident in the neighborhood and he would like consideration given to the amount of time, effort, and expense the neighbors have had to go through. He does not believe highway district staff has accessed the property to look at the site, and he asked the Board to deny the rezone and find in favor of the taxpayers. He also noted that Cory Codr is not a resident of Idaho. Mr. Rich said when he spoke to Mr. Lippert he wanted to complete his own subdivision process, but it seemed he would be willing to help negotiate/cooperate on this issue, and he seemed open to the idea of selling an easement. Mr. Rich is concerned the project will affect his quality of life, safety, and traffic, and he is feeling let down by local government. He has a shooting range along the east side of the property going to northwest and that will go away and he won't be able to enjoy his

hobby. The shift in use that will come with the rezone will change the entire dynamic of the neighborhood.

Steve Peterson said his property sits 20 feet off the south edge of the Gilbert Lane right-of-way. The highway district will not be able to fit a road in the 40-foot right-of-way which has opened Gilbert apparently because of the steep topography. With side slope on either side plus the 20-foot road, it won't fit in the right-of-way or in the 25-foot easement. The district is not going to allow part of the road to be in their right-of-way and the other part in an easement. Mr. Peterson said the rezone is going to impact public safety with a house being 17 feet away from the road as well as the convoluted road situation and steep topography. The highway district has said they will not maintain a private road that will serve six parcels and for that reason the rezone needs to be denied.

Rebuttal testimony was offered by Cory Codr who said he recognizes this has been a challenging process for everyone involved and it's taken a lot of time and effort. Access is the main issue and he has stated again and again that he has gone through the hearing process with Canyon Highway District for six months and those rights-of-way were set out in the 1960s and 1970s. As was stated in the final hearing with the highway district commissioners, they said the way Mr. Codr is accessing his property is the same way everyone else has accessed property in that area. He spoke to Mr. Lippert who said he wanted \$100,000 for an easement on to the Codr property, but then one week later Mr. Lippert said he had consulted with his real estate agent who recommended he do nothing until his own property development was finished. According to Mr. Codr, although Mr. Lippert was able to finish the breakoff of his 5 acres to the north and it has since stalled and there is no recourse that Mr. Lippert will do anything to move forward with it. When Mr. Codr originally discussed this with the highway district they stated as long as it wasn't a major public health hazard these could go through; they have been there for many years and people who purchase property have access to those records. Mr. Code said he did his due diligence before purchasing the property.

Commissioner Smith believes some of the issues could be resolved if the Lipperts and Codrs met with DSD staff and worked through the application process. She provided clarification on the Condition No. 2B which was referenced by Ms. Trexler regarding having a professional evaluate the existing easement from Gilbert Lane as shown on the map to the east of the subject property. It means we acknowledge the Codr property has legal access to the west, but you have to at least explore the access to the east. Mr. Codr agrees and he said he prefers that direction and he will explore those options, but until he knows the property is residential it could potentially cost him a lot of money to not get anywhere. Commissioner Smith said it would mean the rezone would be approved for a conditional rezone to rural residential and before he submits the preliminary plat he would submit evidence that a professional evaluated that easement and access with the highway district coming from the east.

Commissioner White asked about a shared easement as part of a good neighbor effort to mitigate some of the opposition and fear. Mr. Codr said it's an option he will explore, however, contacting Mr. Lippert is a challenge because it's difficult to get him to answer his door and so Mr. Codr wants

the Board to state what he is required to do and then if he has exhausted those that he can move forward.

Dan Lister questioned whether Condition No. 2B needs to be there because we already have approval by Canyon Highway District saying there is legal access. We have a letter from the applicant's attorney looking at the 25-foot easement saying it might be good for one use, but not for all six uses and there could be litigation on that. Perhaps at the time of platting the applicant needs to demonstrate why they cannot come in from the east. We could eliminate the part of the condition about legal access because we already have proof of that.

Mr. Codr wants specificity on what he is required to do because when he went through this with highway district and tried to approach Mr. Lippert it caused delays for months. With regard to the shooting range Mark Rich referenced, Mr. Codr said he opposes the range if it would impact his property, and he wants safety features such as berms and barriers in place.

Mr. Lister proposed this language: *At the time of preliminary plat approval, the development shall demonstrate either access from the east via breezy and Gilbert Lane or demonstrate that they tried to gain access and provide proof as to why they couldn't.* They have already stated on the record that it's been difficult getting that access. He wants to draft a condition that allows them to continue to try prior to preliminary plat submittal.

Commissioner Smith suggested this language: *At the time of preliminary plat the applicant shall submit demonstrated work on private road construction to the east of the subject property within the Lippert property.* She believes the request is consistent with the 2020 comprehensive plan map and text in support of staff's findings. As conditioned the proposed conditional rezone is more appropriate than the current zoning designation. It's compatible with the existing uses in the area and promotes a rural character. With regard to whether the use is compatible with surrounding land uses, both properties to the east and west area already conditionally rezoned to rural residential; nearby subdivisions have an average lot size of 6.73 acres and 3.16 acre. The proposed subdivision will be denser than the one to the south, but the land is dry and has no water rights. The rezone will not change the character of the area. There was testimony that the reopening of Gilbert Lane could change the character of the area, but the Board does not have the latitude to change that because it falls with the scope of the highway district. It's important to acknowledge the concern and tie that into the condition of approval; the purpose of the conditional rezone is we are trying to limit any negative impacts by exploring access to the east. Adequate facilities and services are available, and the applicant will comply with Black Canyon Irrigation District as well as SWDH regarding the sewer systems. There is no evidence this proposal would change traffic patterns in the area. It does add additional residences to the street system, but the highway district did not indicate there would be any public street improvements required for this development. There should be a finding stating Canyon Highway District is working in establishing a right-of-way and associated street improvements for the property owners. Staff added a condition that would require compliance with that. Legal access does exist today, per Exhibit No. 4B so the FCO's should be modified to state that. If access is changed to be accessed from the east, that access will need to be established and approved by Canyon Highway District at the time of platting. We need to acknowledge that both options are on the table. There should

be a note in the conditions that the preferred access by Board is to the east of the property to minimize impacts. There is no evidence submitted that the rezone would impact essential services. There was testimony regarding response times, however, it was not confirmed by any agency that they would have a hard time serving this property.

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 her position is significantly different from Commissioner Smith's proposal. As we are moving out to the non-developed potentially BLM ground, if you look to the north there would not be a big precedent for the kind of development and increased density Commissioner Smith spoke of, and so we could make an argument that the agricultural zone is more consistent with this area. She said Mr. Lippert is an anomaly in that area as he has no water rights and because access is very limited and undefined. The Board could find the proposed rezone would negatively affect the character of the area. It is rural and people do not expect to have cars go by a home that sits just 17 feet from road. This was a risky piece of property to purchase given the illegal split, and because there isn't an open right-of-way on Gilbert Lane that extends to the west, and the major opposition, and that there is a shooting range nearby, and the topography. If we look at COMPASS for what's anticipated in this area, you could make an argument that growth has not occurred in this area on the platted subdivisions for a number of years and putting a subdivision there would negatively affect the character of the area. The rezone will change traffic routes so undue interference is there and mitigation methods are inadequate to compensate for one over the other. Possession is nine-tenths of the law, and there has been a lot of testimony that Mr. Lippert is unwilling to help the applicant with access. The Board should wait until the area is ready for development to accommodate the infrastructure. The Board should review the original findings of this case and deny it based on amending the findings for #2, #4, #6, #7 as being inadequate.

Commissioner White is concerned that a house will be located 17 feet from the road and she wanted to know if Ms. Trexler had accurate information and did she encroach into the right-of-way, or will there be an encroachment on the Codrs part? Dan Lister said the right-of-way was closed and homes were built there; Ms. Trexler's home was built in 1996. Commissioner White said access has been granted, but there are still some avenues to pursue, and she encouraged the applicant to discuss how they can do things together as a community and work this out because access from the east is preferred. Her concern was access, but she has clarity on it now, so she supports approval and supports the FCO's as outlined by Commissioner Smith.

Commissioner Van Beek said Commissioner White has expressed a desire for Mr. Codr to continue to work with those in opposition but there is no standard of what that looks like. There should be a motion to deny based on the concern for safety, and the information she has provided on the findings. Commissioner Smith said the Board is directing staff to make changes in accordance with the FCO's she outlined, and they will be brought back for future approval. She made a motion to approve the conditional rezone and direct staff to modify the FCOs and the development agreement conditions in accordance with the conversation and deliberation she made on the

record for the changes to the FCO's. The motion was seconded by Commissioner White. Commissioner Van Beek was opposed to the motion to approve. The motion carried by a two-to-one split vote. The FCO's and development agreement will be brought back at a later and will be placed on the Board's agenda with 48-hours' notice. *Commissioner Smith read into the record the process for filing a request for reconsideration/judicial review.* The hearing concluded at 11:38 a.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM
CALDWELL, IDAHO NOVEMBER 15, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White – **Out of the office**
Deputy Clerks Monica Reeves/Jenen Ross

No meetings were held this day.

NOVEMBER 2022 TERM
CALDWELL, IDAHO NOVEMBER 16, 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. 2304

The Board approved payment of County claims in the amount of \$2,223,038.31 for a County payroll.

APPROVED CLAIMS

- The Board has approved claims 589615 to 589645 in the amount of \$51,788.42
- The Board has approved claim 589614 ADV in the amount of \$23,176.77
- October Jury in the amount of \$8,783.65
- Grand Jury in the amount of \$1,137.33

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hanson Janitorial in the amount of \$14,496 for the Sheriff's Office
- Elkins Earthworks, LLC in the amount of \$14,939.50 for the Solid Waste department
- Pacific Steel & Recycling in the amount of \$31,637.65 for the Solid Waste department
- Desktop Alert, Inc. in the amount of \$7,500.00 for the Information Technology department
- VSL Live in the amount of \$1,000.00 for the Information Technology department
- Delcom Products, Inc. in the amount of \$6,066.00 for the Information Technology department
- Zoho Corp. in the amount of \$4,555.00 for the Information Technology department
- Carbon Networks, LLC in the amount of \$5,000.00 for the Information Technology department

SICK TO VACATION LEAVE TRANSFER FORM

The Board approved sick leave to vacation leave transfer forms for Sophie Confalone, Celia Asumendi, Gisela Moreno Ganbay and Esmeralda Romo.

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for The Undiscovered Barrel to be used 11/18/22.

DETAILED MINUTES TO FOLLOW:

ACTION ITEMS:

CONSIDER FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR MARTINEZ/COLLIAS FAMILY TRUST – COMPREHENSIVE PLAN MAP AMENDMENT REQUEST, CASE NO. OR2021-0018

CONSIDER FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR MARTINEZ/COLLIAS FAMILY TRUST – CONDITIONAL REZONE REQUEST, CASE NO. RZ2021-0023

CONSIDER SIGNING A RESOLUTION GRANTING A REFUND TO OPTIMUM ELECTRIC FOR A WITHDRAWN BUILDING PERMIT

CONSIDER SIGNING RENEWAL NO. 3 TO MASTER AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES WITH KELLER ASSOCIATES

PUBLIC HEARING TO CONSIDER A REQUEST BY DARREN GOLDBERG/LGD VENTURES, LLC FOR A
CONDITIONAL REZONE WITH DEVELOPMENT AGREEMENT AND PRELIMINARY PLAT FOR LEWIS
HEIGHTS SUB.: CASE NO. RZ2021-0030 & SD2021-0018

THIS CASE WILL BE REMANDED BACK TO THE P&Z COMMISSION FOR RECOMMENDATION

NOVEMBER 2022 TERM
CALDWELL, IDAHO NOVEMBER 17, 2022

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

SICK TO VACATION LEAVE TRANSFER FORM

The Board approved a sick to vacation leave transfer form for Eric Eskew.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Patrick Collins, Deputy Sheriff – Patrol 41006; Michelle Barron, Planner III, and Jenna Petroll, Planner II.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Curtis Blue Line in the amount of \$3,686.84 for the Sheriff's Office
- Dell in the amount of \$15,997.16 for the Information Technology department

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 Keri Smith, Pam White and Leslie Van Beek, Deputy P. A. Oscar Klaas (arrived at 9:10 a.m.), Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Controller Zach Wagoner, Director of Indigent Services Yvonne Baker, Weed and Pest Superintendent AJ Mondor (left at 9:14 a.m.), Lead Weed Applicator Cory Flatt (left at 9:14 a.m.), Outdoor Recreation

Planner Alex Eells (left at 9:06 a.m.), Elections Supervisor Haley Hicks, Elections Specialist Brandi Long, Other interested citizens and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Professional Services Agreement with J-U-B Engineers: Mr. Eells explained that the Parks department would like to use J-U-B Engineers for consulting on the application process for a waterway's improvement fund grant which they plan to submit in January. The grant monies will be used for improvements to parking, boat ramps, mooring and an improved dock. Any expenses related to the engineering work done by J-U-B Engineers can be used as grant match. Ms. Klempel said there is no legal reason not to sign. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the professional services agreement with J-U-B Engineers (see agreement no. 22-133).

Consider signing FCOs for Peckham Road Trust, case no. CU2020-0001 - This matter has been vacated until the attorneys have time to gain clarification from the judge.

Consider signing Request for Proposals for Weed and Gopher Services Assistance and the Legal Notice Requesting Proposals for Canyon County's Weed and Gopher Services Assistance:

This RFP is to request proposals from companies to assist with noxious weed, gopher trapping and mowing as back-up during busy times for the Weed and Pest department. Mr. Klaas clarified that this RFP is specific to one company being able to provide all 3 services. The Board decided to continue forward with the RFP to see what kinds of bids are received. If there are no satisfactory proposals received this RFP could be vacated and broken into separate services. Commissioner Van Beek made a motion to sign the request for proposals for weed and gopher services assistance as presented with the information on record that we could potentially break out the services depending on the response to the RFP and that we sign a legal notice requesting proposals for Canyon County's Weed and Gopher Services Assistance. Commissioner White asked for additional clarification in regard to the motion. Commissioner Van Beek amended her motion to sign the RFP as presented and the legal notice. The motion was seconded by Commissioner White and carried unanimously.

Consider approving FY2022 budget adjustments: Controller Wagoner explained that FY22 ended September 30th however invoices for services performed before September 30th are still received, processed and the books remain open thru November 7th which is consistent with Idaho Code. At this point all FY2022 invoices have been processed and based on the results the below adjustments are being requested. These adjustments are covered by either underspent areas within the budget or by fee revenues; there is no change or increase to FY2022 property taxes.

Emergency Communications: \$50,000 budget increase funded by E-911 user fees to cover salaries, benefits and other operating expenses.

Consolidated Elections: \$25,000 transfer from other expenses to salaries and benefits for personnel costs resulting from elections operations.

Public Information Officer: \$1,500 transfer from other expenses to salaries and benefits for fiscal year end recognition compensation.

Public Defender: \$40,000 transfer from salaries and benefits to other expenses for evaluations and conflict counsel expenses.

Juvenile Probation: \$40,000 transfer from salaries and benefits to other expenses for juvenile justice reentry programs to ensure community safety and reduce recidivism.

Treatment Courts: \$7,500 transfer from salaries and benefits to other expenses for testing costs associated with treatment courts operations.

Canyon County Landfill: \$50,000 transfer from other expenses to salaries and benefits for fiscal year end recognition compensation.

Office/Department	FY 2022 Budget	FY 2022 Budget Adjustment	FY 2022 Amended Budget
Emergency Communications - salaries and benefits	\$ 288,576	\$ 10,000	\$ 298,576
Emergency Communications - other expenses	980,800	40,000	1,020,800
Total Emergency Communications	\$ 1,269,376	\$ 50,000	\$ 1,319,376
Consolidated Elections - salaries and benefits	\$ 267,964	\$ 25,000	\$ 292,964
Consolidated Elections - other expenses	264,550	(25,000)	239,550
Total Consolidated Elections	\$ 532,514	\$ -	\$ 532,514
Public Information Officer - salaries and benefits	\$ 100,434	\$ 1,500	\$ 101,934
Public Information Officer - other expenses	3,250	(1,500)	1,750
Total Public Information Officer	\$ 103,684	\$ -	\$ 103,684
Public Defender - salaries and benefits	\$ 5,649,182	\$ (40,000)	\$ 5,609,182
Public Defender - other expenses	1,009,200	40,000	1,049,200
Total Public Defender	\$ 6,658,382	\$ -	\$ 6,658,382
Juvenile Probation - salaries and benefits	\$ 1,990,651	\$ (40,000)	\$ 1,950,651
Juvenile Probation - other expenses	567,650	40,000	607,650
Total Juvenile Probation	\$ 2,558,301	\$ -	\$ 2,558,301
Treatment Courts - salaries and benefits	\$ 313,250	\$ (7,500)	\$ 305,750
Treatment Courts - other expenses	161,422	7,500	168,922
Total Treatment Courts	\$ 474,672	\$ -	\$ 474,672
Canyon County Landfill - salaries and benefits	\$ 2,037,441	\$ 50,000	\$ 2,087,441
Canyon County Landfill - other expenses	7,241,378	(50,000)	7,191,378
Total Canyon County Landfill	\$ 9,278,819	\$ -	\$ 9,278,819

The total change for all adjustments is \$50,000 specific to the Emergency Communications fund. Commissioner White made a motion to approve the FY2022 budget adjustments. The motion was seconded by Commissioner Smith. Commissioner Van Beek stated for the record that she is going to abstain as she believes there is a greater need for a more careful evaluation in budgeting, greater documentation/notations. While she appreciates that there are financials needs that are

directly tied to fund balance, which is the county savings account, that it is a limited source and not a new source of funding for those and she will push for greater transparency to the public and that there is a way to look back historically. That is provided for in Power Plan and there are departments that are doing that – that are looking at 12-year trends in history and getting all of the line items to match back in detail to what is budgeted for. There were line items this year that did not contain that detail. She feels it makes it look like the county is coming in under budget and the reality might be that the county is over taxing citizens. That historical trend is evident. Commissioner Smith added to the record that her and Commissioner White approved a tax decrease and that everyone has been very transparent and she appreciates that effort. A vote was taken on the motion with Commissioners White and Smith voting in favor and Commissioner Van Beek abstained from voting. The motion carried in a 2-to-1 split vote. See resolution no. 22-230.

The meeting concluded at 9:22 a.m. An audio recording is on file in the Commissioners' Office.

NOTE FOR THE RECORD: After the conclusion of the meeting Commissioner Van Beek provided addition written comments via email. A copy of the email is on file with this day's minutes.

MEETING WITH THE HR DIRECTOR TO DISCUSS RESOLUTION FOR PART-TIME EMPLOYEES AND CONSIDER AN ACTION ITEM

The Board met today at 10:02 a.m. with the HR Director to discuss a resolution for part-time employees and associated action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kate Rice, Assessor Brian Stender, Controller Zach Wagoner (arrived at 10:14 a.m.), Deputy P.A. Alex Klempel (arrived at 10:15 a.m.), Deputy P.A. Zach Wesley (arrived at 10:15 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing a resolution accepting recommendations from the HR Director regarding the minimum hourly wage for all Canyon County part-time positions: Director Rice said that for some, this was assumed as part of the original request but for others it was not specifically laid out, so today's resolution is the request to move the part-time minimum salary to \$18/hour the same as has been done for fulltime employees. Along with the resolution a spreadsheet has been provided which indicates the annual cost if all the part-time employees worked the maximum 19.5 hours per week for a full calendar year would be \$18,475.08. She has had some elected officials as well as department administrators make this request individually but rather than doing it piece-meal one at a time thought it would be better to do them all at once. Assessor Stender said he has one part-time employee at the DMV and historically they have paid the person in the part-time position the same as entry level employees. He explained that during the budget process his interpretation was that the base minimum wage throughout the county was going to be \$18/hour, Commissioner Smith confirmed that was her understanding also. The only time he heard a differential between fulltime and part-time employees was in regard to the appreciation/retention pay. Director Rice confirmed with Assessor Stender that his part-time employee maintains the same responsibilities as the full-time counterparts. There are 17 people that would be affected by this change. There are 2 people not included in the list, one is a volunteer and the other is a very part-time person working in Juvenile Detention, however that is a unique situation that is very different than other

part-time employees. Commissioner Smith expressed her concern about this particular person not being included in the resolution and asked if there was any input from legal. Director Rice said she had not yet spoken to legal in regard to this specific situation.

Commissioner Van Beek said she appreciates all the information that has been provided by Director Rice but for her it is a source of frustration that this was not vetted more carefully. She feels that there have been multiple requests for changes since the final budget hearing in August. She feels that it is unfortunate that there is not a new source of revenue, fund balance is a saving account, it is not an ongoing source of revenue to pick up the number of requested increases that are ongoing; there is no projected impact to the 2024 budget. Commissioner Van Beek spoke about how this is not a hearing where citizens could make comment. She feels there is a significant impact post the budget hearing that citizens did not get to weigh in on. This change does not take tenure, performance or any of those things into consideration. It is just a blanket covering that in fairness and protection of the taxpayer she objects to. She looked at the most recent payroll report and said there will be an analysis over the last 4-years of the increases and submits that the private sector is not experiencing that and the expectation that they can fund the kind of proposal that was approved by 2 Commissioners is unsustainable.

In response to Commissioner Van Beek's comments, Commissioner Smith noted that this was a legally noticed meeting and anyone from the public is welcome to attend. She recognized Commissioner Van Beek's lack of support for equitable wages for county employees has been duly noted along with the assumption that her and Commissioner White did not follow a legal process that is sustainable for this county. She feels that Commissioner Van Beek's continued non-recognition of the lack of retention that this office had because of low wages and continued non-signing of all these types of documents is a dereliction of duties in her opinion. She noted that prior to the start of the meeting, Director Rice provided statistics of how she believes the increased salaries have contributed to retention and recruitment. Commissioner Smith said that her and Commissioner White did the right thing and the county is seeing employees stay and new hires applying.

Commissioner White stated she was also under the impression that part-time employees were included in the original adjustment to bring all employees up to \$18/hour.

Director Rice apologized for presenting another adjustment to the Board and confirmed that it will not happen again. As these issues have been brought to her attention she has done her best to correct the missteps that have occurred. She explained that part-time employees were provided with a 9% COLA but no increase to their hourly wage.

Discussion ensued in regard to backdating the wages to the start of the fiscal year and the logistics of that being able to happen. Mr. Wesley said that he doesn't see a legal issue either way as it was not communicated in writing to anyone or included in any formal process. Ms. Rice noted for the record that part-time employees do not receive any holiday pay so when offices are closed they receive no remuneration for holiday pay.

Commissioners White and Smith confirmed that since they were both under the impression that change had already take place they are supportive of the change.

Commissioner Smith asked legal about the two employees that will remain below the \$18 hourly wage even with this change and at the request of Mr. Wesley the Board went into an executive session as follows:

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

Commissioner Smith made a motion to go into Executive Session at 10:25 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 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 and HR Director Kate Rice. Controller Wagoner and Assessor Brian Stender participated from 10:25 a.m. to 10:37 a.m. The Executive Session concluded at 10:52 a.m.

At the conclusion of the executive session, Commissioner Smith explained there needed to be some further revisions made to the resolution and Director Rice will work with Mr. Wesley on those which will be brought back to the Board at a later time. She said this meeting will be continued to 1:30 p.m. today.

The meeting concluded at 10:53 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

NOTE FOR THE RECORD: After the conclusion of the meeting Commissioner Van Beek provided addition written comments via email. A copy of the email is on file with this day's minutes.

CANVASS THE NOVEMBER 8, 2022 GENERAL ELECTION

Today the Board canvassed the November 8, 2022 election results.

PUBLIC HEARING - REQUEST BY OREGON TRAIL CHURCH OF GOD FOR A REZONE FROM AN "A" (AGRICULTURAL) ZONE TO A "C-1" (NEIGHBORHOOD COMMERCIAL) ZONE, CASE NO. RZ2022-0009

The Board met today at 1:35 p.m. to conduct a public hearing in the matter of a request by Juanita Glaubitz, representing Oregon Trail Church of God, for a rezone of an 8.21-acre parcel, R34536, from an "A" (Agricultural) zone to a "C-1" (Neighborhood Commercial) zone. The subject property is located at 23057 Old Hwy 30, Caldwell. Present were: Commissioners Leslie Van Beek and Pam

White, DSD Director Sabrina Minshall, DSD Planning Official Dan Lister, Victoria Moreland, Srinivasa Nookala, Juanita Glaubitz, Brian Seidel, and Kim Lillenthal, and Deputy Clerk Monica Reeves. Commissioner Keri Smith arrived at 1:39 p.m. She disclosed she is familiar with the area. Dan Lister gave the oral staff report. The applicant is requesting a rezone because they want to expand their operations to include a daycare/preschool, which is an allowed use along with a church in the C-1 zone. They are not proposing any new buildings as they will utilize the already existing structures. The church has owned the property and has been operating as a church since 1984. The proposed use is consistent with several goals and policies of the 2020 Comprehensive Plan. The future land use map designates the site and immediate surrounding area as commercial. Staff has found that the requested rezone is compatible with the area's existing character. The use will not change, they are already using it for assemblage. On September 14, 2022, the Hearing Examiner recommended approval of the request. Staff is recommending as well. Following his report, Mr. Lister responded to questions from the Board. Juanita Glaubitz is the secretary/treasurer for Faith Journey Church, formerly known as the Oregon Trail Church of God. They want to operate a faith-based daycare/ preschool and the rezone will put them in a position of being consistent with Canyon County's 2020 Comprehensive Plan as well as the 2030 Comprehensive Plan. Additionally, the property is already in the Middleton Area of City Impact and they too have the property designated as commercial. They will employ 14 additional employees. Kim Lillenthal, Srinivasa Nookala, and Brian Seidel offered testimony in support of the church's request. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Smith is very supportive of the application, the area is ripe for the C-1 zone and it is more appropriate than an agricultural zone. Commissioners White and Van Beek support it as well. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the requested rezone for the Oregon Trail Church of God, Case No. RZ2022-0009 and to approve the FCO's and the ordinance (No. 22-026.) Commissioner Smith read into the record the process for filing a request for reconsideration/judicial review. The hearing concluded at 2:17 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE DIRECTOR OF DEVELOPMENT SERVICES FOR AN UPDATE ON PROCESSING OF DEVELOPMENT APPLICATIONS

The Board met today at 2:19 p.m. with the Director of the Development Services Department for an update on processing of development applications. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Planning Official Dan Lister, County Engineer Devin Krasowski, and Deputy Clerk Monica Reeves. Today's discussion is the second round regarding the process the department has gone through in terms of staffing, timeliness, processes (recognizing there is a backlog) and ideas for improvement, as well as a status update of where the numbers are and how they're broken down. Director Minshall gave PowerPoint presentation summarized as follows:

Process

- Pre-App Meeting (Optional)
- Submittal Meeting Required
- Engineering Review Plats Only
- Planning Review
- Hearing Preparation
- Hearing or P&Z Commission
- File Prep
- BOCC Hearing Preparation
- BOCC Hearing
- File Prep/Closure

Simplified, similar process for Administrative Decision cases
Shorter timeframe, but additional staff level review and decisions.

Final plat applications, different as requires submittal meetings, site visits, condition compliance verification, plat review (multiple cycles), construction drawing review, confirm construction or bonding, agency signatures and record drawing review. Then, BOCC approval and closure.

Status of DSD Submittals - Public Hearing Cases: 166

- BOCC: 28
- In Process: 138

Status of DSD Submittals - Administrative Cases: 63

- 10 in planning review
- 15 with planning official for review/decision
- 16 in planning review, additional applicant information or corrections required
- 1 in engineering review
- 1 unassigned
- 20 complete and being closed

Other Improvements

- Improved Customer Service
 - “Handle once”
 - Public office hours adjusted
 - Rotating “counter” planners
- Public office hours to consider team need for team training, team case review, long range planning, etc.
- Communication to applicants on status on submittal and any missing information and deadlines (by 12/30)
- Streamlined project management and accountability for case documentation
- Staffing - 2 planner III's hired, 2 open planning positions
- County Engineer PE license expected soon, Keller to supplement

Director Minshall spoke about the project management software (Monday.com) the department will use to track the status of a case, who it's assigned to, what the last action was, the day of submittal and notes. Commissioner Smith advised that the Star Impact Area is final so staff should follow up with Legal to update the comprehensive plan map and notice needs to be sent to the City of Middleton and the City of Star that it has been finalized. The meeting concluded at 3:16 p.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER SIGNING A RESOLUTION ACCEPTING RECOMMENDATIONS FROM THE HR DIRECTOR REGARDING THE MINIMUM HOURLY WAGE FOR ALL CANYON COUNTY PART-TIME AND TEMPORARY POSITIONS

The Board met today at 3:18 p.m. to consider signing a resolution accepting recommendations from the HR Director regarding the minimum hourly wage for all Canyon County part-time and temporary positions. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. Commissioner Smith said per the conversation with Legal, the Controller and the Assessor, it was recommended to add some temporary positions and amend the resolution. Legal has prepared an updated resolution which states:

To accept the following recommendations from the Human Resources Director for the Canyon County part-time and temporary positions identified in Exhibit 'A':

1. Increase the wage for the identified Canyon County part-time and temporary positions to \$18.00 per hour.
2. Make the effective date of this resolution consistent with the start of the first pay period after the start of FY23 – October 3, 2022

Commissioner Smith is supportive of the changes for all the reasons that were put on the record earlier. Commissioner White made a motion to sign the resolution for the minimum hourly wage for all Canyon County part-time and temporary positions. The motion was seconded by Commissioner Smith. Commissioner Van Beek abstained with the cited reasons from this morning's meeting. The motion carried unanimously with the two votes that were recorded. (Resolution No. 22-231.) The meeting concluded at 3:20 p.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 18, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **Out of the office**

Deputy Clerks Monica Reeves/Jenen Ross

No meetings were held this day.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 21, 2022

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

APPROVED CLAIMS

- The Board has approved claims 589856 to 589879 in the amount of \$8,720.75
- The Board has approved claims 589953 to 589992 in the amount of \$12,298.76
- The Board has approved claims 589807 to 589823 in the amount of \$26,655.60
- The Board has approved claims 589824 to 589855 in the amount of \$43,321.85
- The Board has approved claims 589766 to 589806 in the amount of \$142,343.90
- The Board has approved claims 589880 to 589921 in the amount of \$36,526.23
- The Board has approved claims 589922 to 589952 in the amount of \$700,935.62
- The Board has approved claims 589646 to 589685 in the amount of \$74,570.36
- The Board has approved claims 589726 to 589765 in the amount of \$545,073.27

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Monday.com Work Management in the amount of \$1,920.00 for the Development Services Department
- Dell in the amount of \$26,069.74 for the Information Technology Department
- Right! Systems, Inc., in the amount of \$12,254.80 for the Information Technology Department
- SANS Institute in the amount of \$6,480.00 for the Information Technology Department
- ManageEngine/Zotto in the amount of \$12,114.00 for the Information Technology Department
- Tri-Tech Forensics, Inc., in the amount of \$1,378.00 for the Sheriff's Office

APPROVED SICK LEAVE TO VACATION LEAVE TRANSFER FORMS

The Board approved sick leave to vacation leave forms for Victor Holliday and Terrence Martinez.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Mikayla Barrera - Clerk III and Katherine Fortuna - Deputy Attorney I.

PUBLIC HEARING - REQUEST BY DONALD GULLEDGE FOR A CONDITIONAL REZONE FROM AN AGRICULTURAL ZONE TO A CONDITIONAL REZONE – RURAL RESIDENTIAL ZONE, CASE NO. RZ2022-0014

The Board met today at 9:05 a.m. to conduct a public hearing in the matter of a request by Donald Gulledge for a conditional rezone of Parcel R20804 from an "A" (Agriculture) zone to a "CR-R-R" (Conditional Rezone - Rural Residential) Zone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Cassie Lamb, Donald Gulledge, and Deputy Clerk Monica Reeves. Cassie Lamb gave the oral staff report. The 8.56-acre property is located at 25894 Legacy Lane in Middleton, and the request includes a development agreement restricting division of the parcel into no more than three lots. The parcel was created via an administrative land division with a private road application in 2001. If the request is approved the owner will proceed with an administrative land division to divide the parcel into a total of three parcels with an average lot size of 2 acres. The property is approximately one mile from the Middleton area of city impact. The future land use designation is residential. The parcel is surrounded by active agricultural and residential uses. A dairy is located to the northwest, and there are 10 subdivisions located within a one-mile vicinity with an average lot size of 1.76 acres. There are five recent subdivisions totaling 203 acres with an average lot size of .68 acres. Wells in the area have high nitrate issues and any future development will be required to comply with the Idaho Department of Water Resources (IDWR) regarding placement and systems needed for the area. Individual septic systems will be used. The property has a valid water right and if an administrative land division is approved, the water rights will be divided accordingly. The approach off Galloway Road was approved by Canyon Highway District. Approach improvements will be triggered at the time of approach permits being issued for any new building permits upon bringing the approach up to highway standards. Agency comments were received from: Black Canyon Irrigation District, Canyon Highway District, and the Canyon Soil Conservation District. Southwest District Health and IDWR will monitor placement and regulations regarding those systems at the time of development. The applicant has agreed to limiting no secondary dwellings and has agreed to a condition that the right-to-farm act shall be disclosed to all future parcel owners. On October 6, 2022, the P&Z Commission recommended approval subject to the conditions listed in the development agreement. Following her staff report, Ms. Lamb responded to questions from the Board. Donald Gulledge testified that he agrees with the staff report. He believes none of neighbors are here today to object because he's discussed it with them throughout the process. He likes the farming activities and has no intention of selling the property; the three parcels are

being gifted to his children and held in a trust. They will take their portion of surface water to provide a single pressurized system for all four lots. He has a good relationship with a neighbor who has offered to give Mr. Gulledge the easement. They are currently using the existing farmstead on the property, but the electrical and plumbing are in need of repair and when the house goes away Mr. Gulledge will give back the easement to the neighbor and he will create the 60-foot-wide full driveway all the way through on his property and the neighbor will have complete rights to it so she can get rid of her driveway and increase the amount of property she is farming. Another neighbor is using Legacy Lane who's not entitled to it, but Mr. Gulledge has no issue with him continuing to use it. Following his testimony, Mr. Gulledge responded to questions from the Board. The Board reviewed conditions with staff regarding the right to farm statement, the irrigation plan, and time requirements for a conditional rezone. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek made a motion to approve the conditional rezone from agricultural to rural residential for Case No. RZ2022-0014 and to sign the FCO's, ordinance (No. 22-027), and the development agreement (No. 22-134) with the changes identified during discussion. The motion was seconded by Commissioner White and carried unanimously. Commissioner Smith read into the record the request for reconsideration/judicial review procedures. The hearing concluded at 9:42 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE FAIR DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 2:08 p.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Director Sinner updated the Board on the following:

The Center/Event Center site improvements:

- A walk-thru for temporary occupancy took place last week.

Fair Building/The Center rental fees

- Discussion ensued as to how rental fees should be calculated. Some options for calculating the rate include basing it on facility utilities, maintenance and staffing, square footage and/or market rate. The Board would like Director Sinner to develop a proposal for rental fees for Board consideration and/or approval.
- Further discussion ensued in regard to Director Sinner's desire to eventually have the Fair be a self-sustaining enterprise fund and the difficulty in doing that solely from the Fair event only.
- Director Sinner asked for Board direction if a county Office or department want to reserve the space.

- Commissioner Smith feels that if it for a cause, the cause would need to pay for it. If it's being requested to be used for an Office/department event, nothing else is scheduled and it's not taking away from revenue it should be allowed.
- Director Sinner said she does have some SOPs in the works that could be the guiding document.
- The Board suggested that 'bigger' asks such as utilizing the entire event center vs. just a meeting space would need to be approved by the Board.
- Commissioner Smith asked about the ribbon cutting – to have it in December as part of a holiday event. However, due to only having temporary occupancy in the building the public cannot be allowed in until there is permanent occupancy. Permanent occupancy will not occur until all the site work is complete and Director Sinner isn't sure that can be achieved in the next couple of weeks.

Fair Building/The Center rental events

- Booked every week thru the end of May.

2023 Fair

- Mainstage concerts are book for Thursday, Friday and Sunday.
- Awards are starting to be order.
- 'Sunday Showdown' and a coloring contest are new events that will be included in the 2023 Fair.

IAFE Convention

- Director Sinner, Samantha Ball and Lindsay Thompson will be attending the conference November 26-December 1.

The meeting concluded at 2:34 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE HR DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 2:34 p.m. with the HR Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kate Rice and Deputy Clerk Jenen Ross. Director Rice updated the Board on the following:

- HR participated in a job fair last week where their new display poster was showcased.
- Surety Bonds for all EOs will be signed by the Board administratively and Director Rice will coordinate with the other EOs for signatures. A copy will need to be kept on file at the county either in HR or with Chief Deputy P.A. Sam Laugheed or possibly in both places.
- She is working with legal on a contract with Salary.com for salary research and was able to get the cost reduced from \$8000 to \$4800.

- A document showing HR statistics from March thru October was proved to and reviewed with the Board. Ms. Rice believes there is a direct correlation between increased salaries and retention and applications/hiring. A copy of the document is on file with this day's minutes.
- A document showing the 2023 holiday schedule has been created. The Board is okay with the document being sent out county-wide by either Director Rice or PIO Joe Decker. Discussion ensued regarding using MLK Day vs. Idaho Human Rights Day. The Board and Director Rice decided both identifiers could be included.
- Director Rice asked the Board what they would like to do with the COO position; the job description and pay range are both finished. Commissioner Van Beek would like to see the position wait until a new Board is in place, she feels it is a disrespectful process and that there needs to support from the new Board members and the public, both of which are not in favor of the position at this time. Commissioners White and Smith would like to see it continue forward and have the position posted internally first. Director Rice said there was a Department Administrator meeting recently where a DA indicated they would be interested in the position; there was favorable response from the other DAs indicating that it would be beneficial to have someone internally take the position as they are already familiar with process. Director Rice also noted that there is no requirement to make a job offer to either an internal or external candidate. Commissioners White and Smith provided direction to Ms. Rice to post the position internally. Although Commissioner Van Beek is not in favor of posting the position she wanted to ensure that interviews do not take place while she is out on medical leave in December.
- Director Rice has completed a review of the 'personnel manual' which she would like to retitle to an 'employee handbook'. Revisions have been made and it is now back in the PAs Office; she will be meeting with Zach Wesley in early December to discuss the revisions. After her meeting with Mr. Wesley, she will provide a draft copy to the Board for review prior to adoption. In response to a question from Commissioner Van Beek about an update to the Fleet policy, Ms. Rice said it has been attached as an appendix to the manual. There was further discussion about holiday pay for employees who are out on an extended unpaid leave such as FMLA, military, etc. Employees must now be in 'pay status' to receive holiday pay.
- Open enrollment ended last week, and Ms. Rice provided statistical numbers of the employees who completed enrollment. At the Board's request, communication will be sent out regarding the change in FSA debit cards. With the change in providers, rollover monies may not be immediately available.
- Director Rice would like to do both a food drive with a barrel in the HR office and possibly somewhere else within the county and possibly provide help the animal shelter.

The meeting concluded at 3:16 p.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM
CALDWELL, IDAHO NOVEMBER 22, 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:

- Norco in the amount of \$3,991.90 for the Solid Waste department

APPROVED CLAIMS

- The Board has approved claims 589686 to 589725 in the amount of \$114,637.11

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Kelsey Keslar, Clerk I; Christine Ferguson, Clerk I; Elizabeth Atkinson, Deputy Sheriff – Inmate Control 51003; and Trevor Heim, Corporal.

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

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas, Solid Waste Director David Loper (left at 9:08 a.m.), Treasurer Tracie Lloyd (left at 9:04 a.m.), Assessor Brian Stender (left at 9:04 a.m.), Chief Deputy Assessor Joe Cox (left at 9:04 a.m.), Facilities Director Rick Britton (left at 9:10 a.m.), HR Director Kate Rice (left at 9:25 a.m.), Comp/Benefits Manager Bosco Baldwin (left at 9:25 a.m.), HR Generalist Cindy Lorta (left at 9:25 a.m.), Sheriff Kieran Donahue (left at 9:25 a.m.), Lt. Travis Engle (left at 9:25 a.m.), Lt. Martin Flores (left at 9:25 a.m.), Controller Zach Wagoner (left at 9:25 a.m.), Chief Deputy Sheriff Doug Hart (left at 9:25 a.m.), CCSO Financial Manager David Ivers (left at 9:25 a.m.), Lt. Brian Crawforth (left at 9:25 a.m.), Chief Deputy P.A. Sam Laugheed (arrived at 9:17 a.m. and left at 9:21 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Deliverable Acceptance Statement with Aumentum Technologies: This agreement was signed by the Board in March of this year and now that it has been signed by Aumentum it is ready for final county signatures. Commissioner Van Beek made a motion to sign the Deliverable Acceptance Statement with Aumentum Technologies. The motion was seconded by Commissioner White. An amended motion was made by Commissioner Van Beek to authorized Assessor Stender

to sign the agreement. The amended motion was seconded by Commissioner White and carried unanimously (see agreement no. 22-017).

Consider signing Cooperative Agreement with Valley Regional Transit: This is an annual agreement and the terms are the same as last year. The agreement includes the approved amount of \$50,000. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the Cooperative agreement with Valley Regional Transit (see agreement no. 22-138).

Consider signing Agreement with Compressor World, LLC for the skid station compressor building package and Perennial Energy, LLC for Canyon County for the candlestick flare and skid station at the Pickles Butte Landfill: Director Loper explained both of these items have gone thru the sole source process and have pending purchase orders. The vendors have signed the contract and just need Board approval for finalization. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the agreement with Compressor World, LLC for the skid station compressor building package (see agreement no. 22-136) and the agreement with Perennial Energy, LLC for Canyon County for the candlestick flare and skid station at the Pickles Butte Landfill (see agreement no. 22-137).

Consider signing a Resolution Declaring Certain Property as Not Necessary for County Use and for the Exchange of County Property: Lt. Crawforth said this is for older model firearms that are worn out; the trade-in value can be applied to the purchase of new firearms. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution declaring certain property as not necessary for county use and for the exchange of county property (see resolution no. 22-232).

Consider signing Letter to All Detainment Solutions regarding Third Extended Term for Temporary Detention Facility Equipment Lease Agreement: This is the annual letter to renew the lease term for Pod 6. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the letter to All Detainment Solutions regarding the third extended term for temporary detention facility equipment lease agreement. A copy of the letter is on file with this day's minutes.

Consider signing a resolution to approve the funding and title change of one (1) position in the Sheriff's Office (Professional Standards Investigator to Customer Service Specialist): A document was provided by Chief Hart to the Board beforehand providing information and background on the necessity of this position. A new garnishment company has recently moved to Canyon County and is overwhelming for the Sheriff's Office creating the need for this position. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution approving the funding and title change of one (1) position in the Sheriff's Office (Professional Standards Investigator to Customer Service Specialist). See resolution no. 22-233. Commissioner Smith noted that she would like more information on how the fees garnishment companies pay to the county are established - set by the county or set by statute.

Consider signing a resolution to approve the change in job title, job description and salary range of one (1) position in the Sheriff's Office (Deputy Sheriff to Corporal): Chief Hart said that during an evaluation of process and staffing it was discovered that Trevor Heim has been working as a corporal for many years but his paperwork was never changed from Deputy Sheriff to Corporal. This resolution will correct that error. Ms. Lorta has provided a status change form for Corporal Heim changing his position from deputy to corporal. Commissioner Van Beek made a motion to sign the resolution to approve the change in job title, job description and salary range of one (1) position in the Sheriff's Office (Deputy Sheriff to Corporal) See resolution no. 22-234.

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

EXECUTIVE SESSION – 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 9:26 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. 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. Alex Klempel, Deputy P.A. Zach Wesley and Deputy P.A. Oscar Klaas. The Executive Session concluded at 9:48 a.m. with no decision being called for in open session.

The meeting concluded at 9:48 a.m. An audio recording is on file in the Commissioners' Office.

FILE IN MINUTES

- Treasurer's Monthly Report for September 30, 2022
- Treasurer's Quarterly Report July 1, 2022 through September 30, 2022
- Treasurer's Yearly Report October 1, 2021 through September 30, 2022

RESCHEDULE PUBLIC HEARING TO CONSIDER AN APPEAL BY DUSTIN AND KRISHINA RIGGS OF THE HEARING EXAMINER'S APPROVAL OF CU2022-0022, CASE NO. CU2022-0022-APL

The Board met today at 10:00 a.m. to go on the record to determine a new hearing date for the public hearing regarding an appeal by Dustin and Krishina Riggs of the Hearing Examiner's approval of CU2022-0022, a conditional use permit on Parcel R32942010A to allow a telecommunications facility. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner Maddy Vander Veen, interested citizens, and Deputy Clerk Monica Reeves. There was an exchange of emails between staff and the appellants regarding the request

to table the hearing and a new date of January 24, 2023 was suggested; however, the Board did not want to continue the hearing for that long and suggested a new date of December 1, 2022. Dan Lister said the applicant for the wireless facility contacted him and about his lack availability on January 24th and questioned why the hearing was pushed out that far and that's why the earlier date of December 1st was selected. Dustin Riggs contacted staff and said the December 1st date would not work for him. Commissioner Smith does not want to delay the hearing for two months especially since there wasn't a valid reason from the appellant beyond their request to wait until after the holidays but that is not a reason to stop business. Board discussion ensued. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to table the appeal hearing for Dustin Krishina Riggs, Case No. CU2022-0022-APL to December 1, 2022 at 9:00 a.m. The meeting concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS AND PROVIDE DIRECTION ON TEMPORARY CERTIFICATES OF OCCUPANCY FOR TIMBER HILLS

The Board met today at 10:10 a.m. for a meeting to discuss and provide direction on temporary certificates of occupancy for Timber Hills. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Tyler Hess, Spencer Kofoed, DSD Director Sabrina Minshall, Building Official Tommy Crosby, County Engineer Devin Krasowski, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. The developers of Timber Hills contacted the Board to intervene with an issue affecting the Timber Hills project where they tried to tile a ditch but due to supply chain issues they couldn't get it done. They bonded for the improvements and now work is in process, but a change in engineers at the Black Canyon Irrigation District (BCID) has caused a delay in getting the work done and as a result there are affected homeowners who are trying to get a certificate of occupancy so they can lock in their interest rates and close on their loans by December 15th. The tile work has begun, and piping is done, and the work on the catch basin boxes is scheduled to be done the first week in January. The project is bonded. Mr. Hess and Mr. Kofoed have discussed the issue with County Engineer Devin Krasowski who stated in email communication that County ordinances are clear that we are not to issue certificates of occupancy until the bonded work is completed. Staff discussed the idea of a temporary certificate of occupancy being a possibility if BCID was on board; however, they are not agreeable to any sort of certificate of occupancy being issued prior to the bonded work being completed. Staff also had reservations with granting a temporary given the language in the ordinances, and their position is the County does not issue certificates of occupancy of any kind for Timber Hills until the bonded improvements are completed and certified. Commissioner Smith believes tiling is bad for the aquifer recharge in our communities. Commissioner Van Beek agrees. According to Mr. Hess, the costs is \$200,000 for engineering, tiling and labor. Devin Krasowski said from his perspective it's about the inconsistencies and the enforcement of ordinances because we have a condition saying the development will comply with the requirements and so if we violate the condition they don't know what to expect from us. Director Minshall said we have a specific part in our code that says all subdivision improvements covered by surety bonds or other guarantees shall be completed prior to the issuance of a certificate of occupancy. The code does not address temporary certificates of

occupancy so it's more a matter of what the comfort level is, and it could set a precedent for what type of improvements are we going to start issuing temporary certificates for. In this case our bond isn't really \$50,000, the cost is \$200,000 so worst case if it doesn't get constructed we wouldn't have the ability to complete it by our bond, so we are not enforcing the condition so if we go that route we have to be clear of what conditions are we going to issue temporary certificates of occupancy. What kind of discretion does the Board want DSD to have to implement the code versus should they be coming back to the Board. Mr. Krasowski read an email from Carl Hayes, the BCID district manager dated 11/21/22 (a copy of which is on file with this day's minute entry). Mr. Kofoed said the district manager is detached from the engineers and the people on site where the district engineer said don't start the construction until he has reviewed the plans, and it took him four weeks to review the plans and then added guidelines about sealing concrete pipes to get pressure. Tommy Crosby said he is okay with a temporary occupancy if the other parties could agree to it, but if something goes wrong down the road and we must hire a construction team to put this together we would only have \$50,000 to complete the work on a \$200,000 project. Director Minshall said the issue here is we have a partner agency who put that condition in place, and they are opposed to lifting the condition and that's why we brought it to the Board. Commissioner Smith said we have to be clear and push back - we still re not issuing a certificate of occupancy and we are still enforcing the conditions and we will enforce the bond and ensure they are developed. Commissioner Van Beek likes the idea of issuing a letter from the BOCC stating the terms of the agreement and ask the irrigation district to agree given that the County is not issuing the final certificate of occupancy. Mr. Kofoed said they have been trying to get this done for a year; their frustration is the continual moving target and the timeline delays. Mr. Hess said there are 30 homesites involved and 3 who have closing dates scheduled for this week and next week. Director Minshall said if the County can get something in writing that says as of December 1st "x percent" is complete, all materials are onsite, and the \$50,000 bonding remains then we can issue a temporary certificate knowing that information and saying there is some discrepancies in the path of information that has occurred and then if we can put a hard date on the backend by saying it will be completed by "x date" and that when proven the County can issue the final certificate of occupancy. Dates are in place, and it would have the percentage of completion and here is the date for the temporary certificate, and the rest would be subject to the final certificate. BCID would know we are listening. Zach Wesley said we could tie the expiration of the temporary permit to the dates. Mr. Kofoed said they can increase the bond amount to \$100,000. Director Minshall said they should get the full bond and if we can have assurances that if we had to hire somebody to construct BCID knows it will get done, and if it's not done by the end of January the County can execute the bond and it gets the homeowners in. Mr. Krasowski said the intent is that BCID's facility gets constructed and this will satisfy the intent; the timeline won't be exactly what BCID is hoping for, but they will get their infrastructure and it will be to their standards. The discussion about what type of pipe they are using is one to have with the district's board. Director Minshall said with the understanding that the developers will provide a percentage complete as of December 1st; the County will issue a temporary certificate of occupancy with the certificate of occupancy when all improvements are completed by January 31st. Prior to the temporary certificate occupancy, the developers will issue a bond to the County for what would cover the full cost needed for the remaining construction. It will be tied to the specific addresses. The rest of the certificates of occupancy will not be issued until completed.

Commissioner Smith said we want to follow the ordinance and conditions of approval, but there is an exception with what we have right now; it will be a temporary certificate of occupancy. Tyler Hess said he will push the contractor to finish as soon as possible. Mr. Kofoed said they will reach out to builders and specify the houses that are under contract and have interest rate lock issues. Mr. Kofoed is appreciative of the help but said it continues to be an issue as he has another project where Idaho Power and Intermountain Gas are saying the utilities are not deep enough and it's because Canyon Highway District made the developer dig out the swales deeper for drainage after the engineering was complete and now it's caused an issue with the shallowness of utilities, and he has some easy solutions but they won't do it. It's an issue the district caused by overriding engineering during construction and they continue to have issues with Canyon Highway and Black Canyon Irrigation District, and they delay projects and cause tremendous headaches. Commissioner Smith said the County doesn't have any authority over the highway district and we need to make sure the elected board knows what the will of the community is. Mr. Krasowski asked for a list of the scenarios Mr. Kofoed mentioned so he can watch for those and help when possible. Director Minshall said we want to make sure we enforce our codes and facilitate the work and perhaps there could be a staff-level discussion and then bring it to a workshop with the Board and the highway district and talk about some of these scenarios and brainstorm. The meeting concluded at 10:48 a.m. An audio recording is on file in the Commissioner' Office.

NOVEMBER 2022 TERM
CALDWELL, IDAHO NOVEMBER 23, 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:

- Elmrige Protection in the amount of \$2,984.85 for the Juvenile Detention department

APPROVED CATERING PERMITS

- The Board approved Idaho Liquor Catering Permits for Garden City Bar LLC dba 1918 Lounge to be used 12/3/22 and 12/14/22.

MEETING WITH COUNTY ASSESSOR TO DISCUSS INCREASING THE ADMINISTRATIVE FEES CHARGED BY DEPARTMENT OF MOTOR VEHICLES

The Board met today at 10:06 a.m. with the county Assessor to discuss increasing the administrative fees charged by the Department of Motor Vehicles. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, DMV Supervisor Kimbra Asqueta and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing notice of public hearing regarding increasing administrative fees charged by DMV:

Assessor Stender provided an overview of the necessity for this increase which includes a reduction in revenue with online, mail-in and QR transactions being handled by ITD. The transactions now coming thru the brick and mortar DMV are often the more time-consuming transactions and with the loss of revenue it increases the overall cost per transaction. Discussion ensued regarding the importance of staffing levels and wait times. A document was provided to the Board which outlines the statistical numbers of transactions at the DMV; a copy of the document is on file with this day's minutes. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the notice of public hearing regarding increasing the administrative fees charged by DMV.

The meeting concluded at 10:38 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING WRITTEN DECISION REGARDING THE REQUEST BY CORY AND CHRISTINE CODR FOR A CONDITIONAL REZONE, CASE NO. RZ2021-0055

The Board met today at 11:15 a.m. to consider the written decision regarding the request by Cory and Christine Code for a conditional rezone, Case No. RZ2021-0055. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. The Board held a hearing on November 14, 2022, and a Board majority approved the conditional rezone request and staff was directed to make changes to the FCO's, development agreement, and ordinance amendment. Planning Official Dan Lister reviewed the changes made to the findings as follows:

- No. 4 notes that it is an impact, however, Canyon Highway District found this to be the best option based on their review of the right-of-way, so he added language regarding the history.
- Condition #2 b. was changed to provide documentation that they are still trying to get the access to the east, and if not, they need to show how they tried to gain that access. If they can obtain access from the east they will show it on the plat and they are going to use that instead.

Commissioner Smith reviewed the language in the updated FCO's and believes they represent what the Board requested in its decision. Commissioner White made a motion to approve the FCO's, ordinance amendment (No. 22-028), and development agreement (No. 22-139) for Case No. RZ2021-0055. The motion was seconded by Commissioner Smith. Commissioner Van Beek was opposed to the motion to approve. The motion carried by a two-to-one split vote. The meeting concluded at 11:19 a.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 28, 2022

PRESENT: Commissioner Keri K. Smith, Chair - **Out of the office**
 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:

- Nemo-Q, Inc., in the amount of \$7,731.00 for the Information Technology department

PUBLIC HEARING TO CONSIDER THE SHORT PLAT FOR DEL ROSARIO ESTATES NO. 3, CASE NO. SD2022-0012

The Board met today at 9:02 a.m. to conduct a public hearing for the short plat for Del Rosario Estates No. 3, Case No. SD2022-0012. Present were: Commissioners Leslie Van Beek and Pam White, County Engineer Devin Krasowski, DSD Director Sabrina Minshall, DSD Planner III Michelle Barron, Eric McLaughlin, and Deputy Clerk Monica Reeves. Devin Krasowski gave the oral staff report. The subject property is located at 24433 Hartley Lane in Middleton and is a preliminary replat of Lot 1, Block 1 of Del Rosario Estates No. 2. The applicant, Erick McLaughlin, is requesting to split the existing 4.26-acre (Lot 1, Block 1) of Del Rosario Estates No. 2 into Lot 1 and Lot 2 of Del Rosario Estates No. 3 and those lots will be 3.26 acres and one-acre residential lots respectively. The property will utilize individual wells, and septic systems and a pressurized irrigation system. The preliminary plat has been reviewed and meets the standards of Canyon Highway District, Black Canyon irrigation District and the Middleton Fire District. The Hendersons, who are neighboring property owners, want to ensure the residential lots are not less than one acre. The City of Middleton requested the applicant enter into a pre-annexation agreement, but the applicant has declined to sign the pre-annexation agreement. The preliminary plat and irrigation plan were found to be completed by Keller Associates subject to eight conditions of approval. On July 7, 2022 the P&Z Commission recommended approval of the preliminary plat

and staff is recommending approval with conditions. Following his report, Mr. Krasowski responded to questions from the Board regarding access. Eric McLaughlin testified in support of his application regarding access and the irrigation easement. He has lived there for 30 years and accesses his property from Hartley Lane and he thought it would be easier to access the other properties on a private road which is Cowboy Lane. A road users maintenance agreement is in place. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner White believes this case is straightforward and has no objections to the request. Commissioner Van Beek noted the case was approved by the P&Z Commission. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the short plat for Del Rosario Estates No. 3, Case No. SD2022-0012. *(The Board closed the hearing but then staff advised they had a final plat summary as well so the record was reopened.)* Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to reopen testimony to consider the final plat. Mr. Krasowski said the applicant has met the conditions of approval and obtained the necessary signatures on the final plat. 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 White and the second by Commissioner Van Beek, the Board voted unanimously to sign the final plat for Del Rosario Estates No. 3. The hearing concluded at 9:19 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO FOLLOW:

Public Hearing to consider a request by Hess Properties, LLC, for approval of a Preliminary Plat (irrigation & drainage) for Ridgeland Estates Subdivision, Case No. SD2020-0036

The Board approved this case.

CONSIDER RESOLUTION APPROVING ALCOHOLIC BEVERAGE LICENSE FOR THE CHAPP WINE & TAP

The Board met today at 11:50 a.m. to consider approving an alcoholic beverage license for The Chapp Wine & Tap. Present were: Commissioners Pam White and Leslie Van Beek, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the alcoholic beverage license transfer for The Chapp Wine & Tap (Resolution No. 22-235.) The meeting concluded at 11:51 a.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 29, 2022

PRESENT: Commissioner Keri K. Smith, Chair

Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White - OUT
Deputy Clerks Monica Reeves/Jenen Ross

Detailed minutes to come at a later time

Meeting with county attorneys for legal staff update

Action item: Consider Signing Resolution Designating Surplus Property and Donating to the Payette County Sheriff's Office (Resolution no. 22-236)

PUBLIC HEARING – APPEAL BY BORTON-LAKEY LAW, REPRESENTING SYMMS FRUIT RANCH, INC., OF THE P&Z COMMISSION'S DENIAL OF A CONDITIONAL USE PERMIT, CASE NO. CU2022-0007-APL

The Board met today at 9:05 a.m. to conduct a public hearing in the matter of an appeal by Borton-Lakey Law, representing Symms Fruit Ranch, Inc., of the Planning & Zoning Commission's decision to deny Case CU2022-0007, a conditional use permit (CUP) to allow an agritourism purposed recreation vehicle (RV) resort within an "A" (Agricultural) Zoning District. The subject property is located on the southwest corner of Highway 55 (Sunny Slope Road) and Lowell Road, Caldwell on Parcels R33566 and R33567. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Planner Jenna Petroll and other DSD staff, Todd Lakey, Matt Dorsey, Dar Symms, John Starr, Jim Mertz, Tristan Bounds, John Orrison, Jamie Mertz, Will Mason, Keith Green, Megan Green, Eva Symms, Sally Symms-Gotschall, Judy Leathers, Mike Krantz, Janet Northrup, Rich Hellwege, Morris Ledford, Fred Confer, Mary Confer, July Rundall, Wayne Rundall, Donna Schultz, Gerri Smith, Ann Ledford, Sara Arjona, Margie Robinson, Megan Lee, Jeff Hibbard, Gary Brown, Robert Salabar, Mary Salabar, other interested persons, and Deputy Clerk Monica Reeves.

Commissioner Van Beek disclosed that her family has been friends with the Symms family for nearly two decades. Several months ago, she attended an informational seminar at the Symms Fruit Ranch, but when she accepted the invitation she did not know it was a presentation on an agritourism proposal, however, there was reference to the proposal being considered today. She does not have any declarations that would inhibit her ability to make an unbiased decision today. Because audience members were saying they could not hear Commissioner Van Beek's comments, Commissioner Smith summarized her comments as follows: She accepted an invitation that was sent to the BOCC and she went to the property and met with the Symms family and talked about a proposal which included an amphitheater at a sperate location, but in Commissioner Van Beek's opinion that will not impact her decision today. Commissioner Van Beek said it was not just with the Symms family, it was with other farm families in the area. Commissioner Smith disclosed that Will Howard is a distant cousin by marriage.

DSD Planner Jenna Petroll gave the oral staff report. Borton-Lakey Law filed a notice of appeal on September 12, 2022. The appellants feel the P&Z Commission incorrectly focused on only three components of the comprehensive plan and did not consider the other components of the plan that do support the proposed use. They also believe the P&Z Commission based its decision on the principle that the proposed use may impact traffic. The appellant's letter of appeal states that those who testified about traffic impacts are not traffic or engineering experts nor did they have specific data to support their stance. The P&Z Commission denied the case on September 1, 2022 and found the addition of 105 RVs is not compatible with the agricultural uses that also border the property. They were also concerned that the addition of 105 RV spaces has the ability to negatively impact the intersection of Lowell Road and Highway 55. The P&Z Commission said the applicant would need to rezone the property to commercial or industrial where an RV park is an allowed use. A revised site plan and new renderings were provided on November 23, 2022, but this information was not the information the P&Z Commission was provided during its hearing and was therefore not considered in their decision. Additionally, the revised site plan is not what was available to the public during the P&Z Commission hearing. The subject parcel is zoned agricultural, and the area is predominately agricultural with associated uses. The general area is surrounded by active agriculture and homesites with a rural setting and character including associated noises, smells, and ag-related impacts. Highway 55/Sunnyslope Road is a busy arterial roadway and other roads in the area are narrow country roads. The site is not located within an area of city impact nor is it near city services. The site is partially located in a nitrate priority area; the maximum contaminate level (MCL) is the maximum permissible level of a contaminate that is delivered in a water system. The EPA's MCL for nitrates is 10 parts per million. Nitrates above 10 mg per liter are expected to cause significant health problems, and wells in the area have nitrate levels ranging from .005 to 49.8 mg per liter. Based on the conceptual site plan, access to the RV park is proposed on Lowell Road and a traffic impact study found the area intersection currently meets minimum thresholds and no turn lanes are warranted based on ITD turn lane guidelines, and no improvements are needed to mitigate existing or future traffic operations. The study identified the need for a right turn lane in 2029; however, the RV resort would be built out by then and would not be responsible for the intersection improvement. Golden Gate Highway District and ITD had no objections to the proposed use. The applicant is proposing a centralized water and sewer system. Site development will require review by the Idaho Dept of Water Resources, Southwest District Health, Idaho Dept of Environmental Quality, Idaho Power and other agencies to ensure facilities are provided. The applicant is proposing to use surface irrigation and pressurized irrigation to serve the uses. All essential service agencies were notified of the request and no comments were received. The closest fire station is in Marsing, which is 2.3 miles from the site. The proposed use aligns with five goals and nine policies in the 2020 comprehensive plan. It does not align with one goal and two policies. The economic development section of the comprehensive plan states the County should actively promote tourism assets such as wineries, county fairs, outside recreation, and annual events like the Caldwell Night Rodeo. The County should work to actively recruit new business that supports tourism requirements. The proposed use has benefits which will enhance and promote agritourism for the region and will showcase the Sunnyslope region to visitors. The applicants are working to provide wine shuttle services to tour local wineries from the RV resort. The following are some potential negative impacts the proposal may have on the community: a residential and commercial use could have negative impact on

surrounding farms and neighbors; more traffic in the area will affect the movement of farm equipment; noise generated by guests could be disruptive; the potential of guests using the resort as a long-term housing option; incompatibility with active ag operations in the vicinity. The P&Z Commission denied the case based on insufficient evidence to support Findings #3, #4, and #7. They believe the proposed use is not consistent with multiple goals and policies of the comprehensive plan, and it would be injurious to properties in the immediate vicinity, and would negatively change the essential character of the area, and may cause undue interference with existing or future traffic patterns. Ms. Petroll reviewed public comments which were summarized as: Positive comments: It's an ideal location to serve the growing needs of the wine region and to support the area with lodging opportunities that are currently lacking; it will benefit the community and surrounding businesses; and will be a good addition to the area. Negative comments: Concerns with taking agricultural land out of production; impacts to the water table; additional traffic; the fire department, water, sewer, and roads are inadequate for the proposed use; a lack of infrastructure; the potential for guests to use the resort as a long-term housing option; Highway 55 is a dangerous road and the other local roads are narrow and used for farm equipment; and that the proposed use does not fit under the agritourism category as it has nothing to do with agriculture. Staff is recommending the Board deny the appeal and uphold the P&Z Commission's denial of the CUP. Following her staff report, Ms. Petroll responded to questions from the Board.

The following people testified in support of the request:

Todd Lakey, the appellant's representative, testified that the Symms family has lived and farmed in the area since 1914 and they plan to keep farming in this area. They know the land, the area, and the agricultural industry and they understand the future opportunities for agriculture, and this is a unique agritourism RV resort based on that experience. The RV resort supports the Symms' existing ongoing farming operations and the operations of many other farmers in the area. They have submitted a revised site plan that better shows the intent and compatibility of the proposal, and they have addressed the technical issues by engaging those with the necessary experience. Residential uses do more to change the character of Sunnyslope than this application will. The Symms are taking a very small portion of their property and using it to support continued agricultural operations on the vast majority of the rest of their property and that should be supported, not dictated by nonfarmers. Mr. Lakey spoke of the importance of agritourism to the ag industry. The property is located in the heart of the Sunnyslope Wine Trail that includes 17 wineries and vineyards and this is an opportunity to support them. It's located on the Ag Venture Trail and in the heart of the Snake River Viticulture Area, a nationally recognized wine region. He said the P&Z Commission had questions about the design, buffering, and landscaping. The open area was for future development and shows some accesses onto Hwy 55. Some of those in opposition attempted to describe the application as a Walmart parking lot, and based on the comments/questions received the applicants decided to clarify and improve the site plan and make sure it better reflects their vision for the area. The revised site plan shows the amount of greenspace and landscaping that's been enhanced and provides more clarity about their use of the open space. They have reduced the number of spaces from 105 to 98, and they have shown the irrigation pond that will support irrigation on this property and another Symms property. They

added the working orchard along Hwy 55 that will be a buffer and an agricultural amenity as it provides a supply for those who want to come to the area for u-pick fruit and agritourism. The accessory use buildings are ag-related buildings. They are looking at a fruit packing and processing shed and a fruit stand, but those are not part of the CUP application because they are accessory or ag-related uses and do not require a CUP, but they wanted to talk about the plans for that portion of the area. The property is not located on a quiet country road, it's located along a major transportation corridor, and it's located in the epicenter of agritourism for the County and the state. They are limiting the length of stay to 20 days and will be engaged in active marketing and supporting various agritourism groups. They already have providers that want to be part of the resort, and their buildings and design will be consistent with agriculture and agritourism in the area. They have completed a traffic impact study that's been independently reviewed by the highway district and ITD; there are no additional improvements required to Hwy. 55 which has five lanes. The project will utilize a community water system, and there is already a community public-rated well on the Symms site across the highway, and they will utilize a community wastewater system that meets agency requirements. They will have quiet hours from 10:00 pm to 7:00 am. The site plan shows they are tying it to agriculture on the site and agritourism off the site. They agree with staff's recommended conditions of approval to the P&Z Commission, except for Condition No. 3, they want to exclude the term *individual* in that condition. The project will have a 24/7 resident manager. Project lighting will be directed downward. They are close to the Marsing Fire District facilities. The limited length of stay will provide a positive economic impact to the schools because it has no burden but it does provide a tax base. They will use up to 15% of vintage models (owned and operated by the applicants) that are refurbished, historic, modern, and high-quality on the inside. Mr. Lakey said the application conforms with the comprehensive plan and zoning ordinance. Following his testimony, Mr. Lakey responded to questions from the Board. Commissioner Smith asked if the applicants would be willing to reduce the 20 days length of stay onsite. Mr. Lakey said it's targeted to those who are vacationing, or enjoying the scenic byway, engaging in recreation opportunities, fishing on the river, etc. They feel 20 days is an appropriate limitation but are open to expanding that condition to a maximum per year. The open space areas will be improved as part of the development of the site. The proposal is to target those who come to the area for agritourism, not for housing or long-term stays. They intend to irrigate portions of the landscaping, the orchard, and the trees but they want to reduce the overall impact of the need for water and the irrigation pond will help facilitate that. Commissioner Van Beek asked if they have looked at other means of promoting agriculture such in a way that people can see the fruit harvested, processed, and tasted at the end and perhaps have a nonalcoholic portion where kids can grow and process their own apples. She believes an expanded concept for diversity would be beneficial. Mr. Lakey said they see the potential to utilize and generate different types of products from the fruit itself whether cider or dried fruit. The emphasis on the winery is because it's in the Snake River AVA, but the Ag Venture Trail has other things such as a beef operation, honey operation, and an operating farm. The focus will not just be on the wineries, but on the agricultural products themselves. There was further discussion related to the scale and use of the packing processing shed; the traffic impact study; access plans; proposed conditions; soil types; COMPASS comments regarding urban connectivity; whether input was received from community members; and ties to agritourism.

DSD Director Minshall said it appears that the accesses in the traffic impact study were just on Lowell Road and because staff did not receive comment from ITD or comments on the appeal, if the Board chooses to make conditions on the approval she suggests a condition that ITD approve those accesses which would be required anyway because they would likely be looking at turn lanes with the speeds on Hwy 55. There could be clarification with the highway district of working through what improvements they may or may not require at Board direction.

Will Howard, a landscape architect with the Stack Rock Group, testified about the project design. The luxury RV resort will be tucked in the back and will be surrounded by buffers to help mitigate the other uses that might not be as friendly. The resort functions on its own but is still tied to agricultural uses. The main entrance will be off Lowell Road to tuck the traffic around the backside rather than bringing it off Hwy 55. The spaces are meant for luxury RVs, rather than day-use camping. Amenities include a pool, dog park, picnic areas, pavilions, fire pits, playgrounds, walking paths, bocce ball, pickle ball, and large berms and buffers around the outside to bring in the higher-end RVs. The orchard will screen the front of the project. There will be native drought tolerant landscaping that they will water for the first few years and then they will cut the water completely. The irrigation pond will irrigate everything and it will be an amenity for the site. There will be a water reclamation system; local agriculture systems, and sustainable landscaping practices. Site buffers include: a 35-foot buffer on the bottom; a 55-foot buffer on Lowell Road; an 85-foot buffer along the back, and a 100-foot buffer which will be the working fruit trees along the front. Following his testimony, Mr. Howard responded to questions from the Board.

Tristan Bounds is a wastewater engineer who offered testimony regarding the nitrogen priority zones and the wastewater reclamation facility planned at this location. He has designed multiple RV resorts around the country and has 20 years' experience working on centralized wastewater treatments. Because of the nitrate concerns they have elected to look at getting a water reclamation permit through IDEQ and they will treat all of the wastewater to reuse for irrigation. Being able to reuse the water and the nutrients to grow vegetation around the property has a multi-beneficial use and mitigates a lot of the concerns about the nutrients in the nitrogen priority zone but also with regards to concerns about odors, and other issues associated with wastewater. He estimates the proposed wastewater system will cost \$1.5 million. Following his testimony, Mr. Bounds responded to questions from the Board.

(The Board took a recess from 10:41 a.m. to 10:51 a.m.)

John Starr is a real estate advisor for the Symms family and he offered testimony about the history of the property. He grew up in the area and worked for the Symms family, and his father managed the packing shed for Symms for decades. They have spent a lot of time over the last five years talking about what they can do to enhance business and take advantage of agritourism. For over 100 years this has been a core area of commercial development where businesses have operated as a commercial produce development area. The neighbors are speaking against the application but are actively pursuing residential development on two of the Troost parcels that border the property. The Symms Fruit Ranch is a commercial operation, and this proposal is an extension of that operation by taking advantage of agritourism. They have over 1,500 acres of farmland in

Sunnyslope and much of the character of that area is because of those 1,500 acres. An RV resort will enhance the agritourism of the area, which is a community operation, not just something for the Symms family. A typical RV park is built-out at 7 units per acre and on these 30 acres that would be 210 units, but the applicants are seeking a higher quality resort and have reduced the number of units by over half. Mr. Starr spoke of the demand for this type of proposal noting there has been a 30% increase statewide in camping in the last 2 ½ years and RV use is “exploding”. The Symms family has spent five years talking about the future of the business and said there has been communications with the neighbors, some of whom very much support the proposal. Following his testimony, Mr. Starr responded to questions from the Board.

Dar Symms gave testimony regarding the state of the commercial fruit business in Idaho, and how the commercial packing sheds are a difficult business. He spoke about plans to use the accessory buildings on the site for packing and processing and their plans to utilize some of the culled fruit (dried fruit, juices, freeze dried fruit) and turn it into a processed product, pack it onsite, and then it will go their fruit stand with the fresh fruit. He testified about the irrigation pond that will serve over 100 acres, including their property across the road; their plans to utilize a licensed water operator to serve the community; and the tank that will be utilized for fire suppression. Following his testimony, Mr. Symms responded to questions from the Board.

Jamie Mertz has been a resident of Sunnyslope for over 50 years and believes the location of the RV resort is perfect because of the five-lane highway. His family’s goal with this proposal is to keep farming, noting that the subject property represents 1% of the total ground they farm. The Symms are a fifth-generation farming family and they have been very diversified in their fruit and they look at this proposal as another way to diversify so they can stay in business. The RV resort will bring agritourism dollars to the area and will put less stress on services than a residential housing development would. They want to display historic farm equipment onsite and talk about the history of farming in the Sunnyslope area. Their business plan is having a fruit stand onsite that would be open year-round to create income that is not straight wholesale fruit related. They have not made a financial business plan. They will have someone onsite at the resort and they will oversee the fruit stand processing operation as well. Following his testimony, Mr. Mertz responded to questions from the Board.

Matt Dorsey testified he attended the comprehensive plan hearing and had objections to the agritourism portion and after listening to the questions being asked today it proves his point as to why he has a problem with agritourism. He said before the “Save Sunnyslope” people moved to the area, the existing residents had already made Sunnyslope, and they have a track record of protecting it/farming it. The farmers in the area are still there because they have adapted. He believes the roads in the area are sufficient for the project and he spoke about improvements that have been made to Lowell Road. He said the Symms have made Sunnyslope and they are good neighbors and they are spending millions of dollars on the project and are doing it right. Mr. Dorsey’s family has been farming in the area for several generations and they have done everything they can to stay here. Farmers should be able to continue to save their farms and keep Sunnyslope. Following his testimony, Mr. Dorsey responded to questions from the Board.

Neutral testimony was as follows:

Janet Northrup offered neutral testimony both as a local resident and an owner of a small vineyard and winery. She holds the Symms family and other orchard owners, farmers, and ranchers in high regard because their families had a vision and passion early on to create the Sunnyslope community. Initially when she heard about the proposal she opposed it but after more research and conversations she is supportive if certain conditions are met. We cannot avoid growth but we can support responsible growth. She was part of the group that wrote the agritourism definition and overlay in the comprehensive plan and she researched successful implementations in surrounding areas in the pacific northwest and she believes the proposed RV resort provides a reasonable land use balance for several reasons: 1. It fills a void; there are very few places for people to stay in this area. 2. RV agritourism is growing rapidly. RVs and agritourism go hand in hand and there is a large and growing community of people who seek opportunities to engage in agritourism activities while staying in an RV resort. The Symms are longstanding community members, and she believes they will listen to concerns and take them into consideration and design a process that moves forward. The design, style, and size need to align with the agritourism goals of the comprehensive plan. The new design includes orchard buffer zones, a fruit stand, u-pick opportunities, and a cider facility among another agritourism opportunities. She believes the Board should approve the request with continued discussion requests, and additional information with specific conditions. She encouraged people to call or meet with John Starr or Dar Symms to express concerns, make suggestions and learn more about the project.

Testimony in opposition was as follows:

Craig Davis testified he empathizes with the applicants and Ms. Northrup and the perspectives they brought. He is representing his winery along with other Sunnyslope wineries. There are 17 wineries in Sunnyslope, and except for Ste. Chappelle Winery and another who has remained neutral, the others are trying to preserve Sunnyslope. He referenced a petition that contains over 1,700 signatures of people who want to protect Sunnyslope and keep it agricultural, and the question is whether an RV park is part of the flavor they want to keep in Sunnyslope. The wineries do not need an RV park. The proposal has really changed its emphasis to be a fruit stand and potentially have a crush pad and he thinks that's great, but when he was initially approached about the proposal he encouraged the Symms to engage with the wine trail and its members but those conversations never happened. Two weeks ago, he visited River Haven, an RV park along the river that originally started out as a destination for people to park RVs and visit wineries and enjoy the beautiful view of the river, but it is a trailer park and the RVs are there permanently. He appreciates the 20-day stay contingency with this project, but questions who is going to enforce it. His concern is that with the housing shortage the business model will collapse, and it will become a trailer park for people to stay permanently. There has to be a contingency for fines or a process to ensure that does not happen. Mr. Davis said if the applicants had accepted the offer to talk with him about how agritourism truly fits in to this RV park he would have suggested the stay be no more than five days. The comprehensive plan recognizes the area as agricultural and that's what he is asking for. He spoke about the shortage of grapes in the area, and said if we are

trying to adapt we need to adapt within the agricultural boundaries of the comprehensive plan because if we don't we'll bury our precious resource of land under concrete and asphalt.

Wayne Rundall testified about traffic and road safety concerns. He referenced an upcoming CUP application for an amphitheater on the Symms property, and said he can envision an issue with people staying at the RV park and attending concerts/events on the other side of Hwy 55 creating a safety hazard for pedestrian traffic.

Sarah Arjona is a planner with Salabar and Associates and she has experience with ITD as well. This is not a commercial zone, this is an agricultural zone, and the P&Z Commission requested the application be for a rezone because it would be an allowed use. Agritourism is defined as agricultural activities that are supported by commercial, but that's not what this proposal is. She spoke of the differences between the original site plan and the new plan which shows amenities, but they are not part of the application. She said the Board should consider the application that's before it with the uses that are defined.

Gerri Smith testified there is so much more at stake than just the RV park. On December 1st the applicants will request a 5,000-seat amphitheater across the road and we cannot ignore that. This is a gateway area so we have to be careful and it's better to say no rather than change the entire area. She is concerned the traffic safety issues along Hwy. 55 and the other roads in the area will be exacerbated with large RVs trying to slow down and turn onto Lowell Road. Other concerns include fire safety and the response time from the Marsing Fire Department which is a volunteer organization; light pollution; noise; and the density of the project. Ms. Smith said the plan itself is beautiful, but the location is horrible.

Robert Salabar testified he lives on Frost Road and he has an office at the corner of Lowell Road and Plum Road. He is a developer and has respect for the Symms family, but that does not give them full rein to do whatever they want. They have submitted a pretty picture that's very different from what they saw at the first hearing. It looks like a park, but at the end of the day it's a 15-acre parking lot and is twice the size of the Walmart parking lot on Caldwell Blvd. The size and scope of the project are massive, and allowing 105 units in the middle of farmland in the wine region will drastically change the ambience and character of the community. This is the gateway to the wine region, Canyon County, and the state and the first major project you will see is the RV park and he questions if that is the vision and standard we want to set for the area. He's concerned approval of the project in this location will set a course we won't be able to stop. Mr. Salabar is a civil engineer and has been involved in transportation development for 30 years. He sent an email to John Starr 2 ½ months ago and asked about getting a third-party planning consultant to assist with a general master plan of the area, which he offered to share in the cost of. He believes approaching Sunnyslope with a more global view would benefit everyone in the community and result in a better financial future for everyone and offer a clear direction and vision for the future of this region. Unfortunately, the response was that Ms. Symms did not have an interest in pausing the process and engaging with Mr. Salabar at this time. Mr. Salabar said his offer still stands to plan together, share in the cost, and make it a destination location. He believes an RV park will devalue the area. Following Mr. Salabar's testimony he responded to questions from the Board.

Commissioner Smith asked if he considering overnight stays in his development proposal. Mr. Salabar said he is considering overnight stays and added that his proposal is trying to preserve the area. The density of his residential subdivision is one residence per 8.9 acres. The Symms proposal is for 7 residents/mobile homes on one acre, which is 62 times denser than the one that will be considered in the future. Commissioner Smith asked him to refrain from discussing his project in case it comes to the Board for consideration.

Gary Brown testified that unprecedented growth requires a lot of due diligence and although the plan itself looks fine his concern is the law of unintended consequences and what will happen in the future. Already we are seeing proposals for an amphitheater, and he questions what else is going to come along. His concerns include: a dramatic change in the area; impacts to traffic patterns, law enforcement, fire/EMS services. If the proposal were located somewhere else it would probably be favorable.

Megan Lee testified she purchased her property 15 years ago because she wanted a safe place to raise her children and to teach them how to work hard and they grew up taking care of an alfalfa field, bucking hay and gratefully they both work for Symms. She feels safe in the community but feels the proposal will change the area. Lowell Road is a quiet country road and she is concerned about the amount of traffic an RV park will bring.

Judy Leathers testified she's heard good things about the Symms family, and she believes the plan would be wonderful, but not at this location. She is concerned about hundreds of RVs going by her house and the resulting road and traffic safety issues, and she asked if the Symms will pay for the upgrades and new turn lanes if road improvements are required.

At approximately 12:30 p.m., Commissioner Smith said the Board would take a lunch break and she asked the applicants to consider the testimony for rebuttal and to consider possible conditions. She asked them to consider the Land Use Planning Act, specifically section 67-6512 regarding plans for social, economic, fiscal, or environmental effects. There isn't a business plan and so she doesn't know if this proposal can get off the ground. The Board should now what the cost to construct the project is, and it needs to consider economic and fiscal impacts before deciding. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to this afternoon at 1:30 p.m.

(The Board took a break at 12:37 p.m. and went back on the record at 1:39 p.m.)

In response to a question from Commissioner Smith regarding roads, DSD Planner Jenna Petroll said it looks like the roads within the RV park would need to be paved and they would need to be private roads because the project will serve more than two inhabited buildings and will have more than 100 average daily trips. Director Minshall made some clarifications: 1. related to previous testimony about the other buildings and usages on the property that were in the second site plan, but not the first, those were not part of the CUP because they are considered agricultural accessory, they were not commercial. That's why they came through with the CUP because those are explicitly allowed; it was the RV park that would require a CUP. The P&Z Commission's

discussion was about an RV park being allowed in a commercial zone so they were saying that was another path forward. 2. There has been discussion about Hwy. 55 improvements, and she reported that the Hwy. 55 ITD study only goes to Pear Lane, it doesn't come the rest of the way down which is something we may want to have later conversations about continuing to advocate with these kinds of developments of the further four-lane cross-section further down, but even up to Pear Lane it's only preliminary engineering and design that is scheduled in 2026. Any funding for that section is long-term which means it's past 20 years. Currently there is only 120 feet of right-of-way with four lanes. If there is discussion about the traffic impact study and what it may or may not need with turn lanes if there is access on Hwy. 55, that may necessitate some additional right-of-way that would have to come through ITD.

Rebuttal testimony was offered by Todd Lakey. This is an agritourism use by a longtime ag operator who understands the land and the area and wants to continue to contribute the agricultural operations in Sunnyslope. Symms Fruit Ranch is best suited to decide how to support their ag operations and utilize other revenue opportunities in the form of agritourism which is recognized by the County and this location is an agritourism area. This application supports the agricultural character of the area and will provide additional revenue for Symms and other ag operators in the area for their ongoing operations. It's a very small percentage of their marginal ground, about 1% of their total property. It's better to put an agritourism-type use on 30 acres than breaking up 350 acres for residential use as Mr. Salabar is proposing to do. The Symms' view supporting agriculture in the area differently and this is an effort to support their ongoing operations in the area. There will not be undue interference with existing or future traffic patterns. This was scoped with ITD and has been reviewed by the highway district. ITD reviewed the traffic study and was involved in the scoping and they noted they had no objection to it would not require any additional improvements. The only difference would be the accesses onto Hwy. 55 that would require additional review and they may be relocated potentially. There was testimony from Matt Dorsey who spoke about Lowell Road being widened and it designed and built so it could handle farm equipment. We have a proposed condition that will limit access to a left turn in from Hwy. 55 and right turn out to Hwy 55, so they will not be going down Lowell Road. The community well is already there and approved on the Symms property across the road. The community wastewater system has been addressed and they will be utilizing that system and meet the requirements. With regard to the petition referenced by Craig Davis, Mr. Lakey said the petition is very vague and very general - it just says *Support Sunnyslope*. It is not applicable to the application; the Symms application comes from an ag operator that built Sunnyslope and this is the best way to support their continuing ag operations on their other 5,000 acres. If you want to support Sunnyslope approve the project on this smaller scale of only 30-40 acres versus moving forward with the residential uses on the Salabar. They will utilize rules to prohibit ATVs from being unloaded on the property and being taken off the property. The opposition is largely from those aren't involved in farming but want to watch agriculture the way they want to watch it, but the Symms are the ones living it every day and having to make a living farming their property and this agritourism, ag-supported use will help them continue. As far as a business plan, they are confident in their ability to fund and generate revenue for their other ag operations. It's approximately \$4.2 million to finish the RV portion of the site; \$4.7 to \$5 million to include the fruit stand and packing shed. They are looking at a 6% return on investment and calculating about

a 50% vacancy rate just to be practical with a \$65-\$75 charge per night. They are hoping to generate \$1 million a year in revenue to support their other agriculture operations.

There was a review of the proposed conditions as follows:

Condition No. 3: The applicants propose a change to strike the word ~~individual~~ because they are going to form a separate LLC that will be overseen/managed by Symms Fruit Ranch.

Condition No. 4: The applicants are agreeable that RV spaces shall not be available for rent until the entire site is built, in compliance.

Condition No. 7: The number of RV spaces has been reduced from 105 to 98

Condition No. 8: The applicants will maintain records of their business use of the property on the length of stay for individuals so the County can request a copy to make sure people are not exceeding the 20-day stay condition. They have a large motivation to comply with the conditions because the CUP can be revoked if they violate the conditions. They will agree to a length of stay of no more than 20 days within a 6-month period

Condition No. 10: Requires those renting a resort space to sign a statement acknowledging they are staying in an agricultural area and that the right-to-farm applies. It can include information that guests of the resort are not to trespass onto ditch banks.

Condition No. 12: Requires the exterior be shielded and more directed. The site plan has to be generally conformed with. They had a 35-foot buffer in lieu of a 50-foot buffer on the southern edge.

Condition No. 13: The applicant will utilize trees and landscape buffers and maintain trees and other landscaping in a living condition and such that they will not interfere with existing agricultural production or orchard operations so that comes back to the Symms having expertise and they want to make sure whatever they plant does not interfere with other operations in the area.

With regard to location, Commissioner Van Beek asked if there is a different location that would be more sequestered. Mr. Lakey said the Symms did a thoughtful process in where to locate the facility, and the positive aspects are that it's on Hwy. 55 which is a major corridor and it's where the comprehensive plan calls for these things to be located. When people drive by it will look like an orchard with agricultural outbuildings and it will be designed to be very compatible with the area.

When talking about traffic and parking in Conditions No. 15 through 18, their intent was to have some kind of hard, but permeable surface. They will comply with ordinance requirements as well as highway district and ITD requirements. The property is in close proximity to the Marsing fire

facilities, and they will meet the requirements of the fire district. A public water system and a community sewer system are required.

The applicants propose the following language for the additional conditions:

The site plan and noted improvements on the subject property will be completed prior to opening use of the RV resort by clientele.

Additional accesses on Hwy 55 are subject to ITD approval and may be different than those noted on the site.

The entrance on Lowell Road will be constructed to require RVs entering the site to turn left into the site and RVs leaving the site to turn right which so they are not going further down Lowell Road.

The rules for the RV resort will include a prohibition on ATVs being unloaded or used on the property. If they bring them to the site, they have to keep them loaded. This is an area where clientele is meant to walk or bicycle. Golf carts may or may not be allowed, but if they are allowed they will be required to stay on site.

The internal roads will meet County ordinance road standards.

They went through the business plan and the costs and they thought about the rates and revenue that would be generated and they are confident it will be a positive economic impact to their ag operations. They have not done a study to look at the economic benefits overall. There are general studies that were done by the Wine Commission, for example, that talk about the millions of dollars generated by agritourism in the state and the jobs created.

Commissioner Smith said it seems the cost to build is much higher than what the Symms thought they could build it for. Mr. Lakey said they are looking at \$5M that included the fruit stand and the ag buildings, keeping in mind the Symms can do some of the earthwork themselves. Commissioner Van Beek asked if there were any other ideas that would include a natural setting or services and amenities, for example. Mr. Lakey said the Symms have been talking about this project for five years and a lot of thought and planning have gone into it. Breaking the property into residential parcels that can be used for an Airbnb at a much higher rate per night would do more to change the character of the area than focusing on an agritourism supportive use on 30+ acres. It provides the same appropriate public services, it may not be city sewer but it is a community system. There was further discussion about how this proposal supports and facilities agritourism; it's designed to fit with the area.

Commissioner Van Beek wants to know the information that was referenced from ITD on the potential accesses. Commissioner Smith said the traffic study does not include the accesses onto Hwy. 55 and did not consider the agricultural businesses that will be located on that property. If you considered Craig Davis's written testimony about the amount of effort it took to get his access

for the winery because of the average daily trips, there could be changes to the traffic impact study when considering the entire use.

Commissioner Van Beek said that's a segue to the ensuing hearing that's coming for the cumulative effect of those applications; they are not joint applications but they are by the same applicant so we've had a lot of discussion as a Board and a lot of those proposals fall under studies or the effect to the entire area. Commissioner Smith said from her understanding the Symms own the land but somebody else would be developing the events center. Mr. Lakey said he wants to be careful on the topic; the applicants in that case do own the property, they purchased it from the Symms and the Symms own the property surrounding it. It is a separate application. Commissioner Smith said we don't have anything in our ordinance that would consider the cumulative impacts. Commissioner Van Beek said the Board needs to know what the plan is for the buildout in the County whether it's in an area of city impact or rural Canyon County. Commissioner White said this decision is going to be predicated on what is coming down the pipe and she should decide based on the merits of this project and how it's going to fit and the compatibility. She does not need any additional information. Commissioner Smith thinks there are a lot of unknowns on the feasibility of the project; the fire department being volunteer and the response times; ITD is as big player but they have not provided comment; the impact study doesn't acknowledge ITD. She wants more information on the impacts on ITD and what those conditions might look like and she also thinks the Board could condition that. Commissioner Van Beek said during her first term in office she observed where 42 conditions were placed on a proposal which felt like if we had to go to those lengths to condition a project there was something that was either not a fit or it was a timing issue. This is not a bad proposal but it feels undeveloped and we don't have the necessary agency comments and she needs to be more convinced on the nature and character of area. She agrees that this area was highlighted as being unique and she's balancing that with the Symms' right to own property, develop property, to make a living at what they do, and the diversification of that. If this is the gateway to allowing other uses, and if it is then we should consider the P&Z Commission's recommendation to require a rezone to a commercial designation. Commissioner Smith said that would be spot zoning. Commissioner Van Beek said it seems inconsistent to lobby hard to have an ag overlay on everything and then to allow this proposal as conditioned used. Perhaps they should put in a restaurant. It seems limited in scope and we cannot enforce what we are trying to condition so there needs to be more persuasion that this is a right fit in allowing a very different use in an ag area from what's historically been there. Commissioner Smith said the balance needs to flip, there needs to be fewer RV spaces and more agritourism. Commissioner Van Beek said she struggles with how this will fit in the middle of the Sunnyslope region with the bulk being RV spaces. Commissioner White likes the proposal because there are a lot of events in the area and she thinks people will use it for a staycation. She doesn't have an issue with the 20-day timeframe.

Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony.

Commissioner Smith noted that the staff report provided RVs for denial that was provided with the most recent updated staff report. There were also RVs that were included in the P&Z

Commission, and Mr. Lakey reviewed some of the conditions of approval that are available and that has findings that support approval of the plan. This is a difficult case for her because she supports agritourism. In the nearly 10 years she devoted to Destination Caldwell she's had hardly any interaction with the Symms on supporting agritourism and what that means. She sees an RV park and agritourism is a little bit of an afterthought and although she would like to be able to support the proposal it needs more work on developing fewer units and real plan that can be shared with the decision body. She does not find that it's truly an agritourism proposal and for that reason she will not support it today unless someone persuades her in the next couple minutes. The actions the applicant could take to gain approval would be a plan that fully analyzes the cost to build and a "full look" at the property not as planned unit development but what the real uses are and a plan that shows the full traffic impacts and what a person could expect when they go there, and we don't have that today.

Commissioner Van Beek said the proposal is a little bit underdeveloped and even though she has great respect for the Symms family and she understands what they are trying to do, but this is a decision that will be a significant impact like the Karcher Farms development on Hwy. 55 and those traffic mitigation plans have not gone through and the property is up for sale because they were unable to mitigate that. We have key pieces in this, specifically whether the proposed use will be injurious to the immediate vicinity or negatively change the essential character of the area. She had a conversation with the DSD Director and some of the overlays were removed and then put back in and as a Board member who is moving forward with that she wants to see what that overlay... and she wants to include developers and the Symms family, and the cities and she wants to have a workshop with a roundtable discussion that helps us understand and gets buy-in to projects because the reality is we are not going to stop growth. This proposal represents a stark change and would almost be a whiplash effect in the Sunnyslope area and she cannot in good conscience do that. It's concerning to think there could be foot traffic or bicycle traffic on that road. There are unanswered questions on who will provide the services, how quickly we can get them there. There are some great plans on the engineering side, but there are a lot of unanswered questions on the effluent and things like that, and at this time she does not have enough of a plan.

Commissioner White believes the proposal is something that's needed because we don't have anything like it in the valley and if somebody has the financial backing and they can do something that will be a first-class project. She supports the proposal.

Commissioner Smith said the Board was looking specifically at the RVs, Exhibit 1, Page 2: Is the proposed use consistent with the comprehensive plan? That finding should be strengthened. Staff listed three policies that are not consistent and an analysis should be added to the conclusion because there are goals and policies that support this type of development, but if this were to be overturned a judge would look at that and ask for additional information on the comprehensive plan. She directed staff to look No. 3 and include an additional analysis for what's in favor and what's not and then make a finding based on that. As to whether the proposal is injurious to other property in the vicinity or will change the essential character of the area? Staff should include today's testimony as well as the exhibits about how it would negatively change the character of the area. With regard to undue interference with existing or future traffic patterns, she thinks

there should be a statement about the impact study not including the full development proposal which includes the allowed agricultural businesses and the impacts to the accesses along Hwy. 55 should be added to the finding. Staff was asked to include language that says a pull political notice to all the service agencies was completed. The property is located within the Marsing Fire District which is a volunteer district and this Board has participated in a few hearings where people have talked about how the response times for the Sheriff's Office and the volunteer fire district are above the norm, and that definitely should be a consideration for a reason for denial. Commissioner Van Beek said where it says no evidence has been provided, you could interpret that that there was something returned but it wasn't substantive enough. Commissioner Smith said those agencies did not provide any information or data that there would be a negative impact to the services, however, there was public testimony regarding response times. They are inadequate for a growing area. Commissioner Smith does not like actions that the P&Z Commission stated as to what the applicant could do to gain approval, they recommended a commercial or industrial zone. It would be spot zoning. The steps they could take to gain approval in the future from Commissioner Smith would be reducing the density and increasing the agritourism opportunity plan. She directed staff to make those changes to the RVs for the Board to consider at a future date. Commissioner Van Beek made a motion to uphold the decision of the P&Z Commission and deny the appeal for Case No. CU2022-0007-APL for Symms Fruit Ranch, noting the enhanced reasons for denial on Condition No. 3, 4, 7, and 8, and to refine the reasons on how to move forward with reducing density and increasing the agritourism components of this proposal, as well as including public testimony in response to findings of fact no. 8. The motion was seconded by Commissioner Smith. Commissioner White was opposed to the motion to deny. The motion carried by a two-to-one split vote. The RVs will come back to the Board at a later date. Commissioner Smith read into the record the request for reconsideration/judicial review procedures. The hearing concluded at 3:05 p.m. An audio recording is on file in the Commissioners' Office.

NOVEMBER 2022 TERM

CALDWELL, IDAHO NOVEMBER 30, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – **Out of office (Participated remotely in the morning)**
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIM

- The Board has approved claim 589994 ADV in the amount of \$55,000.00

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Jordan French, Maint. Tech I; and Kelsey Manwelier, SAUSA Attorney.

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar to be used 12/2/22.
- The Board approved an Idaho Liquor Catering Permit for O'Michael's Pub & Grill to be used 12/10/22.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Riverside Trailers in the amount of \$5,349.00 for the Fleet department
- Best Buy in the amount of \$6,764.80 for the Sheriff's Office
- KVM Switches Online in the amount of \$6,683.31 for the Sheriff's Office
- Dell in the amount of \$34,015.00 for the Sheriff's Office
- Quadient, Inc in the amount of \$22,581.33 for the Information Technology department
- Best Buy in the amount of \$4,082.25 for the Information Technology department
- ESRI in the amount of \$11,340.00 for the Information Technology department
- Oracle America, Inc in the amount of \$1,000.00 for the Information Technology department
- Neurilink in the amount of \$2,714.34 for the Information Technology department
- PEI – Perennial Energy in the amount of \$332,801.00 for the Solid Waste department
- Compressor World in the amount of \$96,164.00 for the Solid Waste department
- Stormedia Spirit Zone in the amount of \$5,232.10 for the Facilities department

DETAILED MINUTES TO COME AT A LATER TIME

Monthly meeting with Directors to discuss general issues, set policy and give direction

- Public Information Officer
- Development Services

Action item: Consider signing a resolution approving a change in job title, job description and salary range of one (1) position in Development Services department (Planner I to Permitting Supervisor)

- Code Enforcement

Action item: Consider signing certificates of noncompliance for zoning/public nuisance violations as follows:

17481 Upper Pleasant Ridge Road (Mark and Virginia Clark) – Zoning and Public Nuisance

12885 Dennis Drive (Frank Skogsberg) – Zoning and Public Nuisance

23941 Freezeout Road (Mark and Mary Guijarro) – Zoning and Public Nuisance
28510 Harvey Road (Lawrence and Edna Logan) – Public Nuisance
21977 Duff Lane (River Bend Ranch LLC) – Zoning
5207 Joe Lane (Candice and Stacy Martin) – Zoning and Public Nuisance
23797 Boehner Road (Matthew and Opal Shaffer) – Zoning
5022 S. 10th Avenue (Thomas Wilson and Lea Knight) – Zoning

- Weed & Gopher Superintendent

MONTHLY MEETING WITH ADMINISTRATIVE DISTRICT JUDGE AND TCA TO DISCUSS GENERAL ISSUES

MONTHLY MEETING WITH DIRECTORS TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

- County Agent
- Parks Department
Presentation of master plan

THE MINUTES OF THE FISCAL TERM OF NOVEMBER 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

DRAFT