

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 3, 2022

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

There were no meetings scheduled this day.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 4, 2022

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

There were no Board of Equalization matters that came before the Board.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Gartner Conference in the amount of \$4,975.00 for the IT Department
- Northwest Power Systems in the amount of \$14,084.86 for the Facilities Department
- CHPWS in the amount of \$1,328.00 for the Sheriff's Office
- NEMO Arms, Inc., in the amount of \$66,156.00 for the Sheriff's Office
- Holosun in the amount of \$5,942.00 for the Sheriff's Office

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change forms for Caroline Kelso, Deputy Coroner

APPROVED TRANSFER OF SICK LEAVE TO VACATION LEAVE; AND VACATION LEAVE TO SICK LEAVE

The Board approved the transfer of sick leave to vacation leave for Scott Gatewood; Barbra Ferre; Aaron Bazzoli; and Demi Etheridge. The Board also approved vacation leave to sick leave for Dawn Pence and Mark Tolman.

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND ACTION ITEMS

The Board met today at 9:02 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. Zach Wesley, Deputy P.A. Oscar Klaas, Director of Juvenile Detention Sean Brown (left at 9:14 a.m.), Interpreter Coordinator Grace Almeida (left at 9:12 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Independent Contractor Agreements for Interpreter Services with Amine Elfajri, Lina De Guzman Ferrer, Mercedes Lupercio and Sign Language Interpreter Services with Deborah Arment:

Ms. Almeida said that last year they did over 4000 interpreter cases/events and provided an overview to the Board of the work her department does and the way they operate. Most of these contracts are new interpreters and Mr. Wesley said they are standard contracts. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the independent contractor agreements for interpreter services with Amine Elfajri (see agreement no. 22-112), Lina De Guzman Ferrer (see agreement no. 22-113), Mercedes Lupercio (see agreement no. 22-114) and Sign Language Interpreter Services with Deborah Arment (see agreement no. 22-115).

Consider signing Memorandum of Agreement between Ada County, Southwest Idaho Juvenile Detention Center, and Idaho State Department of Juvenile Corrections for FY 23:

Director Brown explained this agreement has been in place for several years in order to provide housing in case of emergency at the juvenile detention center. This is a renewal agreement and the same terms as prior years. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Memorandum of Agreement between Ada County, Southwest Idaho Juvenile Detention Center, and Idaho State Department of Juvenile Corrections for FY23 (see agreement no. 22-111).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:15 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. Zach Wesley and Deputy P.A. Oscar Klaas. The Executive Session concluded at 9:53 a.m. with no decision being called for in open session. After the executive session it was noted for the record that Mr. Wesley will speak with Development Services staff about ordinance language regarding spot zoning. The meeting concluded at 9:53 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MEETING WITH THE CITY OF MIDDLETON AND THE MIDDLETON URBAN RENEWAL AGENCY
REGARDING THE PROPOSED EAST URD PROJECT LIST AND DRAFT PLAN REVIEW

The Board met today at 10:07 a.m. with the City of Middleton and the Middleton Urban Renewal Agency regarding the proposed East URD Project List and Draft Plan Review. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, Middleton City Clerk Becky Crofts, Attorney Meghan Conrad, Attorney Abbey Germain, Chief Deputy Sheriff Marv Dashiell, Controller Zach Wagoner, Chief Deputy Assessor Joe Cox, Steve Fultz, Mark Wendelsdorf, and Deputy Clerk Monica Reeves. Today's meeting was intended to be a classification workshop and a PowerPoint presentation was given which summarized the project list that will be the foundation of the what the district will do.

Class 1 – Highest Priority:

Middleton Road Corridor

Class 2 – Priority Projects: *Funded with Revenue Projections*

Water Utility Loop beneath Boise River

Recycle Water Treatment Equipment and Initial Distribution Pipes

High Pressure Natural Gas Extension

Class 2A – Priority Projects: *Likely to be within Revenue Projections*

River Walk Park Initial Development

Class 3 – Key Projects: *Possible if revenues exceed expectations*

Hawthorne & Crane Creek Area

Riverwalk Park Expansion

Class 4- Projects: *Unlikely to be funded*

City Shops

Boise River Bridge

Duff Intersection

Recycle Water Distribution Piping Expansion

Various Utility Improvements

River Walk Park – Final Expansion

Class 5 – Low Priority Projects:

Regional Power Grid Upgrade

Boise Street Reconstruction

Water, Sewer, Roads, and Trails within Project Development Areas

Additional Trail System

There is \$85 million in the project and if the area performs the way the city anticipates they will be able to complete Class 1, Class 2 and Class 2A projects, as well as possible Class 3. Meghan Conrad gave a brief overview of the draft urban renewal plan. The City will meet with the Board

again on October 21st to ask the Board to consider approving the transfer of power ordinance and intergovernmental governmental agreement for roles and responsibilities. The documents have been provided to the attorneys for review. No Board action was required or taken as today's meeting was held for information purposes only. The meeting concluded at 10:32 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY ZACH AND LELA BROOKS FOR A CONDITIONAL REZONE FROM AN "A" (AGRICULTURAL) ZONE TO A "CR-R-R" (CONDITIONAL REZONE – RURAL RESIDENTIAL) ZONE, CASE NO. CR2022-0004

The Board met today at 10:37 a.m. to conduct a public hearing in the matter of a request by Zach and Lela Brooks are requesting a conditional rezone of Parcel R28940013 &13A from an "A" (Agricultural) Zone to a "CR-R-R" (Conditional Rezone – Rural Residential) Zone. The request includes a development agreement. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planning Official Dan Lister, Zach Brooks, Lela Brooks, Heidi Beers, and Deputy Clerk Monica Reeves. Commissioner White said she was not present for the previous hearing but she has read the minutes and the information on the case. Commissioner Van Beek said Zach Brooks asked her a procedural question and she referred him to Dan Lister; there was no discussion that would disqualify her from making a decision on this case. Dan Lister gave the oral staff report. The 10.71-acre property is located at 4102 Dye Lane, Kuna. On July 20, 2022, the Hearing Examiner recommended approval of the request subject to the conditions of the development agreement. On August 30, 2022, the Board of County Commissioners' motions failed ending in a tied vote and since it was a de facto denial and no decision was made the case had to be re-noticed for another hearing because the de facto denial was different than the Hearing Examiner's recommendation. Dan Lister gave the oral staff report. Zach Brooks is requesting to divide the property into two 1.5-acre lots with the remainder staying in agriculture and it would connect to the existing parcel where Lela Brooks currently resides. The request includes limiting development to no more than primary dwellings, no secondary dwellings and no further divisions other than what is being requested. The request creates a 3.75-acre average lot size and it would have to go through the platting process. The property is within Nampa impact area and the future land use map designates it as residential. One property owner does not like the location of the one of the 1.5-acre properties and wants it relocated elsewhere. The City of Nampa submitted a letter stating the property is in their low-density residential area and they want 32,000 square foot lots in this location. However, there are no city services near this area and to request those lots in this location would be out of character so staff is not recommending the city's request be included in the development agreement. Staff recommends approval of the request. Zach Brooks said the proposal is a good compromise between what the City of Nampa wanted with high density and with the land remaining completely agricultural. An existing parcel is 1.48 acres and that's where they came up with the proposal for two 1.5-acre parcels. He testified about the driveway that serves the properties and the road users' agreement which he plans to sign. The current farmer plans to continue farming the 7.7 acres. Mr. Brooks' sister has not yet decided if she will move to one of the parcels and so it will remain in hay until she decides; the secondary parcel will not be sold, it will be reserved for family. Mr. Brooks plans for his parcel is to have a hobby farm. Heidi

Beers testified she supports her brother's request. She does not know how long it will be before she moves there, but it will stay farmland until that time. Lela Brooks supports the request and offered testimony regarding the easements that serve the property as well as their plans to have a hobby farm. 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 is an easy case to decide as it's a good use of the land and it's for family. Commissioner Van Beek supports the Hearing Examiner's recommendation of approval. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve request by Zach and Lela Brooks for a conditional rezone of Parcel R28940013 &13A from an "A" (Agricultural) Zone to a "CR-R-R" (Conditional Rezone – Rural Residential) Zone. The signed FCO's, Ordinance and Development Agreement are on file with this day's minute entry. (Ordinance No. 22-021; and Agreement No. 22-116.) The hearing concluded at 11:10 a.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 5, 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 588411 to 588452 in the amount of \$101,861.03
- The Board has approved claims 588453 to 588511 in the amount of \$157,559.61
- The Board has approved claims 588512 to 588528 in the amount of \$17,691.01
- The Board has approved claims 588651 to 588692 in the amount of \$39,793.21

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 9:04 a.m. to consider agenda items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley (left at 9:18 a.m.), Clerk Chris Yamamoto, Controller Zach Wagoner, Elections Supervisor Haley Hicks (left at 9:18 a.m.), Elections Specialist Robin Sneegas (left at 9:18 a.m.), Elections Specialist Aiden Lorenz (left at 9:18 a.m.), HR Director Kate Rice, Compensation/Benefits Manager Bosco Baldwin, TCA Jamie Robb and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Consider signing a Resolution Designating Polling Locations for the November 8, 2022 Election: Ms. Hicks said that there are some additional locations that have been included in the list and provided a review of the locations that have been added and/or are replacement locations. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted

unanimously to sign the resolution designating polling locations for the November 8, 2022 election (see resolution no. 22-203).

Consider finalizing FY2023 salaries for fulltime and part-time personnel: Controller Wagoner explained that with 900 fulltime positions maintaining the spreadsheet is a very fluid situation and since September 15th when resolution no. 22-188 was signed there have been several changes. He said they took the most current information and applied FY2023 principles for the most accurate representation which includes the 9% increase for part-time personnel. This secondary resolution will supersede resolution 22-188 for the most amount of transparency and cleanest audit trail. Mr. Wagoner said that all amounts are well within the approved amount, are funded and sustainable. He feels this is an investment in the community and valuable personnel. Commissioner Van Beek's questions regarding corrections to lead and specialty pay and years-in-place were addressed by Mr. Baldwin and Mr. Wagoner. Commissioner Van Beek requested a spreadsheet showing percentage changes fiscal year to fiscal year. Commissioner Smith asked Controller Wagoner to add a language to the resolution noting that this resolution will supersede 22-188 signed on September 15th in order to avoid any confusion.

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

EXECUTIVE SESSION – PERSONNEL MATTERS

Commissioner White made a motion to go into Executive Session at 9:36 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, 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, Clerk Chris Yamamoto (left at approximately 10:00 a.m.), Controller Zach Wagoner, HR Director Kate Rice, Compensation/Benefits Manager Bosco Baldwin and TCA Jamie Robb. The Executive Session concluded at 10:41 a.m. with no decision being called for in open session.

At the conclusion of the executive session Commissioner Smith noted that one position was discussed and that there is still some work to be done in order to confirm market analysis of the position discussed. Controller Wagoner informed the Board that the requested language has been added to the resolution. Commissioner White made a motion to sign the resolution finalizing FY2023 salaries for fulltime and part-time personnel. The motion was seconded by Commissioner Smith. A vote was taken with Commissioners White and Smith voting in favor of the motion and Commissioner Van Beek voting in opposition. The motion carried in a 2-to-1 split vote (see resolution no. 22-204).

Reschedule public hearing to consider the preliminary plat (including irrigation and drainage) for Bella Toscana Subdivision No. 3: The hearing was originally scheduled for September 9, 2022 but was continued to today's date. Last week, DSD staff requested another continuance in order to gather additional materials. Commissioner Van Beek made a motion to continue the hearing to

October 11, 2022 at 10:00 a.m. the motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 10:43 a.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 6, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Sabrina Minshall, DSD Director.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Copper Alibi Sports Zone LLC to be used 10/22/22.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- W2W Flooring in the amount of \$27,207.22 for the Facilities Department
- Smith's Lawnmower Sales in the amount of \$16,622.00 for the Facilities Department
- Sun Belt Controls in the amount of \$4600.00 for the Facilities Department
- Pro Vision in the amount of \$22,840.33 for the Sheriff's Office
- National Business Furniture in the amount of \$6726.00 for the Sheriff's Office
- Axon Enterprise in the amount of \$8377.00 for the Sheriff's Office
- Dell in the amount of \$30,148.96 for the Sheriff's Office
- Dell in the amount of \$24,892.38 for the Sheriff's Office
- Premier Wireless in the amount of \$28215.00 for the Sheriff's Office

APPROVED CLAIMS

- The Board has approved claims 588529 to 588549 in the amount of \$15,174.00
- The Board has approved claims 588550 to 588565 in the amount of \$13,061.00
- The Board has approved claims 588566 to 588609 in the amount of \$82,463.87
- The Board has approved claims 588610 to 588650 in the amount of \$144,866.88

- The Board has approved claims 588651 to 588692 in the amount of \$39,793.21
- The Board has approved claims 588693 to 588703 in the amount of \$443,149.68
- The Board has approved claims 588704 to 588730 in the amount of \$106,434.68
- The Board has approved claims 588731 to 588745 in the amount of \$10,070.03
- The Board has approved claim 588746 ADV in the amount of \$546,692.00
- The Board has approved claim 588747 ADV in the amount of \$1,413.17

MATTERS RELATED TO MEDICAL INDIGENCY

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

Per the Clerk's statement of findings, case no. 2022-521 does not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue an initial denial with written decision in 30 days.

The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2022-502

The Board met today at 9:02 a.m. to conduct a medical indigency hearing for case no. 2022-502. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Attorney Mark Peterson on behalf of St. Luke's, Michelle Torres with St. Luke's and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the case to December 8, 2022. The hearing concluded at 9:09 a.m. An audio recording is on file in the Commissioners' Office.

MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:11 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Neither the hospital nor the applicants appeared for case nos. 2022-494 and 2022-499 and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue final denials with written decisions within 30 days.

The meeting concluded at 9:12 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:04 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Sheriff Kieran Donahue, CCSO Admin Bunny Malmin, PIO Joe Decker and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider Signing Resolution Awarding Officer's Badge and Duty Weapon to Chief Deputy Sheriff Marv Dashiell Pursuant to Idaho Code § 31-830: Chief Dashiell will retire the 17th of October and Sheriff Donahue spoke to his impact on CCSO for the past 32 years with an additional 3 years at Washington County Sheriff's Office. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution awarding officer's badge and duty weapon to Chief Deputy Sheriff Marv Dashiell pursuant to Idaho Code § 31-830.

The meeting concluded at 10:08 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO REVIEW CODE ENFORCEMENT CASES

The Board met today at 11:03 a.m. to review code enforcement cases. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Code Enforcement Officer Eric Arthur and Deputy Clerk Jenen Ross. Mr. Arthur said the cases presented today are well over a year old and still out of compliance. By the Board signing the Certificates of Non-Compliance and them being recorded it notifies any potential buyers or lenders that there is a code enforcement issue on the property. Pictures and details of the following address were provided by Mr. Arthur to the Board.

- 20256 Allendale, Wilder
- 25724 Fern Ln, Wilder
- 11488 Flamingo, Nampa
- 39 S. Pit, Nampa
- 1508 Powerline, Nampa
- 16947 Locust Ln, Caldwell
- 19586 Hillview Ave, Caldwell
- 27999 Old Hwy 30, Caldwell
- 4404 E. Locust Ln, Nampa
- 5202 Howard Ln, Nampa

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign certificates of non-compliance on the addresses as discussed. In addition to

the certificates of non-compliance being issued on the 27999 Old Hwy 30 and 4404 E. Locust Ln. addresses the Board is supportive of infractions being issued.

The meeting concluded at 11:30 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER OCTOBER 6, 2022 ACTION ITEMS

The Board met today at 1:18 p.m. to consider the October 6, 2022 action items. Present were: Commissioners Keri Smith and Pam White, PIO Joe Decker, Victim-Witness Coordinator Brandi Clough-Kolka, Lt. Chuck Gentry, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider signing proclamation for Domestic Violence Awareness Month: Joe Decker introduced the proclamation which brings awareness to the month of October being domestic violence awareness month. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to sign the proclamation. Commissioner Smith will read the proclamation at tomorrow's press conference which will be held at Justice Park.

Consider signing a resolution granting a new alcoholic beverage license to Casa Robles and to Valhalla Pub: Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the resolutions granting new alcoholic beverage licenses to Casa Robles and Valhalla Pub. (Resolution Nos. 22-206 and 22-207.)

The meeting concluded at 1:23 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS DSD DIRECTOR'S DECISION REGARDING CASE NO. AD2022-0042/RD2022-0007

The Board met today at 1:30 p.m. to discuss the DSD Director's decision regarding Case No. AD2022-0042/RD2022-0007. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, TJ Wellard, Sheena Wellard, DSD Planning Official Dan Lister, County Engineer Devin Krasowski, and Deputy Clerk Monica Reeves. TJ Wellard requested the meeting to discuss an where the Melba Fire District is essentially using the international fire code to put requirements onto a private road and telling new property owners they cannot get a building permit because the road did not meet standards. He had previously sent an email which summarized the issue as follows: A project went through the administrative land division application process which necessitated private roads and a private road application. The land division and private road applications were approved with no comment from Melba Fire District. Thus, over \$60,000 was spent to build a private road that exceeded Canyon County ordinance standards. This road was certified by an Idaho licensed professional engineer. The parcels were sold and land owners attempted to pull building permits. During this process the Melba Fire Department told those landowners the roads were not built to the fire district standards and they would not give approval

for the building permit or certificate of occupancy until the access was built to International fire code standards. Now there are land owners who think they were duped by both the County and the seller of the parcels, when that is not the case at all. Dan Lister said the County's code regarding private roads and requirements, 07-10-03(2), states fire district road requirements through a construction of driveways and private road longer than 150 feet from the public street right-of-way line to the most distant portion of the inhabited building must be approved in writing for the applicable fire district. The timing comes down to when we require evidence which goes back to 07-10-03(3)(b) which is inspection of certification: a driveway or private road must be constructed prior to final inspection of an inhabited building. The construction of driveways longer than 150 feet from public street right-of-way to the most distant portion of the inhabited building and private roads shall be inspected and certified by the applicant's engineer prior to obtaining a certification. If we go back to the approval it states that notice was provided to Melba Fire District and the highway district, and Melba Fire disapproved. In this case, the applicant built the road at 20 feet, but the fire district is asking for 26 feet and will deny it because it doesn't meet their requirements. Discussion ensued regarding road standards, the process for review, the international fire code, state code exemptions, and the intent of the County code. Commissioner Smith said the Board needs to follow up with an ordinance amendment to address the issue raised by Mr. Wellard, and it can be documented in the minutes that we have complied with our road width requirements, we have an engineer's report that complies, and state code exempts parcels that are five acres or more for access. Sheena Wellard said section 07-10-03(b) needs to be amended because it says two different things. The Wellards and DSD staff have different interpretations of the section; DSD staff believes if it's over 150 feet long or a private road it requires a certification. If it's over 150 feet, staff would ask the fire district if they checked on it and staff wants proof of approval. Mr. Lister said in 07-10-03(2) we can add "unless exempt through state law", or add our own exemptions per state law. If the comprehensive plan is approved the section could undergo a massive update. Commissioner Smith wants to visit with legal counsel and compare the two different paragraphs and then provide something in writing to Mr. Wellard for the property owners with at least a recommendation. Commissioner Van Beek said subsection 2 is the problem and she would like the Board involved in the discussion and for staff to own their ideas for it. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the meeting to October 7, 2022 at 9:00 a.m. so the Board can discuss the issue with legal counsel. The meeting concluded at 2:12 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 7, 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. 2301

The Board approved payment of County claims in the amount of \$3,548,357.36 for a County payroll.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change forms for Chandra Guillen, Legal Assistant; Alberto Ortega, Deputy Public Defender I; and Kristin Elam, Juvenile Detention Officer.

APPROVED TRANSFER OF SICK LEAVE TO VACATION LEAVE

The Board approved the transfer of sick leave to vacation leave for Deborah Lowber.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Acapulco Mexican Restaurant to be used 10/29/22.

EXECUTIVE SESSION PURSUANT TO IDAHO CODES §§74-206(1)(C) AND 74-206(1)(D) REGARDING ACQUISITION OF AN INTEREST IN REAL PROPERTY AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 9:04 a.m. pursuant to Idaho Code, Section 74-206(1) (c) and (d) regarding acquisition of an interest in real property and records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Oscar Klaas, Sheriff Kieran Donahue, Chief Deputy Sheriff Marv Dashiell, Chief Deputy Sheriff Doug Hart, Cpt. Mike Armstrong, Facilities Director Rick Britton and Controller Zach Wagoner. The Executive Session concluded at 9:43 a.m. with no decision being called for in open session.

DETENTION CENTER INSPECTION CONDUCTED

The Board conducted a quarterly inspection of the detention center. The Board evidenced proper care and security and the inmates' welfare throughout the facility. General grievances were filed and have been processed in accordance with standard procedures.

ACTION ITEM - SIGN NOTICE OF LIEN FOR PROPERTY ABATEMENT: 221 AMBER STREET, CALDWELL, IDAHO

The Board met today at 1:03 p.m. to consider signing a notice of lien for abatement for property located at 221 Amber Street in Caldwell. Present were: Commissioners Keri Smith and Pam White, and Deputy Clerk Monica Reeves. The abatement work was completed on October 5, 2022 for a cost of \$4,580. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the notice of lien. The meeting concluded at 1:04 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 11, 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 PURCHASE ORDERS

The Board approved the following purchase orders:

- 1,000 Bulbs in the amount of \$4,823.28 for the Facilities Department
- Novelty Lights in the amount of \$2,695.00 for the Facilities Department
- 3iD Management in the amount of \$2,814.50 for the Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change forms for Curtis Graves, Deputy Judicial Marshal; and Richard Lattin, Deputy Judicial Marshal.

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 9:06 a.m. to consider agenda items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, DSD Planning Official Dan Lister, Associate Engineer Devin Krasowski, Assistant Parks Director Laura Barbour (left at 9:09 a.m.), Facilities Director Rick Britton (left at 9:09 a.m.), Chief Deputy P.A. Aaron Bazzoli (left at 9:12 a.m.), TJ and Sheena Wellard (left at 9:24 a.m.), DSD Planner Elizabeth Allen (joined at 9:57 a.m. and left at 10:02 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Public hearing to receive comment regarding the sole source procurement for the construction of a Mezzanine Addition to the Canyon Crossroads Transportation Museum at Celebration Park: No comments were received.

Consider signing an agreement with Veritas Maintenance for the construction of the Mezzanine Addition to the Canyon Crossroads Transportation Museum: There has been an effort for several years to find a contractor for this project and Veritas Maintenance recently came forward as a contractor who can do this work. It is an estimated 30-day completion. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the agreement with Veritas Maintenance for the construction of the mezzanine addition to the Canyon Crossroads Transportation Museum (see agreement no. 22-117).

Consider signing Legal Notice of Entering into Personal Services Contract with: Jay Kiiha, Bethany Haase, Ali Perkins, Aaron Hooper, Jolene Maloney, Paul Taber, Joshua Taylor, Kevin Shupperd, John Kormanik, Rondee Blessing, and Krista Howard to provide legal services for representation of conflict cases assigned by the Courts under the supervision of the Chief Public Defender; Delia Gonzalez and Maria G. Escobedo-Gonzalez to provide court interpreter services; and Heather Carrizales to perform duties of project coordinator for substance abuse disorders system: These are contracts that are automatic annual renewals. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the legal notices of entering into personal services contracts with the above named.

Meeting to discuss DSD Director's decision regarding Case No. AD2022-0042/RD2022-0007: Mr. Lister provided a background of the situation in regard to the already constructed road width. Mr. Wellard read from the international fire code and spoke about an email he received from Mr. Hoagland at the fire district.

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 9:24 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding 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. Alex Klempel, Deputy P.A. Zach Wesley, DSD Planning Official Dan Lister, Associate Engineer Devin Krasowski. The Executive Session concluded at 9:57 a.m. with no decision being called for in open session.

Commissioner Smith directed DSD staff to contact the fire district for a possible solution to the road width issue. Additionally, staff has been directed to propose an amendment to the ordinance that is less conflicting and clearer for the public to understand.

Consider signing Findings of Fact, Conclusions of Law and Order for Case No. RZ2021-0060: Elizabeth Allen explained these findings are for a final denial of this case. She said there were changes

addressing the traffic impact and the character of the area based on discussion at the previous hearing. Commissioner Van Beek made a motion to approve the FCOs as presented. The motion was seconded by Commissioner Smith and carried unanimously.

Discuss making appointments and reappointments to the Canyon County Planning and Zoning Commission and consider signing a resolution reappointing Harold Nevill to the Canyon County P&Z Commission: Commissioner Smith said Mr. Nevill filled a term when he was appointed which ran from January 2022 to December 2022. Mr. Nevill has since requested to be appointed to a 4-year term and Mr. Lister spoke about his contribution to the P&Z Board. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution reappointing Harold Nevill to the Canyon County P&Z Commission (see resolution no. 22-208). Commissioner Smith said there is one open position on the Board and she would like to see some recruitment and to have the position posted. Discussion ensued regarding more diversity on the Board in terms of both gender and residency.

The meeting concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER THE PRELIMINARY PLAT (INCLUDING IRRIGATION AND DRAINAGE) FOR BELLA TOSCANA SUBDIVISION NO. 3

The Board went on the record today at 10:09 a.m. to go on the record and continue the hearing for the preliminary plat (including irrigation & drainage) for Bella Toscana Subdivision No. 3. Present were: Commissioners Keri Smith and Leslie Van Beek, and Deputy Clerk Jenen Ross. The case was tabled from a previous date to allow staff additional time to work through some of the issues, and after reviewing the staff report the applicant has requested additional time. The Board decided not to table the case to a date certain, but to re-notice it for a new hearing date. The County will cover the renotification costs. The meeting concluded at 10:10 a.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 12, 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 Jonathan Herrick, Deputy Sheriff – CID; Darr Anderson, Deputy Sheriff – Patrol; Scott McDonald, Deputy Sheriff – CID; Shonelle Dutcher, Customer Service Specialist – Booking; Bryce Moore, Sergeant – CCNU; Sean Weigelt, Sergeant – Patrol; Stephen Craig, Corporal – Patrol; Isaac Hodges, Corporal – Patrol; Douglas Schofield Hart, Chief Deputy.

PUBLIC HEARING TO CONSIDER A REQUEST BY TROOST FAMILY LIVING TRUST FOR A REZONE, CASE NO. RZ2021-0035

The Board met today at 9:05 a.m. to conduct a public hearing in the matter of a request by Troost Family Living Trust is requesting a rezone of approximately 34.96 acres from an “A” (Agricultural) zone to a “C-2” (Service Commercial) zone. The subject property, parcel no. R32938010A, is located on the west side of Riverside Road, approximately 424 feet south of the intersection of Karcher and Riverside Road in Caldwell. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planning Official Dan Lister, David Leroy, Greg Bullock, Jeannette Bullock, Penelope Constantikes, TJ Wellard, Mark Wendelsdorf, John Kernkamp, L.V. (Buzz) Beauchamp, Russ Taylor, Cheyne Weston, Maryann Larson, Heather Bingham, Jeff Overton, April Hoadley, and Deputy Clerk Monica Reeves.

Commissioner Smith asked Commissioner Van Beek if she has any conflicts to disclose given that her attorney, David Leroy, is representing the applicant in this case. Commissioner Van Beek said she does not have a financial interest in this project or property. Mr. Leroy on occasion serves as counsel for her but that has nothing to do with this case nor have they discussed this case and she does not have a conflict of interest in that respect. David Leroy said he is appearing as an advocate for the appellant and he has never discussed this particular proposition, application, or issue with his client with whom he occasionally consults on public policy matters. He has never discussed anything of this type with Commissioner Van Beek or any other member of the Commission.

Dan Lister gave the oral staff report. At the time of submittal, the applicant signed a disclosure declining a conditional rezone. The land use matrix for this zone has over 21 uses in a C-2 zone that are prohibited in the agricultural zone and approximately 18 that are allowed where it requires a conditional use permit in the agricultural zone. He reviewed the uses that could be allowed by the application. The applicant is proposing an RV park that will include a community well and sewer system that will provide 203 RV sites with a check-in office, clubhouse and pool, pavilion, unisex washrooms, dog park area, and a pickleball court. He said without a conditional rezone with development agreement we cannot condition this use, this site plan, the features, or the services that are proposed so we have to look at the full spectrum of the uses the C-2 zone would allow. An RV park is allowed subject to a conditional use permit (CUP) in an agricultural zone. The applicant submitted a CUP on October 20, 2021, but withdrew it in December of 2021 to pursue this application instead. The property was divided in February 2021 without going through a land division application and therefore the property currently is in violation. Mr. Lister reviewed land uses and zoning designations in the area as well as agency comments and public comments. The case was heard by Hearing Examiner on March 17, 2022 and he recommended

denial of the request and staff recommends denial of the application as well. Following Mr. Lister's report, he responded to questions from the Board.

The following people testified in support of the request:

David Leroy, the attorney representing the applicant, said the parcel has some very unique characteristics that make it a de facto commercial area. As to the intersection, it is the gateway to the Sunnyslope Wine Trail, and is the access to the head of the dam and the road across the dam. It is a parcel that is now and will remain increasingly in the future important to the agritourism of this particular area. The zoning requested seeks to make it consistent with the comprehensive plan map (both the future and current plans) although the Hearing Examiner had some arguments about it being inconsistent with the policies. Existing uses in the area include the Lakeview Fruit Stand which also has a drive-thru coffee stand; a gas station; an RV park and former restaurant; and a mini-storage facility. The area also includes commercial zoning on the south side of Karcher Road. Mr. Leroy said the Hearing Examiner worked hard to find reasons that this zone change would be inconsistent with the spirit, or the purpose, or the concept of the agricultural uses in the area, but that effort falls short if you note what is going on and what will be going on in terms of the gateway to the Sunnyslope Wine Trail and the 14 wineries in the immediate area and in that regard the concept of an RV park is appropriate and enhances the agricultural uses in the area because it encourages their usage. Mr. Leroy reviewed the criteria the request complies with and said they do not anticipate the proposal having a significant impact on services, and it will have a manageable impact on traffic with ITD heavily regulating the north side of the parcel in terms of their expansion to five lanes and their requirement for an easement that will minimize the size of the project. The project will fit nicely into the agritourism concept and is compatible with the commercial uses on Riverside Road. Following his testimony, Mr. Leroy responded to questions from the Board.

Penelope Constantikes offered testimony regarding trip generation numbers and well data. The Sunnyslope RV Resort traffic impact study that was prepared by CR Engineering indicated that 105 slots would generate 256 trips over the course of a day, with 2.44 trips in a 24-hour period. She testified that static water levels are around 80 feet. Following her testimony, she responded to questions from the Board.

Greg Bullock testified about the high-end projects he's been involved with and how the primary objective is compatibility. They looked at this parcel because the comprehensive plan map called for this property to be commercial; it did not call for a commercial use with a conditional use attached to it and based on that the applicant purchased this land from Mr. Loucks and intended to go forward with the highest and best use. He cannot think of a better use than an RV resort at this location with the lake being ½ mile away and the highway leading to Sunnyslope. They first applied for a conditional use per the recommendation of a planner in DSD and who believed staff would approve it. Two weeks before their original hearing date they were shocked to see that staff was recommending denial and so they met with the planner who said it was mainly because of the agricultural use and because it does not have compatibility. Mr. Bullock withdrew the application and came back with a straight rezone as per the comprehensive plan and they are here

today with the intent to do the RV resort. A feasibility study was completed for an RV resort that said there is a very high demand for resorts, and you do not get that designation without having certain qualifications within the location, such as a clubhouse, swimming pool, dog park, a complete drive-thru site, and the RV's cannot be older than seven years old. The main qualification between an RV park and an RV resort is there are no residences in a resort. They have 1.9 acres of surface water rights; they have a subsurface well that services the property and they plan to convert it to potable water. They can supply an onsite waste water treatment plant to take care of the sewage issue based on the state's allotment for water retention. Although the plans call for 204 units, they will be lucky to get 150 by the time ITD takes what it needs and the sewer plant takes what they need for water retention. This is matter of private property rights and the owners are asking for what has already been decided upon for this site. Following his testimony, Mr. Bullock responded to questions from the Board.

TJ Wellard testified that the traffic issues already exist and you cannot put current issues on the person who's proposing a new project; the project will take steps to mitigate the issues that the project itself is creating but it cannot fix what the state or the highway district have not addressed. Without water this ground will not be farmed; the site has 1.95 acres of surface irrigation water available and that means 33 acres are being watered by groundwater. Agricultural use that takes the groundwater is going to far exceed what an RV resort is going to use. Mr. Wellard spoke of the site characteristics; he does not believe the project will interfere with the agricultural uses in the area. Following his testimony, he responded to questions from the Board.

The Board took a recess from 10:32 a.m. to 10:41 a.m.

Neutral testimony was offered by Mark Wendelsdorf who said the fire code will address a number of the issues as the development process moves along. The concern of the Caldwell Rural Fire District is that these are mobile residential units that are comingling and they have the same impact on the district whether they stay 3 days or 45 days. The initial impact of this should be considered with the impact fees and whatever number of units they end up with should be assessed the impact fees for a residential unit. They have some concerns about wind-driven fires jumping from one RV to the next. They will develop a response protocol should a fire come in; the main concern is the unknown number of potential car wrecks and medical calls.

The following people testified in opposition to the request:

John Kernkamp testified that farmland properties are regularly aerial sprayed for pesticides and planes fly close to the ground at 2:00 a.m. and he questioned if those who park RVs are going to be pleased with that. The nitrate issue is a big problem because the addition of 200 RVs constitutes 200 homes that are going to create the equivalent use of water and sewage. DEQ says there is no known way to filter nitrates out of groundwater; the only recourse is bottled water. There should be a condition that if the owners ever apply to have it be a permanent RV park it should trigger the requirement for dismantlement. He believes background checks should be done on people who stay on the grounds.

Buzz Beauchamp is a fire commissioner for Caldwell Rural Fire District which covers this area, and he is commenting as a resident of the area. The commercial use is miniscule compared to the subject property and he believes this project is putting the cart before the horse and until Highway 55 is realigned and improved this project should be denied due to the density and unanswered questions. The fire district is suffering because of HB389 which has limited their ability to get revenues to cover what they are responsible for. If RV's are thought of as mobile home units, where is their property taxes because it creates an additional burden to the fire district. Growth should pay for itself. The application should be denied until Highway 55 is improved and adequate traffic studies can be made.

Russ Taylor is a traveler who is familiar with luxury RV resorts and he has a problem with the location of this proposal due to traffic safety concerns in the area and the difficulty with accessing Highway 55 and Riverside Road with an RV. The request should be postponed until the highway is done.

Cheyne Weston said there is a small vineyard and winery in the area near the lake. There are not enough conditions on this project and without a conditional rezoning it's the wrong process. He sees neighborhood commercial zones outside the area of impact being proper but he doesn't see large C-2 zones without conditions being allowed outside the impact area and that's his biggest concern besides the traffic. The request should be for a conditional rezoning.

Heather Bingham said there are traffic issues, and it seems the proposed project is being shoved into a criteria. She wants the area to stay in agriculture. She is not opposed to an RV park but doesn't believe this is the site for one.

Rebuttal testimony was offered by Greg Bullock who said a lot of money, time and effort were put into the comprehensive plan map and this area was designated as proposed commercial. Approval today does not give a blank check; all of the conditions people are concerned about, primarily traffic, will be mitigated with ITD. We cannot go forward without the approval of ITD or the highway district and they will not allow the applicant to build something that is a traffic hazard. He does not understand why it's the property owner's job to fix transportation problems. It is the job of ITD and the highway district to determine what is to be done to allow this to go forward. There will be a development agreement for this project. He asked who there can be agritourism if people aren't going to have a place to park their RVs. He asked the Board to go along with the comprehensive plan recognizing it's not a blank check, and grant what is proposed. The applicable agencies will mitigate the requirements and if it's too expensive then the applicant cannot do it. Following his testimony, Mr. Bullock responded to questions from the Board.

Commissioner Smith said we need an RV resort of this type; however, we need developers that will agree to a development agreement and site those resorts where they are free from causing additional impacts on services and taxpayers. RV resorts and campgrounds sometimes cause negative impacts to surrounding properties and public services and that's why conditional rezones are important. She said the comprehensive plan is a guide, it's not an entitlement or a property right.

Mr. Bullock said according to staff the proposed zone change is consistent with the 2020 future land use map, however, it is not consistent with the goals and policies contained within the 2020 comprehensive plan. He questioned how that can be said when the designation is there. Commissioner Smith said the comp plan is a guide and staff looks at the map, the text, and what is proposed and provide an analysis. Mr. Bullock asked if they can stay with the zoning proposal if the applicant agrees to a development agreement?

Commissioner Van Beek does not want to consider that offer because that material change in the application would present a basis of favoritism and it would be unfair to the other applications that have been denied. There was further discussion about agencies and issues within the system that need to be fixed. Commissioner Smith said it goes back to a conditional rezone and allowing an opportunity for him to submit a full development plan that the applicant will agree to and the agencies can assess those impacts and make their recommended conditions and it can be heard by the public.

Dan Lister said the applicant did not agree to any of the conditions and that's why staff recommended denial. It is currently zoned agricultural, and they don't have to change the zone to have an RV park. They did not agree to conditions and they changed their application to a C-2 zone so it wouldn't be conditioned. Staff's Finding "A" does not say *is the proposed zone and change consistent with the future land use map of the comp plan*; it says *is it generally consistent with the comp plan in whole*, and that's why they look at the goals and policies and not just the map. A transitional area like this where there are multiple uses that could impact that area, but the applicant did not address that, they only addressed the RV park and that's why staff wouldn't make those findings.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to call public testimony. Commissioner Van Beek said she is not able to move forward with the application as presented given the ITD expansion that's needed along Karcher Road/Highway 55. There is a need for traffic mitigation and road is in need of improvement. She has issues with the load for the RV park; there is one that's proposed and maybe that's the place for it on the west side of Sunnyslope where they can develop it out and they have other plans that incorporate agritourism. A straight rezone does not provide adequate boundaries or mitigation for the necessary mitigation. Location is an issue for her. She does not support the application. Commissioner White said we cannot expect developers to fix ongoing problems and it's not an option to say we are done growing so we have to be careful with what we expect developers to pick up. There are commercial uses in the area and she believes it's a needed use with all of the vineyards and wineries. We cannot ask the developers to take care of what is there, but we can condition on a conditional aspect to shore up safety concerns. She said it's a nice concept, but it's probably not a luxury RV resort. Commissioner Smith agrees there is a need for RV resorts, and she is happy to help with a future application, but this is a case that needs a development agreement or a conditional use permit. Without conditions the C-2 zone does not fit. Commissioner Van Beek said there is responsibility on the part of the development community to share in the cost of roadways that need to be built to accommodate additional growth. She then

made a motion to deny Case No. RZ2021-0035 for the Troost Family Living Trust for a rezone and to sign the FCO's as modified by staff. The motion was seconded by Commissioner Smith. Commissioner White said she is not supportive of the request as it is presented but she believes there are ways to mitigate the dangers and some of the problems without asking the developer to put in a new highway. The motion carried unanimously. The hearing concluded at 12:04 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER THE CANYON COUNTY 2030 COMPREHENSIVE PLAN UPDATE

The Board met today at 1:37 p.m. to conduct a public hearing to consider the Canyon County 2030 Comprehensive Plan Update. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planning Official Dan Lister, DSD Planner Elizabeth Allen, DSD Planner Jenna Petroll, Community Outreach Specialist Tammie Halcomb, Larry Dohse, Bill Verhane, Alyssa Chapman, Janet Northrup, Josie Jensen Erskine, Chris Gross, John Hoadley, Kris Crookham, Chris Emmert, Amy Bitner, Beverly Emmert, Mary Beumeler, George Crookham, Laurie Smith, Theresa Denham, Debbie Cardoza, Laurie Harman, Susan Isaak, Shawn Harman, David Ferdinand, Amanda Stillion, Stevie Wright, Raleigh Hawe, Danny Cardoza, Christy Devanespre, Chanda Rodriguez, Phyllis Indart, John Star, Lowell Fritz, Nikki Albisu, John Sullivan, Justin Parker, Mike Teeter, Alan Mills, Buck Jacobs, Victoria Case, Todd Lakey, Richard Beery, Sarah Arjona, other interested citizens, and Deputy Clerk Monica Reeves. This is the second public hearing to review and consider repealing the Canyon County 2020 Comprehensive Plan and adopting the proposed 2030 Comprehensive Plan. On August 24, 2022, the P&Z Commission recommended approval of Case No. OR2022-0008 with staff's recommended changes and changes requested by the P&Z Commission. On September 26, 2022, a Board majority moved to proceed with approval of Case No. OR2022-0008 with additional changes. The motion passed with Commissioners Smith and White in favor and Commissioner Van Beek in opposition. Today's testimony was as follows:

DSD Planner Elizabeth Allen (mark 5:50 to 42:45) gave the staff report and summarized the changes requested by the Board at the public hearing held on September 21, 2022 and on September 26, 2022. A copy of her summarized report is on file with this day's minute entry. Ms. Allen responded to questions from the Board following her summary.

Public testimony was offered as follows:

Chris Gross (mark 43:47 to 55:25) offered testimony as a third-generation farmer and on behalf of the American Farmland Trust. She submitted a video of a person summarizing the comments of people who are in support of the comprehensive plan and who want to preserve farmland. She submitted over 1,400 postcards from Canyon County residents with responses about the comprehensive plan, and she spoke about the struggles the agricultural industry faces with urbanization, fuel, labor, and other things that come into play.

Janet Northrup (mark 55:47 to 1:05:45) is a part owner of a wine company in the Sunnyslope area and said more people would have been present today if not for the busy harvest season. She

supports the proposed comprehensive plan if the agritourism overlays are integrated back into the plan. DSD staff asked the Sunnyslope Wine Trail to develop an agritourism definition and overlay and she spent hours and hours researching what it looks like in other states, including Napa Valley because it's the classic agritourism overlay. They put together a responsible growth agritourism overlay that outlined a great area for agritourism in the Sunnyslope area. SWT President Craig Davis submitted the agritourism definition and it was put into the plan, and during the last hearing Ms. Northrup spoke in favor the plan and offered additional information on the slopes in west Caldwell because there was some misunderstanding that the slopes were not good soil and would be better for building, but that is incorrect. The slopes are perfect for many different types of agriculture and are perfect for grapes. She emailed the BOCC about the new Sunnyslope AVA – American Viticulture Area – and noted that the wineries and vineyards are located on slopes. After learning that the agriculture overlay was removed she was concerned that it was because of the big builders and out of state builders, like the one who is trying to build a 5,000-seat concert venue on 40 acres belonging to the Symms family. She approves of the plan ONLY if the overlays are put back in and she said the Board needs to have a vision of what the Sunnyslope area could look like and what agritourism could look like. Commissioner Smith said the Board cannot discuss the Symms case because it could come to the Board on appeal.

Todd Lakey (mark 1:06:00 to 1:22:20) offered testimony in opposition to the comprehensive plan on behalf of local contractors and realtors. We are a conservative county in a conservative state and that means less government, lower taxes and the lightest touch of government when it exercises authority over people and their property. We prefer to let individual farmers and landowners decide how best to use their property without preservationist land use designations and practical limitations being imposed in a comprehensive plan. The plan impacts landowners and property rights. It does not establish entitlement, it is not zoning, but it is the primary document that's used to evaluate an application. Most farmers want to keep farming and we should trust them on how to best keep doing what they think is appropriate with their farmland. If you want to protect farmers in their ability to do what they want with their land this comprehensive plan does not support that. Mr. Lakey asked the Board to not approve the proposed plan and take time to allow stakeholder committees to work on specific language, goals, policies, and the action items. We need to respect the farmers' ability to do what's best to do with their ground and have those with that perspective work on this language. He said if the Board moves forward with the plan he submits these comments: the survey asked the question "Should farm ground be preserved?" That's a question to the collective we - and people will say yes but there is no accountability for them with that question. Had questions been asked about paying more in taxes, or, pay so much to purchase farm ground and make sure it stays in farming - the responses to the survey would be very different. Mr. Lakey said he had submitted a second set of proposed changes and he appreciates staff incorporating some of those changes from the first proposals. The group's request is to restore the residential designations in the comprehensive plan future land use map. He referenced the map with yellow areas showing the existing future land use maps are significantly reduced in the proposed future land use map. If the plan is approved, the group requests a balance between those that want to require farmers to keep farming and those that want to have more ability to decide what to do with their land, and in striking that balance they are trying to preserve the prime farm ground. Under property rights,

the group asked the Board to look at a new policy that seeks to reduce government restrictions on individual property rights. It should be more about preserving viable ground. Designation areas that may be appropriate for industrial, commercial, or residential uses conserving prime farmland and other natural resources. It is not the government's job to designate a supply. Incorporate the concept of prime farmland and reincorporate the NRSC definitions of prime farmland because the current definitions weaken those definitions. Two new policies at the end recognize that more site-specific and credible information may be provided regarding soils and property capabilities beyond the general soils maps pertaining to a specific property. Add a new policy recognizing that individual hobby and small-scale agricultural activities on acreage parcels can be productive agricultural uses that provide economic benefit and contribute to the local agriculturally related businesses.

Josie Jensen Erskine (mark 1:22:38 to 1:27:00) supports the proposed comprehensive plan and said the public outreach process resulted in a plan's vision through ideas and sentiment about the future of the County. This visioning statement reflects the desire and need of the community as determined through the planning process and as a result of public outreach process. Ensuring the quality of life for Canyon County residents, preserving agricultural heritage, and planning for a smart growth future through physical and fiscal management. The residents of Canyon County or the collective "we" want to preserve the agricultural heritage, and that is the majority of the people the Board represents, not just the handful that show up that have some type of skin in the game. We have land owned by people, but that land makes up a collective good. First you start with plans and then answers come. The state of Delaware first made a plan and now has a young farmer program where they are putting farmers into that land. This plan has started the process of looking at how to preserve the quality of life that comes from living in an agricultural area, with a very light touch. There is only a handful of people in the room today who will not financially benefit from the collective vision. People fighting against the plan will use terms like *more time, unbalanced, not done, not fully formed, lack of accountability, and inadequate*, because they want the Board to question staff and all of the community partners that showed up for the last three years and attended the planning meetings to create this plan, and they want the Board to believe it does not have the ability to bring forward a comprehensive plan. Ms. Erskine said she wants to be witness to first comprehensive plan in the state of Idaho that makes preserving agricultural heritage the driving force in planning of growth. She asked the Board to approve the plan and put the agritourism and intensive overlays back on the map.

Christy Devanaspre (mark 1:27:01 to 1:27:21) said she agrees with Todd Lakey's testimony.

John Starr (mark 1:27:23 to 1:30:00) testified that works closely with the Symms organization in Sunnyslope, and while housing is one land use in high demand, they reject the conclusion that the only choice is between housing and existing agricultural uses. In chapter 3 - economic development - they would like the Board to focus on conditional uses as permitted uses that require conditions that are reasonable and necessarily in the ag zone so they can do other kinds of things with the land they have, not uses that will be permitted or not. In chapter 4 the overlays are too far in the weeds and they will create more conflict rather than resolution. They are an elegant response to a difficult problem, but they are too much trouble to consider in force and

execute. Focus on land uses and conditional uses and leave the overlays out of the plan. Unless you are an experienced viticulturalist you have no idea what area or acreage will be suitable for grapes. The question for the Board is how are we going to preserve farm ground. The conditional use and the land use process already in place is sufficient to accomplish that because it gives landowners and farmers other choices to support their ag operation.

Mary Beumeler (mark 1:30:19 to 1:34:24) is from a fourth generation Canyon County farm family and she said it's important the decision made today be based on the input of those who live in Canyon County. Out-of-county or out-of-state developers or builders should not have a say in what goes on in our County. She is a member of the National Realtor Association and the Nampa Board of Realtors and she said Mr. Lakey does not represent all members. There was no outreach to realtors asking what they thought of the plan, or what their input would be. All they received was a late email saying please protest the comprehensive plan. She is not opposed to development but said it's important we come together to find solutions and one of those was proposed in the plan and it's the TDR (transfer of development rights) program. This plan does a very good job of preserving our ag heritage and it's important we do so. It does not force anyone to do anything with their land. When someone buys agricultural land they have no right to think it will be automatically rezoned to their benefit because they want to sell to a developer. That has no place in this discussion. There are many industries that depend on open spaces such as the dairy industries, and the beef and livestock industry who need large plots of land to meet industry standards to manage their business. She asked the Board to keep the agriculture overlay and approve the plan now.

Nikki Albisu (mark 1:34:25 to 1:38:25) said there is not enough balance in the plan, it still favors large conglomerate farmers, and it greatly reduces rural residential designations in the transition area. She supports Todd Lakey's comments. The impact area and transition area should not have been reduced, particularly given the housing crisis and especially when 94% of Canyon County is zoned agricultural. The ag sector is strong, and we are producing more food than ever and wasting more food than ever and utilizing farming technology could help to serve and support more food production. It's been said the plan serves as a guide, however, historically requests that are outside of the boundaries of that plan have not and are not approved, and her case is one of those and she was told it would be denied because it's not in the impact area of the future plan, and the plan hadn't even been approved when she filed her application. Please do not approve the plan – it's not right, it's not ready. She and her husband farm over 100 acres and they work fulltime to support their farming habits. A person's right to farm their land should not be placed ahead of another's right to build on their land and that is what this plan is doing.

John Hoadley (mark 1:38:48 to 1:49:16) is a 6th generation Idahoan and he offered testimony on behalf of the Coalition for Ag's Future and he highlighted the importance of Canyon County's seed industry. The Treasure Valley, mostly Canyon County, is only one of five major global vegetable seed production regions. Canyon County's seed industry is valued at approximately \$300M annually, 95% comes from out of the state of Idaho and all of these dollars stay within the local economies. Seed companies have made a huge investment in the economy in jobs, wages, and contracts with seed growers, and the infrastructure alone exceeds over \$500M. They ship to over

120 different countries worldwide to help feed a global population. Approximately 65% of the world's sweet corn seed originates from Canyon County. He spoke of the challenges the industry is facing is loss of pesticide labels, planning for reduction of irrigation water supplies, number of farms decreasing, urban development continues to decrease farmable acres, loss of isolation and pollination, and land use incompatibility issues. We need to preserve farmland to continue producing seeds in Canyon County. Mr. Hoadley spoke about the importance of ag overlay, and the need for other options.

Debbie Cardoza and Susan Isaak (mark 1:49:22 to 1:49:49) indicated they agree with the testimony that was given in opposition to the comprehensive plan.

David Ferdinand (mark 1:49:57 to 1:54:10) spoke about the importance of giving an opportunity for a balance. The Crookham Family has done so much for the community, and we don't want to butt heads with anybody in the farming industry, but we need a process in place to protect farming and at the same time protect industry. When cities expand they take the best farmland. Take more time to make sure we don't press to a vote but have a workshop and committees that meet before the plan is approved. The industrial area between Greenleaf and Wilder that was removed was planned for a long time and people knew what was going to be on those maps - let's be careful not to remove some of the advantages that were put into that.

Amy Bitner (mark 1:54:37 to 2:07:33) is with Bitner Vineyards and a 5th generation Idaho and she is here to speak on behalf of citizens who cannot be here today. She spoke of her experiences a CASA (court appointed special advocate) volunteer for foster children and the effects growth is having on the community and its citizens in terms of social workers and case workers having to move out of state because they cannot afford to live in Idaho. We cannot handle the growth so why are we trying to grow when a majority of the people have spoken and they want preserve ag land. We need to add the ag overlays back in because EMS, mental health services, small businesses, restaurants and farmers are exhausted and overrun and can no longer afford to live here. The majority of people moving to Idaho are retired and not applying to work in the industries. Some of the people who've spoken have been landowners, farmers, realtors and developers - the overall goal for these individuals is how much money they are going to make. The goal of the other people who have spoken is to preserve, protect, educate, volunteer and help and look at the big picture down the road. Citizens want the right to afford a home and feed their families and by removing the ag overlays you are reopening development opportunities and supporting the minority, not the majority of people want for Canyon County. People want to buy ag land and grow their hops and expand their ranching, but they cannot afford to spend \$7M on a 70-acre parcel, and we need to be more realistic that if people have ag land and they want to farm it, or sell it, they can - but it can remain in agriculture as people pay for it. In response to her question about why the ag overlay zones were removed, Commissioner Smith said it was because there weren't any details of what they meant yet, and it was suggested that adopting those with an ordinance amendment at the same time would be beneficial.

George Crookham (mark 2:08:00 to 2:16:00) supports the comprehensive plan with the caveat that the ag overlay needs to be added back in. He is a 4th generation CEO of Crookham Company,

and this is their 111th year in Canyon County and during their four generations they have supported hundreds of families, seen the country through two world wars and several other wars, the Great Depression, several recessions, and helped bail out the housing burst of 2008. They went through the mining wars of the late 1800's and a lost family member whose statue resides at the south side of the Idaho Capitol. They help schools, churches, parks, a hospital, the YMCA, a swimming pool and countless other projects. They pump close to \$1 billion dollar into this county, 95% of that originating from out of state. They pay millions of dollars in taxes, and they support over 500 local vendors. This is only possible because they are good economic stewards of farmland. Building houses does provide a quick jab of adrenaline but residential development does not cover their cost of services. Agriculture helps make up this residential deficit so when farmland is paved over or forced out due to spot zoning and he questioned who will pick up the tax deficit, or support the local activities and build parks? Who will be there to pick up the pieces when the next bubble bursts? The production of food is a national security issue. The 2020 survey revealed that more than 80% of the citizens want to protect farmland. There are over 1,400 postcards and over 600 online comments about the plan. The postcards were sent to people who live outside of the impact areas. Allowing a minority of actors to act in their own best interest and destroy our agricultural economy and our economy in general makes no financial sense. How can we justify an investment that destroys the principle? The step to solving the issues is to add the ag overlay back in and then adopt the comprehensive plan, and then we can do the TDR's.

Justin Parker (mark 2:16:22 to 2:29:27) had questions regarding the map changes and asked if the industrial area from Greenleaf to Caldwell has been put back on the map. Elizabeth Allen said the industrial was added back in. Mr. Parker owns property at Lower Pleasant Ridge Road and Weitz Road and it was industrial. Ms. Allen said it was an error on the County's end, when the GIS specialist added the industrial area between Greenleaf and Caldwell it didn't extend all the way down where it should have been, and it needs to be adjusted by staff. Commissioner Smith said the Parker request for a rezone was denied because the Board felt it wasn't time for development of that property, but if it was inadvertent to leave that on she is good with it. Commissioner Van Beek agreed and said it was a difficult case because that area was on the comp plan map as industrial, and the argument Mr. Parker is making is the same argument Todd Lakey has made that there is influence that is attached to the maps and so if we allow Mr. Parker's request we should reflect what's on there and look at those areas. Ms. Allen said if the plan is adopted it will be corrected. Commissioner Smith said on the proposed map it extends the south side of Highway 19 between Greenleaf and Wilder, whereas before industrial was not on the south side south side of Highway 19 according to the map. It was adjusted to a small line along Hwy 19, the entire path between Wilder and Greenleaf – and so she asked staff if they are sure it's an error? Ms. Allen said we need to amend it because it was done in error. There have been several changes that have occurred and it's hard to keep track of, but to her knowledge, there aren't any others that have been missed, and it is easy to amend the plan after it's adopted. Mr. Parker believes the proposed plan takes his rights because he looked at the map and he saw it was zoned future industrial and he bought the property based on the available information and he trusted the government was doing what they are supposed to be doing. Ms. Allen said they also have the option doing a comprehensive plan map amendment. Commissioner Smith said the Board will deliberate on Mr. Parker's question about the industrial zoning area at the end of this hearing.

Commissioner Van Beek said if the Board puts back Mr. Parker's industrial designation that would mean we would want to consider other people and their designations because they too look at the maps and want to know what the County is doing and it is confusing to have incongruity in there.

Kris Crookham (mark 2:29:40 to 2:46:59) brought property rights signs to display in the meeting room that were marked as exhibit #98 and she spoke about property rights and wanted to dispel some of the myths around property rights. There are a lot of opportunities with development and many of these are good for the community, however, we need to remember that Canyon County is also a place for development to push their product and a place to make money. These companies operate on different rules than we are accustomed to, this is especially evident during elections and when counties and cities look to update their comprehensive plans. Let's look at some of things development wants you to believe as Canyon County updates its comprehensive plan. Many elected officials are hesitant to redirect development, many forget they represent the people and not development. This is an easy trap to fall into when development promotes their product by shouting property rights without context. Your representatives and civil servants direct development through planning and this is their mandate by Idaho law. The goal is not to stop development but to direct development to the right places that the County and cities can service it and where compatibility is not an issue. Planning affects your taxes, ensures services, makes sure those services are not defunded, that local government can afford growth and protect the quality of life of its citizens so let's look at our conservative identity that many in development, or those who are hired representatives, tend to bring into question. Canyon County citizens think of themselves as country folk; we are people of rural character. The identity of the citizens of Canyon County comes from the agricultural land that surrounds it and this is reflected in the 82% that have told the County they want to support agriculture. That citizen consensus is difficult to argue against, it's difficult to ask citizens to identify as a bedroom community to Boise. It's easier to call your local representatives socialists and communists and the harbingers of leftist doom, and at the last hearing that's what those in support of the plan were called, socialists and communists. Payette County and Owyhee County listened to their citizens who have strong and durable agricultural protections and Canyon County has asked this of their representatives and it would be a rough road to find anyone who did this for communist or socialist reasons as Senator Lakey has indicated. When Senator Lakey asked for your vote by calling you the radical left he is challenging your rural and conservative identity at its core and conveniently not talking about how it is going to pay for this growth. Ms. Crookham said they are not communists or socialists, nor are they a bedroom community of Boise, they are country folk that are proud of their rural identity. The City of Star cannot fund the number of police officers and firefighters it needs to service its city so it's turning to impact fees and this will mean that Star is dependent upon the cycle of continued growth through impact fees to pay for growth, this is a loan shark model where the amount Star will continue to need eventually will break it. Middleton has asked the Sheriff's Office to help with their policy needs as the city is struggling and the County said no. It's difficult to find any conservative value in defunding services crucial to the protection, safety, and education of its citizens. You might be told local governments are stopping people from selling their property, but this is a myth. There is a lot of farmland that has been sold, most of the sales are to private equity firms, trusts, and developers and the land is now being farmed by someone who doesn't own the

land, no one is telling anyone they can't sell their property and no one is making up new rules to harm farmland sales or anyone's private property rights. These rules apply to everyone. It's time to stop the spin on the property rights and it's time to be wary and critical of the propaganda that labels rural folk as communists, and it's time to stop growing into insolvency, and it's time to talk about responsible planning with responsible and self-reliant growth in our communities, and it's time to talk about our real conservative values. Commissioner Van Beek said the majority of the growth occurs in the areas of impact and she suggested the group speak with city officials and ask what their plan is for the area of impact. Discussion ensued between Ms. Crookham and Commissioner Van Beek on this topic.

Laurie Harman (mark 2:48:22 to 2:52:41) is a realtor and agrees with the comments made by Todd Lakey, Nikki Albus, and David Ferdinand. She wants the Board to form committees to work on things before the plan is approved because managed sustainable growth is good. Realtors and contractors have been given a bad rap because it's their livelihood, but it's only their livelihood if there is a seller that wants to sell and a buyer that wants to buy. She supports property owner rights and said she has been contacted by farmers who want to sell before the government takes over their rights. There are too many people on both sides of the bench who want you to come to an agreement so you need to work it out to where everybody is going to be happy. All of the wineries have benefitted from the extra people that have moved into the area. You have to schedule and plan for the benefit of all. It's not a political issue, it's about the people and what will work for both sides. Let's work together and find a middle point.

Richard Berry (mark 2:52:53 to 2:56:23) resides in Canyon County between Middleton and Star and his concern is that both cities are making claims to his property. He asked if the comprehensive plan will be useful given that people from outside the County are making inroads in their comprehensive plans? When he learned that Star wanted to annex property into Canyon County that bothered him. Middleton is fighting it and he's wondering what the County thinks about it. Commissioner Smith said if you are a County resident making application and is not annexing his property he would follow the County's comprehensive plan. If his neighbor, who owns land contiguous to land that has been annexed, chooses to annex the County has no say and Mr. Berry wouldn't have a lot of say, but he could comment on it. The city would apply its comprehensive plan and its zoning ordinance to the land use hearing. There are a lot of plans and when you have impact areas you have to watch both plans and what your neighbors are doing. Elizabeth Allen offered to meet with Mr. Berry and discuss what is going on in the area.

Beverly Emmert (mark 2:56:49 to 3:09:50) said her family has been farming outside of Nampa in the Bowmont area for 100 years, 75 of those years they have grown seed and they are asking the Board to approve the comprehensive plan and put the intensive agriculture overlay map back in the plan because it gives an accurate picture of ag in Canyon County based on the GIS program. They attended the workshops, wrote letters, gave input, and they went door-to-door soliciting input. Without the overlay residential development like they have experienced in the last year that is up against or surrounding ag operations will just keep happening and farmers like the Emmerts will lose isolation and the ability to spray our crops. The economic loss to farmers and to the County whose foundation is agriculture will be devastating. Seed crop farming is detailed,

labor intensive, high maintenance and science-specific and they want the Board to understand the impact its decision has on farmers. Within one year just two houses were built within 300 feet of her property and it affected approximately 63 acres of her farm and as result there is potential for substantial economic loss. Because the residences are less than 500-600 feet required by the EPA for spraying fields, they are now no-spray fields. The Emmerts typically invest between \$3,000 and \$4,000 per acre into a field of sweet corn seed before harvest and that's even higher this year with the cost of fertilizer labor and the fuel increases. If the field suffers an infestation and needs herbicide, insecticide, or fungicide late in the growing season and they can't spray they could lose the entire field, but even if there is no infestation and no need to spray the field and it is taken through to harvest if the test done on that harvested seed at the plant shows the seed is contaminated from pollen of a nearby garden corn variety, that field's income is lost and the money invested in the field is lost. The money invested in the fields of the Emmerts 63 acres is \$189,000-\$252,000 in one farming year. Farmers cannot keep their operations viable and productive if they are experiencing this kind of loss, it will eventually put them out of business and it will be devastating to the ag businesses in the County. We have to identify the land for what it is if we are going to try to protect and preserve it. The people who live here and pay taxes here have overwhelmingly asked the Board to protect that land. If you are turning farmland into residential development you are not protecting it and that development will keep happening without the intensive ag overlay map. That land use map is not enough. Please vote to put the ag overlay map back in the plan and vote to pass it through.

Teri Ottens (mark 3:10:04 to 3:18:13) offered comments on behalf of the Snake River Canyon Scenic Byway of which she is a board member. They were dismayed to discover that after months and months of testimony and work that the archaeological and scenic byway overlays were removed. There are two reasons why they are concerned: 1. The overlay provides a visual reminder that there is an existing condition on the ground; for example, without the overlay there was a subdivision approved north of Map Rock and that area is filled with petroglyphs, and the byway committee had no opportunity to comment. The developer could find themselves in some trouble with federal law if there is a complaint filed. Their question is why would we want to remove the visual reminder that development in an overlay area must take into consideration the existing conditions on the ground. The byway is an economic asset and contributes to agricultural tourism and without some sort of notification to those developing the area or those wanting to do different projects they might never know that what they might be doing could make that a less valuable asset. The committee's position is these overlays do not restrict development in any way, they enhance the knowledge of the owners and developers and increase public transparency when changes are proposed. This is should be a goal that nobody should be against. The comprehensive plan is to establish those areas of interest, of land use and it's up to the zoning ordinance to define what that means. All these people who might be concerned that this could limit their development because there are overlays, they shouldn't be because they can be involved in the zoning ordinance process and they can still submit their applications it just means there may be more comment on those applications. For over 50 years the majority of Canyon County citizens have accepted the covenants of zoning as our biggest land use planning tool, and there hasn't been a huge outcry that this should be a County that has no zoning. We accept that restrictions are placed on certain land uses so as Kris Crookham stated if she has a residential piece

of property that is her biggest asset and she's spent years putting improvements into it, but the highest and best use of her residential lot is not another home - it could be a gas station, a hog farm, or a manufacturing plant. She could sell her two acres for a lot more if she could sell it for commercial use. It's not the government's job to provide her a retirement account. The person owning the land has to plan for their own retirement; it's not the government's job to give her a windfall because she's decided to retire. The community as whole as agreed on how we want to grow and we should stick to those and if we don't want to grow that way, we can go the P&Z Commission route and apply for a comprehensive plan change, a zoning change and do your development. Commissioner Van Beek had questions for staff regarding the overlays and said she supports greater definition and breakdown for better transparency.

The Board's deliberation (mark 3:18:30 to 5:20:00) was as follows:

Ms. Allen reviewed the late exhibits; P93 through P99 were admitted into the record.

Commissioner Van Beek said in her training as a conflict management mediator people bring their ideas to the table and the extremes are eventually taken off the table if you can have robust respectful discussion and you get to something people can live with. Staff has done a good job, but she still has concerns. She is pro-agriculture and she does not like propaganda from this side of the table. There are actions in the plan that are already being effectively managed by other public agencies, including the NRSC, but to get down to a working document that has the ability to iron out the last of these wrinkles and there are things she should would have liked to add such as an architectural standard and design overlays for areas of housing that are pristine areas in Canyon County. View sheds have been added to the plan, but the County doesn't recognize view sheds. She has discussed the AC20 and the interpretation of viable, permanent land use activities to their livelihood. Viable is not defined, permanent is forever, that's a matter of interpretation. She wants a well thought out product that is sustainable and can carry us into the future. We are discussing a project that puts an urban overlay on Lake Lowell which was designed for irrigation but that at some level is changing so she wants to recognize what that looks like and how to mitigate that. There are some areas of farm ground that are less productive than others and identify and mapping it out which has not been done in some areas of the County. Some of those designations requiring larger parcels like an R-2 on lava ground where you have ¼ acre that you can water from a well on the 2-acre lots she thinks we need to look at. It was many years ago she met with the Amens, George Crookham, and Roger Batt in an area where they were able to do fly-ons at Hat Butte and were still able to have an airstrip and run that ground and that has changed. If government has to do it, it has to be with a light touch. We can require a lot of government control if that's how we want to go, but that's not the country or the county she's lived in. She led the fight in not approving low-income housing in the Sunnyslope Scenic Byway Viticulture Area. There is a statement on page 84 of the comprehensive plan about how do we propose to limit the conversion exclusively to areas of impact? That involves city partnerships and people getting involved and she's proposed many times that the County and its development strategy needs to involve partnerships with municipalities, mayors, economic development coordinators, developers, and farmers. This plan at some level effectively removes the ability for someone desiring a rural lifestyle in a less than viably productive agricultural area. That is an interpretation

that it would limit or eliminate those. She was in favor of breaking the plan up into digestible portions where we could workshop that out. She does not pass policy without understanding what it is she is passing. She stands on good planning and growth for this County. Commissioner Smith understands land use planning and what is contained in this plan. There have been years of testimony and she has heard both sides and appreciates the wide variety of comments that have been received. Agriculture is our number one resource in Canyon County and we need a plan that tells people that move here and those that live here that agriculture is predominate and it is important and is a huge part of our livelihood. The people that have jobs here and homes here who filled out those forms - their opinion matters and she's not telling a farmer he cannot sell his ground, he can and should if he wants to but he should follow the same rules that the person who wants to open a business has to do and go through the process. We are at a critical time and we are growing at a level that we cannot continue to sustain so she is supportive of the plan and she supports putting the overlays and the associated maps back in the plan. Commissioner White said she doesn't have a problem with the plan presented and she could vote to approve it today because it's a well thought out plan that's been thoroughly discussed, with changes noted. She made a motion to approve the 2030 comprehensive plan with the overlays to be brought back in, and with the one correction to the industrial property located off of Simplot Boulevard and to direct staff to make those changes and bring the FCO's and maps back for approval at a later date. The motion was seconded by Commissioner Smith. Commissioner Van Beek asked if any of Todd Lakey's suggestions will be incorporated into the plan? Commissioner Smith said there were a few that she was supportive of but not all of them, and, there were a lot of suggestions from many people and so she wants to let the motion ride and said the Board will continue working on zoning ordinance amendments and comprehensive plan map amendments. She supports the plan as presented. Commissioner Van Beek said there have been a lot of submissions and Mr. Wilke also provided testimony regarding his property that's located south of Lake Lowell. Commissioner Smith said the case on Simplot Boulevard was included in the motion because staff clarified that there was a mistake, but there are others where there was a lot of conversations but those were not mistakes. Commissioner Van Beek said we are talking about transparency and clarity and she believes it's a mistake not to have maps accurately reflect what has been presented. Commissioner Van Beek was opposed to the motion to approve. The motion carried by a two-to-one split vote. The plan will be effective once the resolution and FCO's are signed. The hearing concluded at 5:20 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 13, 2022

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- BDS in the amount of \$2575.00 for the Treasurer's Office
- Hart Intercivic in the amount of \$4100.00 for the Elections department
- Command Sourcing in the amount of \$15292.12 for the Sheriff's Office
- Police Service Dogs in the amount of \$12,500 for the Sheriff's Office
- Dell in the amount of \$28,489.86 for the Sheriff's Office

APPROVED CLAIMS

- The Board has approved claim 588769 ADV in the amount of \$310.50
- The Board has approved the August Jury claim in the amount of \$8,402.47

APPROVED TRANSFER OF SICK LEAVE TO VACATION LEAVE

The Board approved the transfer of sick leave to vacation leave for Robert Jason Williams.

APPROVED CATERING PERMITS

The Board approved two (2) Idaho Liquor Catering Permits for O'Michael's Pub & Grill to be used 11/5/22.

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 1:31 p.m. to consider agenda items. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas, Deputy P.A. Zach Wesley, Solid Waste Director David Loper (left at 1:42 p.m.), Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Robyn Sellers with the City of Nampa, David Wood with FAMCO and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Director Loper explained each of the declarations line out the reason for sole source; each one is very specific to the design approved by the Department of Environmental Quality (DEQ) for the gas collection and control system project. Ms. Klempel stated that she feels there is sufficient basis to proceed with sole source on all three items.

Consider Signing a Declaration and Notice of Sole Source Procurement for Drilling and Installation of Gas Well at Pickles Butte Sanitary Landfill: Quoted cost is \$213,950.50.

Consider signing a Declaration and Notice of Sole Source Procurement for equipment and labor to construct and Install a candlestick flare and skid station at the Pickles Butte Landfill: Quoted cost is \$343,000.

Consider signing a Declaration and Notice of Sole Source Procurement for equipment, labor, and materials to construct a skid station compressor building at the Pickles Butte Landfill: Quoted cost is \$83,719.

Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign each of the above listed declarations and notices of sole source procurement.

Public meeting to consider a resolution granting Fresh Air Manufacturing Company dba FAMCO a property tax exemption pursuant to Idaho Code 63-602NN: No member of the public attended the hearing to offer comment.

Consider signing a resolution granting Fresh Air Manufacturing Company dba FAMCO a property tax exemption pursuant to Idaho Code 63-602NN: Mr. Wood explained their intent is to move their operation from Ada County to Canyon County in order to consolidate their operation and increase efficiencies. He provided a background of the company noting they are a metal manufacturer and often source materials locally. They have 140 employees and anticipate adding 90+ employees over the next 10-15 years. They are still in the process of evaluating sites as what they had previously planned did not work out as expected. Ms. Sellers spoke about the infrastructure and development in the area FAMCO is considering. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution granting Fresh Air Manufacturing Company dba FAMCO a Property Tax Exemption Pursuant to Idaho Code 63-602NN (see resolution no. 22-209).

The meeting concluded at 2:01 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 14, 2022

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

There were no meetings scheduled this day.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 17, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman

Commissioner Pam White - OUT
Deputy Clerks Monica Reeves/Jenen Ross

No meetings were scheduled this day.

APPROVED CLAIM

- The Board has approved claim 588770 ADV in the amount of \$4,823.28

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- SHI in the amount of \$26,219.16 for the Information Technology department
- ESRI in the amount of \$46,197.81 for the Information Technology department
- SHI in the amount of \$3,495.23 for the Information Technology department
- Idaho Tower in the amount of \$2,750.00 for the Information Technology department (PO #5279)
- Idaho Tower in the amount of \$2,750.00 for the Information Technology department (PO #5278)
- SHI in the amount of \$10,023.00 for the Information Technology department
- Paessler in the amount of \$1,552.27 for the Information Technology department
- Idera, Inc. in the amount of \$8,766.45 for the Information Technology department
- Redgate Pass Data Community in the amount of \$1,685.00 for the Information Technology department
- HomeAway.com, Inc. in the amount of \$1,225.09 for the Information Technology department
- Bonneville Blue Precision in the amount of \$66,022.00 for the Solid Waste Department

APPROVED TRANSFER OF SICK LEAVE TO VACATION LEAVE

The Board approved the transfer of sick leave to vacation leave for Mandi Bravo and Jeff Breach.

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

The Board approved a commuter vehicle authorization form for Caroline Kelso.

OCTOBER 2022 TERM
CALDWELL, IDAHO OCTOBER 18, 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 588771 to 588772 in the amount of \$222.50

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Bragg Crane Service in the amount of \$2194.20 for the Facilities department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Daniels Pecunia, Landfill Operations Manager; Zachary Blakeslee, Recorder/Passport Specialist.

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

The Board met today at 9:03 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, Controller Zach Wagoner (left at 9:29 a.m.), HR Director Kate Rice, Comp./Benefits Coordinator Bosco Baldwin (left at 9:29 a.m.), Benefit & Training Coordinator Nicole Ahlstrom (left at 9:29 a.m.), Treasurer Tracie Lloyd (left at 9:08 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution authorizing the inclusion of certain charges, other than property taxes, to be placed on the tax roll: Treasurer Lloyd explained that this is just a formality to add other charges to the tax roll – submittals were received from the City of Nampa and Canyon County Code Enforcement for abatement charges. Ms. Lloyd noted that there has been some communication with the property lender on Canyon County charges and those may be paid in full instead of being added to the tax roll. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution authorizing the inclusion of certain charge, other than property taxes, to be placed on the tax roll (see resolution no. 22-210).

Consider signing VSP 2023 Renewal: This is a standard renewal with no increase to administrative fees. There has been a proposal to change to the glasses frame allowance from \$150 to \$200 as there hasn't been a change since 2014. The estimated claim increase for the year is \$1000 which would happen regardless of the increase to frame proposal. Commissioner White made a motion

to sign the VSP renewal for the *VSP Signature Plan – Renewal Alternative Plan*. The motion was seconded by Commissioner Van Beek and carried unanimously (see agreement no. 22-121).

Consider signing Delta Dental 2023 Renewal: This is a standard renewal contract with a 5% increase this year. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Delta Dental 2023 Renewal (see agreement no. 22-120).

Consider signing Administrative Services Agreement with Peak One: Ms. Ahlstrom explained they are proposing a change from the current administrator of Flores to Peak One. There have been several factors recently that have prompted the change including a lack of customer service and issues with technology compatibility, among other issues. Ms. Ahlstrom has evaluated several administrators and Peak One is the most favorable option – they are located in Idaho which offers better hours for Canyon County employees to contact them, Director Rice has worked with this company before and had a positive experience and there is more compatibility between systems. There will be no changes to the way the plan is administered and is comparable to the way the Flores plan is administered. Debit cards for HRA accounts will be issued, reimbursements will remain the same and the cost for administration is comparable to Flores. Any money left in a Flores accounts at the end of year will be rolled to and administered by Peak One. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the administrative services agreement with Peak One (see agreement no. 22-119).

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 9:29 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. Alex Klempel, Deputy P.A. Oscar Klaas, Deputy P.A. Zach Wesley and HR Director Kate Rice. The Executive Session concluded at 10:09 a.m. with no decision being called for in open session.

The meeting concluded at 10:09 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' 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 10:16 a.m. to conduct a 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 Leslie Van Beek and Pam White, DSD Planner Elizabeth Allen, Gary Stark, Kimber Hall, Tyler Slate, Kohl Hall, Cindy Urresti, Laurie Smith, Brian Smith, Lela Janicek, Monte Janicek, Karen Wilson, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that she knows some of the audience members the Halls and Janiceks who are present today but that will not impact her ability to make an unbiased decision in this case. DSD Planner Elizabeth Allen gave the oral staff report. The applicant is requesting a conditional rezone to change the zoning designation of parcel R38442011, approximately 23.15 acres, from "A" (Agriculture) to CR-RR (Conditional Rezone - Rural Residential) zone. The original request included a development agreement to limit residential development to three 2-acre lots. The P&Z Commission held a hearing on the case on June 2, 2022, and recommended denial of the conditional rezoning. On August 11, 2022, the Board requested the item be re-noticed to consider approval to limit the conditional rezone to two 2-acre lots and leave the remaining land as agricultural zoning with no residential uses permitted. The two parcels on the north side will be residential and the rest would be zoned agriculture for the remaining 19.15 acres. The property is located on Hop Road northeast of Notus. The property was divided without County approval to create the subject parcel and the division left those two parcels as undeveloped with no building permits until the parcels meet County requirements. If approved they could do an after-the-fact administrative land division. Ms. Allen reviewed the criteria staff's analysis was based on, and she reviewed agency and citizen comments. The applicant initially proposed a full rezone of the property with three residential lots; the proposed change to two residential lots and a larger agricultural lot limits the site through zoning to the proposed residential lots with no building permits available on the ag lot. As conditioned, the proposal creates a development pattern that's consistent with the surrounding area and leaves 83% of the subject property in agricultural production with either farm land or equine activities. Staff is recommending approval of the request subject to conditions of approval. Following her report, Ms. Allen responded to questions from the Board. Gary Stark testified his request includes a development agreement to restrict the development to two 2-acre lots which will be for his family, and he will leave the remaining land zoned agricultural with no residential uses permitted. He wants family members close to help with his horse training operation and to have someone watch over the property when they are out of town. The location of the two lots is the most logical because they are on the least productive portion of the property and least disturbing to the irrigation layout. Any property that is not used for homes will be farmed. Laurie Smith is opposed to the request. Her farm is located in a highly agriculture intensive area and the subject property has already been split twice from the original parcel and she questions how many more splits Mr. Stark will get. There is a right-to-farm act in place to protect farming operations; if approved, the proposal will impact aerial application of pesticides and will directly impact her way of living. Ms. Smith said she will agree to compromise and ask to move the proposed road 500 feet south of their boundary. With the proposed construction next to her boundary she will have a loss in production and income with no means of compensation. The P&Z Commission said this is predominately agriculture and the proposal does not fit with the comprehensive plan or the current land use character of the area. She worries the proposal will set a precedence that is inconsistent with the current zoning of the area as well as the comprehensive plan. From her

perspective it appears P&Z is willing to accommodate Mr. Stark's request for a rezone and look past the current policies in place to protect the farmers who have maintained the land for years. Ms. Smith said there is opposition from property owners and aerial applicators about the loss of farm ground, and she asked the Board to postpone a decision until more information can be gathered on the long-lasting impact. Following her testimony, Ms. Smith responded to questions from the Board. Brian Smith has been neighbors with the Starks and he likes Mr. Stark's plan to have his family move there and help him out, but he is concerned that others will want to do the same and divide their properties. When properties are divided it makes it harder to farm and he is concerned that development will change the area. Karen Wilson is opposed to the proposal. She has lived on her property for nearly 43 years and testified about the increased traffic, demand for services, and impacts to schools the proposal will create. This is a farming community and she does not support additional homes on the property. Lela Janicek testified she is opposed to the rezone citing the following concerns: problems that come with new housing developments; changes to the agricultural character of the area; impacts to property and livestock by people trespassing on her property; and the difficulty in understanding why active farm fields are the subject of new building projects when there are other areas that are not as productive that would fit more into the expanding boundaries of urban developments. Monty Janicek is opposed to the request and questioned what would stop others from dividing their land just as the Starks want to do. Where does it stop? He spoke of how housing impacts agriculture and he spoke of the problems he has had with a neighbors' dog harming one of his calves. Rebuttal testimony was offered by Gary Stark. The lots are 250 feet square so to go with Laurie Smith's proposal of 500 feet would put the road in the middle of the property, doesn't make any sense because he's trying to preserve farm ground not put a road up the middle. He plans to put the road along the boundary so it can be a shared road for the two 2-acre parcels. Mr. Stark responded to questions about application of pesticides; property taxes; and dogs in the area. Laurie Smith offered additional testimony regarding aerial applications in the area and her concern about a buffer. Mr. Stark said does not see his proposal having an impact on aerial applications. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. The Board took a brief recess to review the exhibits. During the Board's deliberation, Commissioner White supports the request for the following reasons: there is a right-to-farm and the development agreement restricts development. Commissioner Van Beek said in this case there is a farm rancher that wants to continue the farm ranching who understands the rural lifestyle. She wants staff to look at the agricultural setbacks to protect the property on the north, and she wants the Starks and the Smiths to come to an agreement on those setbacks, and to get additional information regarding the placement of the houses or parcels. Commissioner Van Beek made a motion to approve the request by Gary Stark for a conditional rezone with the addition to the FCO's that they work with Valley Air regarding and the applicant in looking at the optimal placement of homes or parcels to accommodate the request for setbacks and to minimize the impact on agriculture. Commissioner White said if the Board is waiting on additional information it needs to delay a decision until that information is received. Commissioner Van Beek withdrew her motion. Commissioner White made a motion to table the case to November 2, 2022 at 9:00 a.m. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 11:44 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS THE CALDWELL AREA OF CITY IMPACT

The Board met today at 1:38 p.m. to discuss the Caldwell Area of City Impact. Present were: Commissioners Pam White and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Planning Official Dan Lister, DSD Planner Jenna Petroll, DSD Planner Elizabeth Allen, Steve Fultz with the City of Caldwell and Deputy Clerk Jenen Ross.

Mr. Fultz explained that the City of Caldwell is looking to increase their Area of City Impact. A rough draft proposal with maps was provided and reviewed with the Board by Mr. Fultz. The City of Caldwell is looking to do something similar to the City of Nampa. Discussion ensued regarding how the recently adopted Revenue Allocation Area impacted this request, cooperative work between the county and city to develop a plan that works for both, annexation of county parcels into the city and water and sewer extensions.

Ms. Minshall said she has done a quick review of the documents and has had a brief conversation with Mr. Lister and Ms. Allen about it. There are still some items to work thru to make sure it's a cooperative agreement between the city and county but feels DSD and the City of Caldwell will have a good working relationship in coming to an agreement that works for both.

The meeting concluded at 2:13 p.m. An audio recording and copy of the documents provided to the Board is on file in the Commissioners' Office.

MEETING TO DISCUSS CITY OF GREENLEAF BRIC GRANT

The Board met today at 2:15 to discuss the Greenleaf BRIC grant. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Sabrina Minshall, EOM Christine Wendelsdorf, Greenleaf City Clerk Lee Belt and Deputy Clerk Jenen Ross.

Ms. Wendelsdorf explained in order for the City of Greenleaf to apply for this grant they needed to be a part of the All Hazard Mitigation Plan that was adopted several years ago. However, due to many extenuating circumstances the City of Greenleaf missed the deadline to be included. Since the City of Greenleaf is not part of the plan the county would need to apply for and administer the grant on behalf of the city. Ms. Wendelsdorf explained she is willing to help with the administration and that she has spoken with Controller Wagoner in regard to the financial administration of the grant; Mr. Wagoner has requested that the city pay any invoice upfront and request reimbursement from the county for the grant monies.

Mr. Belt said they are applying for this grant in order to construct a waste water treatment plant. At this time, it is not imminent but they know it will be necessary in the future and would like to be prepared.

The deadline to apply for the grant is mid-January and will require a 25% match of approximately \$500,000 which will be covered by the city, there is no financial obligation to the county for this grant.

Mr. Wesley said the county has done similar things before and an MOU between the city and the county could be prepared.

Commissioners Van Beek and White are in support of this moving forward.

The meeting concluded at 2:27 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 19, 2022

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

MEETING WITH BOCC DIRECTORS TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND TO CONSIDER ACTION ITEMS

The Board met today at 1:32 p.m. with Directors to discuss general issues, set policy and give direction and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Sabrina Minshall (left at 2:07 p.m.), DSD Office Manager Jennifer Almeida (left at 1:38 p.m.), Code Enforcement Officer Eric Arthur (left at 2:07 p.m.), Facilities Director Rick Britton, HR Director Kate Rice, HR Generalist Jennifer Allen (left at 3:12 p.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution granting a refund to Jess Mickelson and Mike Engebritson for a rezone application fee and a subdivision application fee: Consultations were done on both applications, case files created and agency notification done. Staff is recommending a refund of \$1905.00 which is approximately 75% of the fees paid. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Jess Mickelson and Mike Engebritson for a rezone application fee and a subdivision application fee (see resolution no. 22-212).

Consider signing a resolution granting a refund to Legends Heating for a mechanical permit fee: Another HVAC company secured this job and a new permit was taken out. A permit was issued to Legends Heating but no inspections were done. Staff is recommending a full refund of \$300 as very minimal work was done. Upon the motion of Commissioner Van Beek and second by

Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Legends Heating for a mechanical permit fee (see resolution no. 22-213).

Consider signing a resolution granting a refund to Leonard & Mary Williams for a withdrawn conditional rezone application fee: The Williams's opted to withdraw this application in order to apply for non-viable. Consultation was done and files were created although no notification had been done. Staff is recommending a refund of \$1049.75. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund to Leonard & Mary Williams for a withdrawn conditional rezone application fee (see resolution no. 22-214).

Monthly Code Enforcement meeting to discuss general issues, set policy and give direction: Mr. Arthur provided the Board with an update on year-to-date numbers on open cases, comparison from 2021 to 2022 and September 2021 numbers to September 2022 numbers. Code Enforcement is still receiving complaints regarding weeds which they forward to Weed and Pest and notify the complainant that their concern has been forwarded on. The recent certificates of non-compliance have been recorded and notices have been sent to property owners; they have received feedback from some property owners who received a notice letting them know they would get the property cleaned up. Updates with pictures on previously worked cases were provided to the Board.

Monthly meeting with the Director of Development Services to discuss general issues, set policy and give direction: Director Minshall said prior to Building Official Dave Curl retiring she was able to spend some time with him reviewing caseloads and has met with most of the managers and several staff members within her department. She has had preliminary conversations with HR about wages and recruiting, the next steps, moving forward with Building Official interviews and getting a permit tech in place. There will be a department wide meeting tomorrow to discuss culture and moving forward. Director Minshall will be meeting with key people to discuss the backlog and what the options may be; she may ask to meet with the Board prior to the next scheduled meeting. Commissioner Smith thinks there might need to be a conversation on an employee that may be leaving. She feels there was possibly some inaccurate messaging in regard to the comprehensive plan and there needs to be discussion regarding the finalization of the comprehensive plan, next steps and priorities surrounding adoption of it. Director Minshall would like to meet with the Board in order to get an understanding of priority expectations for the department. Additionally, she will be evaluating quick efficiencies vs. long-term processes.

Consider signing a resolution changing the job description of one (1) position and the job title, job description, salary range and FLSA status of two (2) positions in the Facilities department: Director Britton provided a review of the changes he'd like to make to the job descriptions.

Housekeeper position: Minor maintenance tasks have been added into the position in order to cover some of the responsibilities at the new fair expo building.

Maintenance Technician II: Director Britton would like to create this title as a level for maintenance technicians that have 2-5 years in the industry but are not at journeyman level yet. This position would take on additional responsibilities and help oversee projects. Additionally, Director Britton feels this would give more opportunity for growth within his department. Discussion ensued in regard to some of the details within the job description and Ms. Allen made the requested revisions which has been updated and included with the resolution.

Office Manager: This position has taken on several additional responsibilities that are better encompassed in an Office Manager job description vs. the current Sr. Customer Service Specialist job description.

Commissioner Van Beek made a motion to sign the resolution changing the job description of one (1) position for Sr. Customer Service Specialist to one (1) Office Manager and the noted salary changes in the resolution and the enhanced job description and Maintenance Technician with the approve changes as documented on the record and the job description for Housekeeper and the salary range. The motion was seconded by Commissioner Smith and carried unanimously (see resolution no. 22-211).

Monthly meeting with the Director of Facilities to discuss general issues, set policy and give direction: A review/update of FY22 projects with budget numbers was provided to the Board, a copy of document that was reviewed is on file with this day's minutes. The areas discussed included an update on the Fair Expo building, the new roof for pod 5 of the jail and the LID.

Monthly meeting with HR Director to discuss general issues, set policy and give direction: A review of the turnover rate was provided to the Board; year-to-date the county is at over 16% with the goal being 10% or less. Director Rice has already met with Director Minshall and they are working to brainstorm ideas for that department. The HR staff recently toured the jail which she feels has provided them with better insight for recruiting, salary and benefit information for that group of employees. The HR department will participate in the Halloween event next week. The driver's license project has been completed for insurance purposes. Open enrollment will happen the first half of November. Ms. Rice is looking into some ADP training that she may take and/or that may be available county-wide. The current leave policy is out of date and she is looking at options for updating; additionally, she may look into changing vacation/sick time to PTO and is trying to get a history of the back and forth changes to compensation time and direction from the Board as to what they'd like to do. Based on a discussion recently had in an executive session, Ms. Rice is working on a document outlining process to change a salary when a manager identifies a need. Mr. Soto has conducted an interview about a recent employee complaint and will meet with PA's Office Friday. There is no update on the pending termination. Updated numbers are as follows: 11 people were hired last month, 108 applications were received, year-to-date 131 people have been hired and 130 have left.

The meeting concluded at 3:44 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 20, 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 PURCHASE ORDERS

The Board approved the following purchase orders:

- Grainger in the amount of \$4301.45 for the Facilities department (PO# 5288)
- Command Sourcing in the amount of \$8160.00 for the Sheriff's Office (PO# 5303)

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Justin McConnell, Landfill Environmental Compliance/Safety Manager; and Aundrea Stewart, Misdemeanor Probation Officer.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2022-501

The Board met today at 9:07 a.m. to conduct a medical indigency hearing for case no. 2022-501. Present were: Commissioners Keri Smith and Leslie Van Beek, Case Manager Kellie George, Attorney Kevin Griffiths for St. Alphonsus and Deputy Clerk Jenen Ross. Following testimony provided by Ms. George and Mr. Griffiths and Board discussion Commissioner Van Beek made a motion to continue the hearing to December 8, 2022 at 9:00 a.m. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 9:25 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The board met today at 9:25 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Leslie Van Beek, Case Manager Kellie George and Deputy Clerk Jenen Ross.

Commissioner Van Beek made a motion to sign lien releases for case nos. 2022-128 and 2022-497. The motion was seconded by Commissioner Smith and carried unanimously.

The meeting concluded at 9:26 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Director of Juvenile Detention Sean Brown (left at 10:16 a.m.), Director of Misdemeanor Probation Jeff Breach (left at 10:20 a.m.), Treasurer Tracie Lloyd (left at 10:14 a.m.), Deputy Treasurer Tanya May (left at 10:14 a.m.), Emergency Operations Manager Christine Wendelsdorf, HR Director Kate Rice, HR Generalist Jennifer Allen (left at 10:20 a.m.), HR Generalist Cindy Lorta (left at 10:24 a.m.), Sheriff Kieran Donahue (left at 10:24 a.m.), Chief Deputy Sheriff Doug Hart (left at 10:24 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Treasurer Lloyd explained the notice being considered is for surplus property being put up for auction on November 9th. There is also a notice for granting property to the Nampa Housing Authority if the Board so chooses. Discussion ensued regarding parcel no. 39312000 0 known as the Anderson Corner property. This property was once sold at auction but was later discovered had many EPA issues that needed to be addressed and was purchased back by the county. All of the issues have not yet been resolved but Treasurer Lloyd thinks it may be time for the county to consider selling it again. There has been discussion with the surrounding landowner who has interest in purchasing the property 'as-is', is fully aware of all the current and previous issues and is willing to pay the \$50,000 which is the amount the county has incurred in remediating the property. Commissioner Van Beek is in favor of allowing the surrounding property owner to purchase the property without putting it to auction. Commissioner Smith feels that the appropriate path forward is to put it to auction. Further discussion ensued about offering a portion of the property to ITD for right-of-way dedication and the best course of action knowing the EPA issues on the property. At this time additional conversation is needed on the best way to move forward and it was decided to remove the parcel from the auction notice.

Consider signing resolution declaring certain properties as not necessary for county use and authorizing sale thereof: Commissioner Smith made a motion to sign the resolution noting it will be amended to remove the Anderson Corner property, parcel no. 39312000 0. The motion was seconded by Commissioner Van Beek and carried unanimously (see resolution no. 22-216).

Consider signing notice of surplus property auction: Commissioner Van Beek made a motion to sign the notice but with the amendment to remove the Anderson Corner property, parcel no. 39312000 0. The motion was seconded by Commissioner Smith and carried unanimously.

Consider signing notice of grant of real property to other political subdivision or taxing district: The Nampa Housing Authority is interested in the property located at 132 Owyhee Ave, Nampa, parcel no. 08419000 0. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the notice of grant of real property to other political subdivision or taxing district.

Consider signing Juvenile Detention Housing Agreement with Valley County: Director Brown said there are no changes from last year and is the same as previous housing agreements signed by the

Board. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the Juvenile Housing Agreement with Valley County (see agreement no. 22-122).

Consider signing a resolution changing the title, description and salary range for one position in the Misdemeanor Probation department: Director Breach said this is to change a Customer Service Specialist position to a Sr. Administrative Specialist position as these two positions are often sharing job responsibilities. This change will make both positions equitable and allow equal job knowledge. With this change the department will no longer have a Customer Service Specialist position. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution changing the title, description and salary range for one position in the Misdemeanor Probation department (see resolution no. 22-217).

Consider signing a resolution approving the change in job title, job description and salary range of two (2) positions in the Sheriff's Office: Sheriff Donahue said this is to reclassify two positions which will address the immediate needs in DMV and Emergency Management. A vacant Deputy Sheriff position will be changed to a Customer Service Specialist and a vacant Food Services Supervisor to a Sr. Administrative Specialist; both of these positions are funded in the FY23 budget. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution approving the change in job title, job description and salary range of two (2) positions in the Sheriff's Office (see resolution no. 22-215).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 10:25 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d), (f) and (i) regarding personnel matters, records exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation and to communicate with risk manager regarding pending/imminently likely claims. 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, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley and Deputy P.A. Alex Klempel. The Executive Session concluded at 11:36 a.m. with no decision being called for in open session.

The meeting concluded at 11:36 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 21, 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 FORMS

The Board approved an employee status change form for Brandon Black, Sr. Misdemeanor Probation Officer; Coby Michael Armstrong, Deputy Sheriff – Inmate Control; Marylee Beth Lewis, Customer Service Specialist – Booking; Stephanie Angeleena Marie Browne, Call Taker – Dispatch; Hunter Alexander Onofrei, Deputy Sheriff – Inmate Control; and Kevin Michael Patchett, Deputy Sheriff – Inmate Control.

MEET WITH THE MIDDLETON URBAN RENEWAL AGENCY

The Board met today at 10:05 a.m. with the Middleton Urban Renewal Agency and the following action item was considered: *Transfer of Power Ordinance and Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906(3)(b)*. Present were: Commissioners Keri Smith and Leslie Van Beek, Middleton Mayor Steve Rule, Middleton Public Works Director Jason Van Gilder, Middleton City Clerk Becky Crofts, Attorney Meghan Conrad, Attorney Abbey Germain, Roberta Stewart, Treasurer Tracie Lloyd, Sr. System Analyst Steve Onofrei, Controller Zach Wagoner, Deputy PA Zach Wesley, DSD Director Sabrina Minshall, and Deputy Clerk Monica Reeves. Meghan Conrad gave a PowerPoint presentation (included with today's minutes) highlighting the following:

- The proposed boundaries
- Plan approval process
- Intergovernmental Agreement and Transfer of Powers Ordinance
- Next Steps - Updated Plan Approval Timeline
- MURA East - Plan Elements
- Infrastructure Improvements Prioritization
- Class 1 and Class 2 Improvements
- Class 2a Improvements
- Class 3 and 4 Improvements
- Economic Feasibility Study
- Anticipated Revenues
- Anticipated Discounted Revenues
- Estimated Project Costs

- Priority Class 1 URD funded project costs are estimated at \$25.3M
- Priority Class 2 URD funded project costs are estimated at \$19.8M
- Priority Class 2a identifies \$24.4M in public infrastructure costs which would be eligible for funding should excess revenues exist
- Other Items
 - Agricultural operation consents - Completed
 - Maps and legal descriptions have been updated
 - 10% valuation analysis completed - 5.2% of total taxable value
 - Limitations on amendments to the plan - Idaho Code 50-2903A
 - Base reset
 - Exceptions

The City of Middleton requested the Board move to approve Intergovernmental Agreement and Transfer of Powers Ordinance. Questions and discussion followed with Mayor Rule spoke about how the city is out of scale with residential/industrial, and they will have a tool that can be used to bring on commercial and industrial growth. Commissioner Smith said she wants it clear that the County will not be following city codes in the unincorporated areas. Zach Wagoner spoke about his concern regarding property taxes and paying for services because as the revenue allocation area grows those properties are going to require County services (public safety, prosecution, assessment, and tax collection). The taxes paid by those properties are diverted to the urban renewal agency so those services will be paid for by other taxpayers. For instance, Sky Ranch properties pay incremental tax that is billed, collected and remitted through the County so there are services provided on behalf of those properties that is not the limit of that RAA, that RAA has thousands of residential homes and they require significant amounts of services. Commercial and industrial do have a lessor pull for services, but there is residential growth and they require a higher level of service. Abbey Germain said the city originally came with two proposed RAA's and they let go of the west district (MURA West) so that was a major concession in reducing that area. She asked the question *Without urban renewal would this growth even be happening but for the funds that are incentivizing development?* Controller Wagoner said there are financial implications to this; for 20 years citizens outside of this area will pay taxes. Deputy PA Wesley, who had to leave the meeting, requested today's action item be continued to next Friday. Mayor Rule said we cannot miss the next step due to delays and he asked the Board to take action today with the understanding that the attorneys will work out the last few details on the language. Deputy PA Wesley said he does not object to having a motion to approve the agreement an ordinance and then the signing of the documents will take occur October 27, 2022. The County wants the documents to denote that for unincorporated parcels Canyon County will administer its own ordinances and comp plan. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the Intergovernmental Agreement and Transfer of Powers Ordinance. The meeting concluded at 11:19 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Note for the record: The Board was scheduled to meet with The Hartwell Corporation and ESIS to review the Third-Party Administrator Agreement today at 1:00 p.m. however, the meeting was rescheduled to November 2, 2022 at 10:00 a.m. A request was made to go into Executive Session which was held as follows:

Commissioner Smith made a motion to go into Executive Session at 1:34 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (i) to discuss records exempt from public disclosure and attorney-client communication, and to communicate with the County's risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Monica Reeves with Commissioners Smith and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Prosecutor Bryan Taylor, Chief Civil Deputy PA Sam Laugheed, Deputy PA Alex Klempel, Deputy PA Zach Wesley, HR Director Kate Rice, Chief Deputy Sheriff Doug Hart, and Shannon Kinney and Brian Baughman from The Harwell Corporation. Clerk Chris Yamamoto arrived at 1:43 p.m. The Executive Session concluded at 2:15 p.m. with no decision being called for in open session.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 24, 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. 2302

The Board approved payment of County claims in the amount of \$2,162,592.92 for a County payroll.

APPROVED CLAIMS

- The Board has approved claims 588748 to 588768 in the amount of \$26,419.00
- The Board has approved claims 588773 to 588800 in the amount of \$40,083.25
- The Board has approved claims 588801 to 588835 in the amount of \$267,532.09
- The Board has approved claims 588836 to 588871 in the amount of \$216,270.66

- The Board has approved claims 588872 to 588905 in the amount of \$24,293.61
- The Board has approved claims 588906 to 588947 in the amount of \$177,589.42
- The Board has approved claims 588948 to 588990 in the amount of \$68,345.28
- The Board has approved claims 588991 to 589037 in the amount of \$308,685.43
- The Board has approved claims 589082 to 589134 in the amount of \$491,629.93
- The Board has approved claims 589135 to 589143 in the amount of \$4,992.75
- The Board has approved claims 589144 to 589147 in the amount of \$5,740.44

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Robert Baird-Levine, PA Deputy Attorney II.

MEETING WITH DIRECTOR OF DEVELOPMENT SERVICES

The Board met today at 9:09 a.m. with the Director of Development Services. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Office Manager Jennifer Almeida and Deputy Clerk Jenen Ross.

Discussion topics included the following:

- Email from a constituent and possible response answers
- Director Minshall is looking for direction from the Board on what they would like to see in terms of the org chart and the direction they'd like to see the department go; there are several open positions that they've not received a lot of interest in so there needs to be a change somewhere. Commissioner Smith encouraged Director Minshall to continue working on getting a grasp of where the department is at and then determining what the needs are in regard to pay; she encouraged her to work with Mr. Baldwin in HR on evaluation of comparable salaries.
- Workload in regard to staff within DSD, the hearing examiner, P & Z commission and Board hearings
- Open positions
- Possibly messaging to the community and constituents
- Creating a flowchart to show and understand process
- At the request of Commissioner Smith, Director Minshall will follow up with Elizabeth Allen regarding the final paperwork for the comprehensive plan; Commissioner Smith also wants to make sure there is clear messaging as to when an application falls under the old comprehensive plan or the new comprehensive plan as they cannot be blended.

The meeting concluded at 9:38 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING A RESOLUTION APPROVING A NEW ALCOHOLIC BEVERAGE LICENSE FOR CRAFT LOUNGE

The Board met today at 9:39 a.m. to consider signing a resolution approving a new alcoholic beverage license for Craft Lounge. Present were: Commissioners Keri Smith and Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioner Van Beek made a motion to sign the resolution approving a new alcoholic beverage license for Craft Lounge. The motion was seconded by Commissioner Smith and carried unanimously (see resolution no. 22-218). The meeting concluded at 9:40 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING CERTIFICATES OF NONCOMPLIANCE

The Board met today at 10:32 a.m. to consider signing certificates of noncompliance. Present were: Commissioners Keri Smith and Leslie Van Beek, Code Enforcement Officer Eric Arthur, and Deputy Clerk Jenen Ross. A review and presentation of each property was given with reasons necessary for the certificates of noncompliance. The properties were considered as follows:

- **209 Crestview Drive, Nampa** – Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the certificate of noncompliance.
- **5103 Sunny Ridge Drive, Nampa** – Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the certificate of noncompliance.
- **11973 Moss Lane, Nampa** - Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the certificate of noncompliance.
- **16485 Orchard Avenue and 0 Riverside Road, Caldwell** – Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the certificate of noncompliance.
- **16820 Sand Hollow Road, Caldwell** – Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the certificate of noncompliance.
- **20147 Linda Lane, Caldwell** – Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the certificate of noncompliance.

Copies of the recorded certificates of noncompliance are on file with this day's minutes. The meeting concluded at 10:52 a.m. and an audio file is on file in the Commissioners' Office.

CALDWELL, IDAHO OCTOBER 25, 2022

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

No meetings were scheduled this day.

APPROVED CLAIMS

- The Board has approved claims 589148 to 589160 in the amount of \$5,960.00
- The Board has approved claims 589038 to 589081 in the amount of \$231,973.69
**Commissioner Van Beek is not in favor of paying invoice 03384 in the amount of \$165,737.75 until the issues with the quality have been resolved. Vendor/sub information clarified.*
- The Board has approved the September Jury claim in the amount of \$3,631.60

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 26, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **Out of the Office**
 Deputy Clerk Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- WCP in the amount of \$39,480.00 for the Information Technology department
- Carbon Networks in the amount of \$28,950.00 for the Information Technology department
- Avaya in the amount of \$49,723.08 for the Information Technology department

APPROVED SICK TO VACATION TIME TRANSFERS

The Board approved sick to vacation time transfers for Dawn Pence and Mark Tolman.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Michael B. Mauldin, Deputy Judicial Marshal.

CONSIDER SIGNING PROCLAMATION DECLARING NOVEMBER 6TH DAY OF PRAYER & FASTING FOR GRATITUDE

The Board met today at 8:51 a.m. to consider signing a proclamation declaring November 6th a day of prayer and fasting for gratitude. Present were: Commissioners Keri Smith and Leslie Van Beek, Kelli Jenkins, Julie Yamamoto, Jim Porter, Chris and Becky Smith, Jason Neilson, Lynn and Renee Hardy and Deputy Clerk Jenen Ross. Commissioner Smith read the proclamation into the record and a copy 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 proclamation declaring November 6th a day of prayer and fasting for gratitude. The meeting concluded at 8:56 a.m. and an audio recording is on file in the Commissioner's Office.

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

The Board met today at 9:17 a.m. for monthly meetings with directors to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, IT Director Greg Rast (left at 9:40 a.m.), Assistant IT Director Eric Jensen (left at 9:40 a.m.), Project Manager Shawn Adamson (left at 9:40 a.m.), Weed and Pest Superintendent AJ Mondor (arrived at 9:38 a.m.), Deputy P.A. Oscar Klaas (arrived at 9:44 a.m.), Lead Weed Applicator Cory Flatt (arrived at 9:51 a.m.) and Deputy Clerk Jenen Ross.

Information Technology:

Director Rast reviewed the following with the Board:

- A PO for a truckload of paper was presented to the Board for approval. \$26,000 was budgeted for paper but due to increased demand and reduced supply the cost has increased and will cost an additional almost \$14,000 this year for a total of \$39,480. The county currently has a limited supply of paper so half a truckload can be delivered now and the second half in mid-November. Director Rast wanted to make the Board aware that the line item will be overspent at the end of the fiscal year due to this increase.
- The second PO was presented for replacement of the Skype phone system, being replaced with Avaya. A review of budget numbers was provided by Director Rast noting that this project will be done in 3 phases this fiscal year and will be paid once each phase is completed. This project needs to be completed by June 2023 in order to remove the Skype licenses when the Microsoft contract is renegotiated. At this time the projections for this project are coming in \$75,000 under budget.

A copy of the document reviewed with the Board is on file with this day's minutes.

- The digital PO project is almost complete; IT is continuing to work with Audit on the claim portion of the process. The project is anticipated to be completed by the end of the calendar year and Director Rast would like to do a demonstration with the Board.
- The DSD CAPS project is still in progress; discussion ensued regarding tracking of the code enforcement complaints that come in thru the website and ones that are forwarded to weed and pest.

Weed and Pest:

Director Mondor reviewed the following with the Board:

- They are working on spraying grasses throughout the county; there are some new species and new invasive species.

Consider signing Addendum to Services Agreement with Cintas: This is a basic contract which will provide a savings by signing this addendum. Mr. Klaas said legal has reviewed and approves of the addendum. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the addendum to services agreement with Cintas (see agreement no. 22-123).

- Discussion ensued regarding the Board's direction to Director Mondor at the September meeting to work with legal to start the RFP process for contracted, as-needed help for mowing, spraying and gopher trapping. Mr. Mondor expressed his hesitation in contracting for assistance in gopher trapping as his department has a good reputation and he doesn't want to diminish that. After the discussion it was determined that the goal of the Board is to get the weed and pest department help during the busiest times but there may still be some data missing in trying to accomplish that. The Board requested that Director Mondor compile a scope of work in the next two weeks for each of the areas that could be used in either the RFP or RFQ process. They asked him to provide an update via email and request more time if necessary. Additionally, the Board requested that workload numbers also be emailed to them.
- Approximately 30 owl boxes have been ordered and are in the process of being built; charge for an owl box is \$159.99.
- Truck 107 was in accident - it has recently been returned and equipment will be pulled out of it in order to be installed in a new truck; They will also be transferring equipment from old 6-wheeler to the new 6-wheeler vehicle; a tractor is back from repair.
- Two new chemicals are being used.
- Wilbur Ellis University is happening soon; all weed and pest staff is planning to attend.

The meeting concluded at 10:12 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING FINAL PLAT FOR SKM ESTATES SUBDIVISION, CASE NO. SD2021-0028

The Board met today at 1:41 p.m. to consider signing a final plat for SKM Estates Subdivision, Case no. SD2021-0028. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planning Official Dan Lister and Deputy Clerk Jenen Ross. Mr. Lister confirmed that all conditions have been met and upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to approve and sign the final plat for SKM Estates Subdivision, case no. SD2021-0028. The meeting concluded at 1:42 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:45 p.m. for a monthly meeting with the Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Tasha Howard with the Extension office (left at 1:57 p.m.), Extension Educator Cheyenne Meyers (left at 1:57 p.m.), Chief Public Defender (Aaron Bazzoli arrived at 2:00 p.m.) and Deputy Clerk Jenen Ross.

County Agent 1:45 p.m.:

- Introduction of Cheyenne Meyers; she spoke about programming she's involved in and advertising for the 'living on the land' program
- Two candidates have been interviewed for the open Horticulture Educator position; no word has been received yet on acceptance of the position.
- 4-H Coordinator position has been filled by Johanna Harness who will be starting Monday
- Jerry Neufeld will retire Monday, October 31st. The Board is supportive of refilling that position once Mr. Neufeld is officially retired.
- 4 of 5 educators are new so they are working on a need's assessment. A listening session will be held on Nov. 10th. There will also be a session to take input from county citizens in order to get input on what the community would like to see.

The Board took a brief break from 1:57 p.m. to 2:00 p.m.

Public Defender 2:00 p.m.:

- Update on hiring of new attorneys who've recently passed the Bar and how caseloads will be transitioned to them.
- FY case number information was provided to the Board
- Year-end reports are being worked on for the PDC

- A brief review of given of what Mr. Bazzoli and the IACDL committee has been working on in regard to the state taking over indigent public defense; a meeting with the governor and board will take place in early December

The meeting concluded at 2:27 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 27, 2022

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

APPROVED CLAIMS

- The Board has approved claims 589161 ADV in the amount of \$398.00

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Ferguson Waterworks #1076 in the amount of \$3240.00 for the Landfill
- Acco in the amount of \$3580.00 for the Facilities department
- Dell in the amount of \$1660.24 for the Information Technology department
- SHI in the amount of \$2486.00 for the Information Technology department
- Dell in the amount of \$1515.00 for the Information Technology department

APPROVED CATERING PERMITS

- The Board approved Idaho Liquor Catering Permits for Raising Our Bar to be used 11/4/22, 11/5/22, 11/6/22, 11/11/22, 11/12/22, 11/13/22 and 11/28/22.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Garrett Saucedo, Maint. Tech.; Becky Kearsley, Office Manager; Gisela Moreno Garibay, Sr. Administrative Specialist; Mark Ehrman, Maint. Tech II; Dustin Moore, Maint. Tech. II; Troy Mikolyski, Mental Health Clinician; Sue Britton, Sr. Administrative Specialist; Dalton Kelley, Deputy Attorney (limited license); Jamie Siewert, Temp. Elections & early voting help; Trina Harrell, Temp. Elections & early voting help; Shane Sears, Temp. Elections & early voting help; Bonnie Wood, Temp. Elections & early voting help; Colleen Lorenz, Temp. Elections & early voting help; Holly Murray, Clerk IV (Mag. In-court Lead Clerk); Johnathan Hurn, Clerk II.

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

The Board met today at 9:11 a.m. with county attorneys for a legal staff update and to consider agenda items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas, DSD Director Sabrina Minshall (left at 9:18 a.m.), DSD Planning Official Dan Lister (left at 9:15 a.m.), DSD Office Manager Jennifer Almeida (left at 9:18 a.m.), Planner Jenna Petroll (left at 9:15 a.m.), Planner Elizabeth Allen (left at 9:15 a.m.), HR Director Kate Rice (left at 9:16 a.m.), HR Generalist Kendra Elgin (left at 9:16 a.m.), HR Generalist Cindy Lorta (left at 9:16 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

Meeting to consider adopting of the Canyon County 2030 Comprehensive Plan Update: Elizabeth Allen explained the resolution has been provided with the comprehensive plan as well as FCOs attached. The attached comprehensive plan includes the changes that were approved by the Board at the hearing. In response to a question from Commissioner Smith, Mr. Wesley said the body of the plan should be non-appealable, however, some of the procedural issues could potentially be appealed. He said he is not aware of any procedural issues and he has reviewed the comprehensive plan which meets the minimum criteria in LUPA. He also reviewed it for any issues relating to the maps and they all looked to be labeled correctly and in place. He has no facial legal issues with the plan. Commissioner White made a motion to sign the FCOs and resolution adopting the Canyon County 2030 Comprehensive Plan. The motion was seconded by Commissioner Van Beek. A vote was taken on the motion with Commissioners Smith and White voting in favor and Commissioner Van Beek voting in opposition. The motion carried in a 2-to-1 split vote. See resolution no. 22-220.

Consider the request for reconsideration for Case No. CU2022-0010-APL: At the request of Mr. Wesley, Commissioner Van Beek made a motion to continue this item to 1:30 p.m. today. The motion was seconded by Commissioner White and carried unanimously.

Consider signing Resolution Authorizing the Destruction of Files of Former Employees with Employment End Date Prior to October 1, 2012 maintained by the Canyon County Human Resources Department: This is a regular resolution in line with county standards for retaining documents with the usual exclusion of any files which may involve pending litigation. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution authorizing the destruction of files of former employees with employment end date prior to October 1, 2012 maintained by the Canyon County Human Resources Department (see resolution no. 22-219).

Consider signing Independent Contractor Agreement with Bruce Eggleston: In response to a question from Commissioner Smith, Director Minshall said there are not a lot of hearing examiners out there but that Mr. Lister has a few in mind. This agreement is not exclusive, another hearing

examiner could be added and there is no guarantee of work. They may look into doing a RFQ in the future for a second hearing examiner. Upon the motion by Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the independent contractor agreement with Bruce Eggleston (see agreement no. 22-124).

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 9:19 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 and Deputy P.A. Oscar Klaas. The Executive Session concluded at 9:52 a.m. with no decision being called for in open session.

The meeting concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY TREASURE VALLEY, LLC (MIKE TITERA), REPRESENTED BY MATT WILKE, FOR A CONDITIONAL REZONE FROM "A" (AGRICULTURAL) TO "R-R" (RURAL RESIDENTIAL), CASE NO.CR2021-0008

The Board met today at 10:06 a.m. for a public hearing to consider a request by Treasure Valley, LLC (Mike Titera), represented by Matt Wilke, for a conditional rezone from "A" (agricultural) to "R-R" (rural residential, case no. CR2021-0008. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Director Sabrina Minshall, Matt Wilke, Athila Csikos, April Wilke, Lee Hearst, Toni Gibson, Marcus Michaels, Davis Morgan, David Michaelis, Simone Elison, Edie Hearst, Anita Rex, Myra Garrison, Doug Bruhner, Katie Vandenberg VanVlient, Marnie Vandenberg, Norm North, Heidi Miller, Roger Miller, W.P., Konnie Michalis, Jamie Michaelis, John North and Deputy Clerk Jenen Ross.

Dan Lister provided the staff report and summary stating that the request is for a conditional rezone of approximately 55-acres of a 120-acre parcel from an agricultural zone to a rural residential zone. This conditional rezone includes a development agreement that limits development of that 55-acres. The applicant has provided a draft development agreement that limits development to 15 residential lots with a minimum lot size of 3.5 acres, would provide pressurized irrigation thru individual wells and drainage would be kept on-site and preserved not to impact the drainage on-site. This property is 2 original parcels created prior to September 6, 1979 so there is ability to divide it further thru the land division process. There is no recorded land division application and they've looked at the historic use of the land which has primarily been leased for livestock grazing. In looking at the site, a majority of the properties in the area are agricultural, it is not located within an area of city impact or identified growth area. The average

lot size in the area is 44.51 acres and the 2020 Canyon County Comprehensive Plan designates the property as agricultural. Five platted subdivisions are located within a 1-mile radius of the property with a 7.99-acre average lot size. The primary zone is agricultural. The most recent plats were completed in 2017 which is Small Wood Trail Subdivision with a 5.23-acre average lot size and consistent with the conditional rezone that was approved in 2013. Two conditional rezones have been approved in that location one in 2013 which was divided for family and one in 2014 to make an illegally split lot a buildable parcel. Site photos were shown to the Board. The only uses that have been approved for this location is an animal cremation service approved in 2019 thru a conditional use permit. Approximately 66-acres is considered farmland of statewide importance if irrigated, used primarily for livestock grazing. Aerial photos show that most of the properties adjacent to the subject property are agriculture or rangeland in nature. The property is located over 1.5 miles from Vandenberg & Sons Dairy, there is a letter in opposition from them regarding this request. The property is not located within an area of city impact, city services are not available to the subject parcel therefore future development will require individual wells and septic systems. The property is not located within a nitrate priority area and wells in the area exhibit low levels of nitrate. The property is located within Black Canyon Irrigation District's jurisdiction but does not have water rights. Future development will be required to provide pressurized irrigation water to all future lots as only one ½ acre can be irrigated by a well and these lots are much larger. The Conway-Gulch lateral bisects the property, stormwater must be retained on site. The subject parcel accepts significant drainage from the north and east, these natural drainages should be preserved thru drainage easements although the drainage path can be reconfigured as part of platting. Middleton School District no. 134 is experiencing significant growth with some schools being over capacity and others near capacity. This development is anticipated to bring an increase of 9 students to the district. For bussing and safety, the district requests the appropriate street size and turnarounds be included for bus access at the time of platting. No comments were received from Middleton Rural Fire District. The property has access and frontage along Harvey Lane which is classified as a major collector by Canyon Highway District no. 4. Access is currently provided by a private driveway along the southern property boundary along Harvey Rd. Access for future residential development would need to be planned through one or more public road approaches. There appears to be adequate site distance along the majority of Harvey Rd. however, site distance would need to be verified prior to preliminary plat approval. Per Canyon Highway District no. 4 standards, any grid of arterial and collector roads will be acquired within or contiguous to the frontage of the development to serve future transportation needs. As conditioned by the development agreement, the proposed 15 lot development is not anticipated to exceed the threshold requiring a traffic impact study and proposed traffic impacts will be mitigated through right-of-way dedication, public road improvements and impact fees. The parcel is located within a 1280-acre TAZ; COMPASS maintains and uses the data as part of the Communities in Motion Regional Transportation plan which uses future population, household and job forecast to determine future transportation needs for the valley. COMPASS forecasts little to no residential growth in the area; this is primarily due to the area not being within an identified growth area or city impact area and that the area is still maintaining conditions, uses and character that support an agricultural use and lifestyle. The Canyon County Comprehensive Plan designates the future land use as agricultural. The parcel is not located within an area city impact. The request aligns with 1 goal and 3 policies of the comprehensive plan but does not align with 7 goals and 5

policies, including policies within the residential land use category. At the time of the staff report, five comments were received from neighbors in opposition of this request citing the following concerns: the lot sizes are inconsistent with the surrounding area, the development will promote more traffic on existing/burdened infrastructure, the development promotes the loss of farmland, agricultural character and promotes residential development outside the city impact area where amenities and services can be provided, the development will be piecemealed, the developer owns property that touches Freezeout Rd. and could open the door for future development resulting in a large housing development in the middle of ag, the Middleton School District is over capacity and the development will add to the schooling issue, strain on the water table and irrigation access, invasive weeds are encouraged by residential uses of larger lots, lots of open space and impact to wildlife. On July 7, 2022 the planning and zoning commission recommended denial of this request. The FCOs provided to the Board today support that recommendation of denial. The decision options today are to deny as recommended, approve with direction to staff to change the FCOs (approval will require renotification) or table for more information. Late exhibits were received, 4 of those exhibits were provided to the Board yesterday – the PowerPoint from Jamie Michaelis (exhibit 11A), opposition letter from Carol Watkins (exhibit 11B), opposition from Heidi and Roger Miller (exhibit 11C) and Matt Wilke’s presentation and a letter he received from Canyon Soil Conservation District (exhibit 11D). Exhibit 11 E is an opposition letter from Bonnie Goodell and Exhibit 11F is an opposition letter from Sullivan Vains.

Matt Wilke offered testimony in favor of the application stating they submitted their letter of application on August 6, 2021. There is an equestrian trail around the perimeter of the property which they believe is a good point they’d like to focus on with the BLM land in close proximity. The site is approximately 55-acres with a conditional rezone on the SE corner. The entire parcel is 120-acres and to them it made sense to rezone 55-acres on the east side of the lateral. Part of the reason they chose to the 55-acres vs. the entire 120-acre is because they are doing a conditional rezone and there is a two-year timeframe to get it finalized after approval. Mr. Wilke said he would have preferred to go with a straight rezone to rural residential for the whole 120-acres but after speaking with Kate Dahl in DSD, she suggested the equestrian easement. He said Ms. Dahl’s input is what influenced them to go with a conditional rezone of the 55-acres vs. a straight RR rezone of the 120-acres to keep with the character of the area. The average lot size is 3.67-acres per lot, and he noted several subdivisions within ½ mile. There are 82-homes within a one-mile radius of the site. There are many homes within the immediate vicinity which contradicts page 5 of the staff report that states it is predominantly ag with widely scattered homesteads. A property toward the SE corner of the subject property has quite a few lots that are smaller than the proposed lot size. Mr. Wilke addressed taxes paid on other area properties noting that his client only paid \$61 in 2021 for their 120-acre site but other smaller parcels that have been developed paid significantly more. The surrounding area includes BLM ground and the Idaho Youth Ranch. The Middleton Fire Station no. 2 is located 2 miles directly south of the property and was officially purchased earlier in the week. A remodel of fire station will begin in the spring and be fully staffed and operational within 3 years. This development will help pay for the fire station with impact fees and taxes. He feels the development meets land use goal no. 4 which staff has indicated wasn’t met. He cannot foresee a piece of ground in the county that is better suited for residential without disturbing active farm ground; this is absolutely non-viable farm ground, there is no water whatsoever.

Historically, this property hasn't been classified with water on 38 of the 55 acres as it was above the lateral. Only about 25-acres had water but the water was removed many years ago. Without water it is impossible to farm the ground and make any money. It is predominantly class 4 soils if it was irrigated, without water they are class 6 soils. Additionally, the property has slopes, and he feels it is much better suited for residential. Mr. Wilke spoke to the uses and limitations of class 4 and class 6 soils. The applicant only makes \$550 annually on the 120 acres for grazing. There are a lot of concerns regarding the aquifer and groundwater; IDWR has a monitoring well 1830' from the site and data shows that over 40 years the aquifer has only dropped about 3' and other well logs around the site have similar static water levels. As part of his presentation, Mr. Wilke showed pictures of the site being in dry ground, nearby homes, sloping landscape and the lateral running thru the middle of the property. A 50-year history of the aquifer – 1969 to 2000 - shows 4' decrease. He feels this development is in a really good area for water.

At the request of Commissioner White, a review of the conceptual drawing with roadways was provided. Mr. Wilke feels they are doing their best to protect the surrounding farmland.

Mr. Wilke explained the property was purchased 2 years ago and has 5 administrative splits available for residential, but this made more sense if you're going to bring in the infrastructure and put in roads. He feels they are taking more strain off ag land by putting residential on non-viable farm ground and thought that was the goal of the county to develop non-viable vs. viable ag ground. Mr. Lister explained that under the non-viable farm ground ordinance, a total of 8 lots could be developed.

Commissioner Smith asked if they would be opposed to applying under the non-viable farm ground ordinance as it is now an option when it wasn't when they originally applied. This would allow them 8 lots on the entire property and give them lots that are more comparable to average lot sizes in the area. Mr. Wilke thinks this might be a viable option for his property owner but thinks the best use of the property would be a little smaller average lot sizes, comparable to the neighboring property. He thinks it's better to have higher density but still a low density at 3.5-acre averages. Per Mr. Lister, the ag zone does allow residential. In this case a lot of the parcels you see with development are original parcels or a land division that created those. There were some conditional rezones that adds a couple splits but code states not to use those decisions as presumptive proof that this area has changed. Mr. Lister also noted that there are older subdivisions that came between 2001 and 2008 – those have 16.6-acre average lot sizes and 5-acre lot sizes - those are older subdivisions or done thru the land division process to keep that same ag zone which is allowed.

Athila Csikos offered testimony in favor of the application. He spoke about the importance of property rights, noting that he is a real estate broker and property rights proponent. He offered suggestions on how to get the younger generation excited about ag land in order to preserve it.

The following people offered testimony in opposition of the application:

Doug Bruhner said he owns 40 acres in the area that they actively farm. He read from FCOs about how this doesn't fit citing concerns he has about the decline in water capacity they are seeing, increased property taxes due to increased housing in the area, and his belief that this will open the door for other subdivisions in the area. He summarized his concerns as being the increased taxes, noise, traffic and threats to water levels. He believes in property rights as long as it doesn't impact others. He doesn't want his lifestyle changed and worries this development will destroy that.

John North spoke about his well that went dry, his inability to get water from Black Canyon Irrigation District noting that any livestock will need to be fed hay as grass won't be able to be grown.

Katie Vandenberg Van Vliet made a request for denial based on recommendations from planning & zoning and staff. She is an attorney with Sawtooth Law Offices and her firm represents the Vandenberg family and their business, Vandenberg and Sons Dairy. She read a statement into the record requesting that the Board deny the case consistent with the recommendation by both staff and planning & zoning. The dairy is family owned and operated and less than 2 miles from the proposed site, they also own land in this general vicinity and purchase feed from the fields that sit directly adjacent to the site. She feels there are 4 major reasons this should be denied – 1. application does not meet the conditional rezone criteria, 2. it is not consistent with the comprehensive plan and the public's desire to preserve open ag space, 3. It allows for irresponsible development in the middle of farms that is outside of city sewer and water services which necessitates the construction of individual wells and sewers 4. Residential subdivisions are an incompatible use next to farms and dairies and threaten their future. Constituents have spoken loud and clear in opposition to this. Everyone here has spoken about how their property rights will be injured and she encouraged the Board to listen to those concerns. According to the Secretary of State website, this applicant is an LLC out of California. She urged the Board to hear the voice of the constituency that elected them, they are here today and should matter more than this investment entity from out of state. She feels it is irresponsible to allow growth that is not contiguous with the city, out in the middle of farm ground, where there is not infrastructure to support it. Infill development should be encouraged in and near the city and not allowing urban sprawl out into the middle of farms. She is concerned that under the domestic well exemption these parcels are only going to be able to irrigate ½ acre but they are proposed to be 3.5 acres, so when you're not eligible to irrigate that much without water rights they will essentially just become wastelands; she doesn't foresee this being a beautiful productive ag development as is being proposed. This subdivision is in the middle of farms, it may not be productive ag ground because it doesn't have water rights, but it is in the middle of farms and threatening all the farms around it. It is not compatible, it makes it hard to continue agriculture and it is going to set bad precedent by setting it this far out in the county.

In response to Commissioner Van Beek's question, Ms. Vandenberg Van Vliet provided suggestions for people who would like to move farther out in the county and live a more rural lifestyle. She doesn't believe it is practical to think that young families are going to be able to afford these 3.5

acre lots and build right now and that it is the solution that's been proposed to get younger families out into this area.

Marnie Vandenberg grew up in this area, she has horses but there is no way she could ride a horse down any of the roads and you're not allowed to take horses on anyone else's property including ditch banks. So, while she likes the idea of people being able to ride horses around this subdivision she worries it will lead people to ride in places they cannot be riding. She would rather see them apply for water rights and water this parcel to plant a crop of potatoes or beets and farm the property. She doesn't believe their claim that there are 82 homes in the surrounding area. They have a parcel that is very sandy and are able to farm hay on it without issue. For the record she noted that she agrees with previous comments and the staff report.

Heidi Miller moved here in 2013 looking for a quiet peaceful place but since that time the neighborhood has grown. She is asking for respect for her property rights and privacy. Over the years she has noticed the impact to wildlife and how traffic has increased.

Konnie Michalis explained that the subject property borders her property on the west and north. Her family has rented the space [subject property] for cattle grazing for the past 25 years, previous to that it was rented for cows; the property has been used continually for grazing for 40+ years. She provided a history of the property ownership and how it is now owned by a gentleman who lives out of state, Mike Titera. Although she likes the gentleman she believes his intent was to purchase the land in order make money and she is against his plan for this subdivision. She believes he fully intends to develop the entire 120 acres as he has purchase two properties adjacent to the SW corner of Freezeout Rd. and Sandhollow to provide for easy access to the back portion of the 120 acres. Her concern regarding the 15-home development is the water table, there are older wells in the area that are not as deep. She feels that the domestic use and a ½ acre of irrigation will cause a real strain on the water table. She doesn't feel that the established neighbors should have to shoulder the costs of \$25K or more for new wells so that Mr. Titera can have his subdivision. The 120 acres is dry land but it is dry grazing land which is agricultural and has been used as such for the past 40+ years. She said that Mr. Wilke argued the property wasn't suitable for growing crops, however, the Board pointed out that well drilling and agricultural irrigation well could make it suitable. She thinks this reinforces the idea as stated in a September 25th Idaho Press article that direct development to areas with less suitable soil is not a cut and dry answer to the question of where development should happen. The property is almost completely surrounded by farmland and she concurs with all the previous testimony. She hopes the Board will agree this negatively affects the character of the area and should be denied.

Jamie Michalis agrees with all previous comments. She feels this ground is an asset to agriculture, can be used as grazing land and is beneficial. She provided slideshow photos of her family's farming on sloped ground irrigated by pivot. She believes it is possible for this ground to be converted to viable farm ground, there are productive farms with similar topography and soil all over this area and if this ground was indeed converted to viable farm ground, whether it remains as grazing land or reserved for future farming, it is an important piece of the agriculture and should remain as

such. As stated at the previous hearing by a planning & zoning commissioner the best use for this space is to leave it as open space. She implored the Board to deny this zoning request.

In response to Lee Hurst's question regarding the ability to rezone, Commissioner Smith confirmed that it is possible to rezone just a portion of a property and that property rights allow a person to make application to rezone any portion of their property. He also had questions about how current the test well data is. He thinks that if this development was restricted to 8 homes they would have more space and believes they can apply for a super-well permit which would allow them to pump increased water to irrigate more than the ½ acre. By merely increasing the lot size you may not reduce the amount of water drawn on the aquifer.

David Morgan said he agrees with what has already been said. He owns property in the area and feels the whole 120 acres will probably be developed.

Simone Elison moved to this area about 3.5 years ago. She spoke about how her and her husband started with a smaller piece of ground and were eventually able to buy something larger; that it takes a lot of hard work and sacrifice to continue acquiring more land if that's what a person chose to do. Idaho is about agriculture and farming and western heritage. She feels like people are coming in from out of state and exploiting native Idahoans and the western lifestyle. She agrees with everything already said and fears Canyon County may be on a slippery slope in destroying fertile farm ground similar to what has happened in Meridian. She thinks that people won't be able to do much with 3.5 acres, that 5 or even 10 acres parcels would be better.

Anita Rex lives outside the notification area and is upset that she was not included. She agrees with everything that has been said. Her well has already run dry and they had to drop the pump lower. She spoke about the school district, stating that Purple Sage Elementary is at 85% and the only school not over capacity; it is not fair to the students already there.

The following rebuttal testimony was offered:

Matt Wilke spoke about test well water logs refuting testimony provided in opposition. The test well was drilled in 1981 and the static water level is 149'; it has only dropped about 3' since monitoring began in 2000. The bottom of the fluctuating use is due to seasonal use. The aquifer is very stable and if surrounding wells are drilled correctly the depth of the water has been very consistent. He reiterated that there is no water on the site. They are not going to do a pressurized irrigation system because they don't have service water, they cannot get it from Black Canyon Irrigation District as they will not give them water rights for this property. He said that once water has been removed you can't get it back. He feels that just because someone says their well went dry or they had to drop their pump lower doesn't mean that there is an issue with the aquifer. Mr. Wilke spoke about the revenue his family has been able to generate from just a few acres of ag ground; these smaller 3-acre parcels are still ag and can have ag uses. He doesn't feel that these residential areas threaten the dairies, they too need housing for employees. He said there are public roads between this site and the public BLM ground, horses can be ridden down these public roads. They are not imposing on private land owners surrounding the site. He said not everyone

wants to live in the city, there needs to be some county development where people can live and do these ag type uses.

Mr. Wilke addressed Board questions about where he lives in proximity to this property, slopes on the property, mitigation for fire hazards, water rights with Black Canyon Irrigation District, the ability to request additional irrigation rights from domestic wells, well log data presented by the opposition, his experience in farming, viability of the ground and how the property was sold/purchased.

The Board accepted late exhibits 11A thru F into the record.

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

Commissioner Smith said she agrees with the recommendation made by planning & zoning and staff for the reasons as stated in the FCOs. She agrees with the community that this would change the character of the area and that the property owner has rights that need to be explored such as the non-viable land division application.

Commissioner Van Beek said she understands a rural lifestyle can be very desirable. She is not supportive of a super well and acknowledges there are water issues. She fully agrees with Simone Elison and the sacrifice that may need to be made to own ag property. She concurs with Commissioner Smith in that there are options that may not have been explored at this point, such as the non-viable farm ground option. To her this feels like it would be more of an elite development not a starter development and doesn't believe that farm wages would support ownership in this type of development; there are other options that would be more consistent with the area.

Board discussion ensued as to actions that may be taken to obtain approval.

Commissioner White said that at this time this is neither consistent nor compatible with the area. She thinks there are other ways to approach this.

A motion was made by Commissioner Van Beek to deny case no. CR2021-0008 with direction to staff to include the following actions that could be taken to obtain approval: 1. Explore administrative land division options, 2. Conditional rezone with development agreement with lot sizes consistent with the median lot size in the area and mitigation measures to address impacts to the surrounding agriculture 3. Verification of water rights. The motion was seconded by Commissioner White and carried unanimously.

Staff will make updates to the FCOs for Board signatures later today.

Commissioner Smith noted that this is a final decision pursuant to Idaho Code Section 67-6535 (b), the applicant or affected person may first seek reconsideration within 14 days prior to seeking judicial review.

The meeting concluded at 12:20 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTION TRANSFER OF POWER ORDINANCE AND INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(B)

The Board met today at 1:40 p.m. regarding the execution transfer of power ordinance and intergovernmental agreement for roles and responsibilities under Idaho code section 50-2906(3)(b). Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Assessor Brian Stender, Middleton Mayor Steve Rule, Attorney Abbie Germain for the City of Middleton and Deputy Clerk Jenen Ross.

Mr. Wesley reviewed the changes that were made based on discussion at the last hearing. Ms. Germain feels that the intent of the commission was covered to clarify the jurisdictional elements of the county until a time in which parcels are annexed into the city. Commissioner Van Beek made a motion to sign and execute the transfer of power ordinance and intergovernmental agreement for roles and responsibilities for Middleton East Urban Renewal District under Idaho code section 50-2906(3)(b). The motion was seconded by Commissioner White and carried unanimously (see agreement no. 22-135).

The documents will be delivered to Middleton City Council for approval prior to Mayor Rule's signature.

The meeting concluded at 1:43 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER THE REQUEST FOR RECONSIDERATION FOR CASE NO. CU2022-0010-APL

The Board met today at 1:44 p.m. to consider the request for reconsideration for case no. CU2022-0010-APL. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Planning Official Dan Lister, Planner Jenna Petroll and Deputy Clerk Jenen Ross.

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

Note for the record: As properly noticed the Board met today at 1:44 p.m. to consider the request for reconsideration for case no. CU2022-0010-APL. A request was made to go into Executive Session as follows:

Commissioner Van Beek made a motion to go into Executive Session at 1:45 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding 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, DSD Planning Official Dan Lister and Planner Jenna Petroll. The Executive Session concluded at 2:06 p.m.

At the conclusion of the executive session the Board considered the request but due to an inadvertent error the first two (2) minutes of the recording does not have audio.

Commissioner Smith addressed subsections within section 7 of the 'Applicable Law' portion as follows:

- Subsection 4 – *Will the proposed use be injurious to the property in the immediate vicinity and/or negatively change the essential character of the area?* The subject property is located just outside the City of Caldwell's R-1 zone and if it were ever to be annexed a dog kennel would not be an allowed use in that zone. The Board feels that the use will be injurious based on testimony regarding the noise that the dogs create and that the neighbors are already having the enjoyment and use of their property limited. There was also testimony at the hearing in regard to the dust impacts caused by kennel employees and customers specific to Polk St. and Polk Lane, which is a private road. Commissioner Smith did note that the property owner acknowledged the noise and dust issues but there was no consistent plan and some ambiguity for mitigating these conditions. Language has been added to the FCOs to address each of these issues.

There was a request to introduce new evidence. Commissioners Van Beek and Smith are not in support of allowing the introduction of new evidence. The neighbors did not have the opportunity to review and/or respond to the new information so it would not have created a fair record.

- Subsection 7 – *Will there be undue interference with existing or future traffic patterns?* The Board concurs that the conclusion needs amended to state that there will not be undue interference with existing or future traffic patterns and that the findings staff has drafted are appropriate. The Board normally relies on the highway districts that operate the roads to provide their professional feedback; on this case the highway district did not issue any comments or concerns that this use would have a negative impact so adjusting this is appropriate. Commissioner Van Beek provided reflections from the hearing in regard to the difficulty in navigating the roadway and feels the burden of proof was illustrated by the users of the road.

Commissioner Van Beek made a motion to approve amending the August 19, 2022 written findings of fact, conclusions of law and order as presented on case no. CU2022-0010. The motion was seconded by Commissioner Smith. A vote was taken on the motion with Commissioners Smith and Van Beek voting in favor of the amended FCOs and Commissioner White voting in opposition. The motion carried in a 2-to-1 split vote.

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

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 28, 2022

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

No meetings were held this day.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Barbie Getchell, Interpretive Specialist; Michael A. Aldava, Juvenile Probation Officer; Elizabeth Joy Hayes, Customer Service Specialist – Booking; Mary Ann Davis, Deputy Sheriff – Inmate Control; and William Allen Hamilton, Deputy Sheriff – Inmate Control.

OCTOBER 2022 TERM

CALDWELL, IDAHO OCTOBER 31, 2022

PRESENT: Commissioner Keri K. Smith, Chair – **Out of the office**
 Commissioner Leslie Van Beek, Vice Chairman - **Attended offsite meetings**
 Commissioner Pam White – **Out of the office**
 Deputy Clerk Jenen Ross

No meetings were held this day.

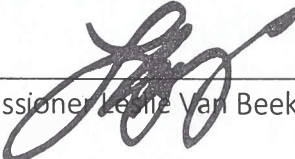
APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Tom Crosby, Building Official.

THE MINUTES OF THE FISCAL TERM OF OCTOBER 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 1st day of March, 2023.

CANYON COUNTY BOARD OF COMMISSIONERS



Commissioner Lemie Van Beek

Commissioner Brad Holton



Commissioner Zach Brooks

ATTEST: CHRIS YAMAMOTO, CLERK

By: Genev Ross, Deputy Clerk