

SEPTEMBER 2022 TERM
CALDWELL, IDAHO SEPTEMBER 1, 2022

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Hanson Janitorial in the amount of \$3,159.70 for the Sheriff's Office

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Douglas Schofield Hart, Chief Deputy Sheriff.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:52 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kellie George and Deputy Clerk Jenen Ross.

Commissioner Van Beek made a motion to issue an initial denial on case no. 2022-516 with a written decision within 30 days. The motion was seconded by Commissioner Smith and carried unanimously.

Commissioner Van Beek made a motion to sign the lien releases on case nos. 2020-303, 2009-746, 2010-1404 and 2019-425. The motion was seconded by Commissioner Smith and carried unanimously.

Ms. Baker spoke to the Board about case no. 2006-319 (Perry family) this case and situation was previously brought before the Board where the decision was for full payment to be made. Ms. Baker believes that to receive the full amount it would have to be pursued thru probate. Ms. Perry recently contacted Director Baker with an offer to pay half the remaining amount of \$6514.85, half being \$3257.43. Commissioner Van Beek believes the cost of pursuing probate would exceed the cost of the secondary half payment and in the interest of time and legal fees she is in favor of the offer. Commissioner Smith suggested counter-offering with a payoff amount of \$4000 as the home was sold. Commissioner Van Beek concurred with the counteroffer of \$4000.

The meeting concluded at 8:57 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 9:04 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas, Director of Indigent Services Yvonne Baker (left at 9:07 a.m.), Indigent Case Manager Kellie George (left at 9:07 a.m.), Facilities Director Rick Britton (left at 9:22 a.m.), Controller Zach Wagoner, Solid Waste Director David Loper (left at 9:22 a.m.), Cpt. Harold Patchett (left at 9:10 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Master Agreement Software & Support License with Computer Arts, Inc. / Harris: Ms. Klempel said this is just an updated contract which she has reviewed – there are essentially no changes from last year’s contract. Director Baker confirmed there are no changes to the cost and that this has been budgeted for in FY23. In response to a question from Commissioner Van Beek, Ms. Baker explained this system is used for casefile management, burials as well as reimbursement accounts that the Indigent Services department oversees. Mr. Wagoner spoke about the responsibilities that still remain with the county in regard to indigent services. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the Master Agreement Software & Support License with Computer Arts, Inc./Harris (see agreement no. 22-092).

Consider signing addendum to agreement no. 22-023: Director Britton and Captain Patchett spoke about how inmates housed in pod 5 will be relocated during the roof replacement and that they don’t think the addendum needs to be signed. Captain Patchett said they are putting pieces in place now to empty the facility and hope to have it fully empty by after Labor Day. No action was taken on this item.

Consider signing agreement with Young Elevator Inc.: Director Britton spoke about the company and how he would like to move away from NW Elevators as there have been many problems with the elevators in the admin building and often have a difficult time getting parts for repairs. Director Britton doesn’t feel like he’s gotten the service required from NW Elevators. The hourly rates are relatively the same as between the two companies. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the agreement with Young Elevator Inc. (see agreement no. 22-091). Ms. Klempel said there is no legal reason not to sign.

Authorize the execution of Idaho Power Service Request: 3-phase power re-build/line extension for Pickles Butte Landfill Gas System Project: Director Loper explained that for the landfill gas system 3-phase power will be necessary for the skid station and flare station. He spoke about the due diligence that has been done in deciding where and how the 3-phase power will be implemented at the landfill. Idaho Power has already done the design work, they now just need to do the construction portion, however they do require payment up front. Commissioner Van Beek made a motion to authorize the execution of Idaho Power Service Request: 3-phase power re-build/line

extension for Pickles Butte Landfill Gas System Project. At the request of Commissioner Smith, Commissioner Van Beek amended her motion to allow Director Loper to sign the service request. The motion was seconded by Commissioner Smith and carried unanimously. A copy of the service request is on file with this day's minutes.

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

EXECUTIVE SESSION – PERSONNEL MATTERS

Commissioner Van Beek made a motion to go into Executive Session at 9:22 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. The motion was seconded by Commissioner 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 and Deputy P.A. Oscar Klaas. The Executive Session concluded at 9:28 a.m. with no decision being called for in open session.

The meeting concluded at 9:28 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 ABNER RAMIREZ, REPRESENTING LEWIS CROSSING SUBDIVISION FOR A PLAT VACATION, CASE NO. VAC2022-0001

The Board met today at 10:15 a.m. for a public hearing to consider a request by Abner Ramirez, representing Lewis Crossing Subdivision for a plat vacation, case no. VAC2022-0001. Present were: Commissioners Keri Smith and Leslie Van Beek, Planning Official Dan Lister, Planner Jenna Petroll, Ricardo Buenrostro, another interested citizen and Deputy Clerk Jenen Ross.

Commissioner Smith noted for the record that prior to the hearing there was conversation about Idaho Code requiring the applicant to cover costs and Idaho Code section 50-1324; nothing about the merits of the case just technical information.

Ms. Petroll provided the staff report stating that the applicant is requesting a plat vacation to remove plat note #14 regarding fire sprinklers requirements from the Lewis Crossing Subdivision plat. In 2006 the Lewis Crossing Subdivision final plat was recorded, plat note #14 states that residential fire sprinklers are required in all residences installed in accordance with NFHA 130 and Nampa Fire Department. Based on review of the decision made regarding the plat, the plat note was placed on the plat by the developer not as a requirement by the Board of County Commissioners. No agency comments were received for the Board hearing. Comments were received for the planning & zoning commissioner hearing as follows:

- Nampa Engineering had no comment
- Nampa Fire district is in favor of removing the plat note
- Nampa Highway district has no objection to removing the plat note

No comments were received for the Board hearing from the public, however a comment from Mr. Bart Buchendorf was received expressing his concern of a potential home-based business at the subject property and asked about the building size required for fire sprinklers. Mr. Buchendorf's concerns were addressed by Ms. Petroll.

Staff is recommending approval of the application and has provided FCOs for Board consideration.

In response to a question from Commissioner Smith, Ms. Petroll said that the last vacant lot in the subdivision is the applicant's and she was only able to find one house in the subdivision that has installed fire sprinklers.

Mr. Buenrostro said he is here on behalf of Abner Ramirez in the event the Board had any questions.

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

Commissioner Van Beek made a motion to approve the vacation of the plat, which was clarified by Commissioner Smith, to approve and direct staff to amend the FCOs to include the findings for 50-1324 and correction that the applicant bore all the costs. Commissioner Smith also clarified that it was legally noticed for the entire subdivision and seconded the motion. The motion carried unanimously.

The Board will sign the FCOs once they are updated with the corrected language.

The hearing concluded at 10:27 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING THE TREASURER'S TAX CHARGE ADJUSTMENT BY PIN FOR JULY 2022

The Board met today at 10:28 a.m. to consider signing the Treasurer's tax charge adjustment by PIN for July 2022. Present were: Commissioners Keri Smith and Leslie Van Beek and Deputy Clerk Jenen Ross. The total amount to be adjusted is (\$1281.78). Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the Treasurer's tax change adjustment by PIN for July 2022. The meeting concluded at 10:29 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE 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

Commissioner Smith made a motion to go into Executive Session at 2:03 p.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 Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross 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, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Sheriff Kieran Donahue, Prosecutor Bryan Taylor, Clerk Chris Yamamoto and Brian Baughman with The Hartwell Corp. The Executive Session concluded at 3:13 p.m. with no decision being called for in open session.

A follow-up meeting will be scheduled for September 12, 2022 at 9:00 a.m.

MEETING WITH ELECTED OFFICIALS TO DISCUSS SECOND ADMINISTRATION BUILDING OFFICE SPACE

The Board met today at 3:16 p.m. with elected officials to discuss a second administration building office space. Present were: Commissioners Keri Smith and Leslie Van Beek, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Sheriff Kieran Donahue, Prosecutor Bryan Taylor, Clerk Chris Yamamoto, Facilities Director Rick Britton, PIO Joe Decker and Deputy Clerk Jenen Ross.

A roundtable discussion was had regarding considerations for a new administration building. The discussion topics included moving the entire Sheriff's Office, including dispatch, to the new building; accommodation of parking; relocation of the Public Defender's department; space needs for the elections department, and both juvenile and misdemeanor probation. General consensus is for a building that is 4-5 floors with 2-3 being parking, 1 for the Sheriff's Office and 2 shell floors. Other discussion surrounded the use of CMGC for some of the upcoming building projects which is supported by the elected officials; and the workability and configuration of Nampa PD's building which Director Britton will request a tour of. With direction of the Board and the other elected officials Director Britton will compile a scope of work.

The meeting concluded at 4:03 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 2, 2022

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

No meetings were held this day.

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Dylan D. Evans, Deputy Coroner.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 6, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – OUT (Participated via conference call)
 Deputy Clerks Monica Reeves

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

APPROVED CLAIMS

- The Board has approved claims 587656 to 587694 in the amount of \$217,873.77
- The Board has approved claims 587914 to 587934 in the amount of \$54,728.92

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Arco Engineered in the amount of \$4,714.00 for the Facilities Department
- Quality Communication the amount of \$3,267.00 for the Information Technology Department
- Dell in the amount of \$1,284.72 for the Information Technology Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Cameron Goetz, Deputy Sheriff; and Paige Suitter, Comm. Officer, Dispatch.

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for Craft Lounge to be used 9/17/22; The Tower Grill to be used 9/9/22 and 9/27/22; and The Hop House to be used 9/10/22.

FILE TREASURER'S MONTHLY REPORT

File in minutes the Treasurer's monthly report for July 2022.

LEGAL STAFF UPDATE AND CONSIDER ACTION ITEMS

The Board met today at 9:56 a.m. for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Juvenile Detention Director Sean Brown, Deputy PA Zach Wesley, Deputy PA Alex Klempel, Captain Harold Patchett, and Deputy Clerk Monica Reeves. The items were considered as follows:

- ***Juvenile Detention Housing Agreements with Boise County, Washington County; and Payette County*** - The agreements are the standard form and the price for each stayed the same. Director Brown reviewed the cost information and said next year the cost will go up. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign the Juvenile Detention Housing Agreements with Boise County, Washington County, and Payette County. (Agreement Nos. 22-093, 22-094, and 22-095.)
- ***Amendment No. 2 to Food Services Agreement with Summit Food Services for Southwest Idaho Juvenile Detention Center; and Amendment No. 8 to Food Services Agreement with Summit Food Services for Canyon County Jail*** - Captain Patchett said Summit is proposing a 12% increase for the jail food service agreement. Originally, they asked for an 18% increase but it was negotiated down to 12%. The increase is due to the company having to increase employee wages. The price per meal went from \$1.53 to \$1.72. Director Brown said on the juvenile detention food services agreement increased 47% for meals and 147% for snacks. The costs are reimbursed back to the County through the school lunch program. The last increase was five to six years ago. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign Amendment No. 2 to Food Services Agreement with Summit Food Services for Southwest Idaho Juvenile Detention Center (Agreement No. 22-096); and Amendment No. 8 to Food Services Agreement with Summit Food Services for Canyon County Jail (Agreement No. 22-097).

The meeting concluded at 10:06 a.m. An audio recording is on file in the Commissioners' Office.

CANVASS AUGUST 30, 2022 ELECTION RESULTS

The Board canvassed the August 30, 2022 election results. The certification documents are on file with this day's minute entry.

MEETING WITH DEVELOPMENT SERVICES DEPARTMENT TO CONSIDER REFUND REQUESTS

The Board met today at 10:28 a.m. to consider refund requests for the Development Services Department. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Office Manager

Jennifer Almeida, Sr. Administrative Specialist Pam Dilbeck, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider signing a resolution to issue a refund to Betty Lanum for a withdrawn conditional use permit application - Betty Lanum applied for a CUP for an RV park and chose to withdraw the request due to some of the requirements from health department in the sizing of her septic system and she opted to apply at a later date. Staff is recommending a partial refund of fees in the amount of \$425 based on the work that was done on the case. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to issue a refund to Betty Lanum in the amount of \$425 for a withdrawn CUP understanding that 50% of the fee was used by staff time. (Resolution No. 22-175.)

Consider signing a resolution to issue a refund to Belman Miranda for a withdrawn conditional rezone application – Belman Miranda applied for a conditional rezone and after staff review of the case he has opted to withdraw the conditional rezone application and apply for a nonviable administrative land division instead. Based on the time staff spent on the case, DSD is recommending 85% of his fees be refunded in the amount of \$1,049.75. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve the refund to Belman Miranda on a withdrawn conditional rezone application and issue a refund in the amount of \$1,049.75. Resolution No. 22-176.)

Commissioner Smith asked DSD staff to check on the status of a pending ordinance amendment. The meeting concluded at 10:33 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board went on the record today at 10:32 a.m. to reschedule the public hearing regarding the request by Erick McLaughlin for approval of a Short Plat for Del Rosario Estates No. 3, Case No. SD2022-0012. Present were: Commissioners Keri Smith and Leslie Van Beek and Deputy Clerk Monica Reeves. A request has been made to table the case to September 29, 2022. There were no interested parties at today's proceeding. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to table this case to September 29, 2022 at 10:30 a.m. The meeting concluded at 10:33 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 2:32 p.m. to consider the September 6, 2022 afternoon action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White via conference call, Coroner Jennifer Crawford, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, HR Director Kate Rice, HR Generalist Jennifer Allen, HR Generalist Demi Etheridge, Solid Waste

Director David Loper, DSD Office Manager Jennifer Almeida, DSD Planner Elizabeth Allen, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider signing a resolution adopting changes to a job description in the Assessor's Office – There is a vacancy in the GIS/Land Records Supervisor position so Assessor Stender wants to update the job description to reflect the responsibilities of the position. The pay range will remain the same. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the resolution adopting changes to a job description in the Assessor's Office for the GIS/Land Records Supervisor position. (Resolution No. 22-177.)

Consider signing a resolution for the addition of one position to the Coroner's Office – Coroner Crawford is requesting a part-time autopsy technician position to assist with the workload. The position was included in the FY2023 budget and will not be filled before October 1. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the resolution for the part-time autopsy technician position. (Resolution No. 22-178.)

Consider signing a resolution for the addition of one (1) position in the Solid Waste Department – An Environmental Compliance/Safety Manager position was included in the FY2023 budget and will primarily be responsible for the new landfill gas system that will be installed in FY2023. The landfill in general has many environment compliance processes that this position can track. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the resolution for the Environmental Compliance/Safety Manager position. (Resolution No. 22-179.)

Consider signing a resolution adopting changes to one (1) job title and description in the Development Services Department – Commissioner Smith requested to discuss this item in Executive Session which was held as follows:

EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER

Commissioner Van Beek made a motion to go into Executive Session at 2:43 p.m. pursuant to Idaho Code, Section 74-206(1) (b) to discuss a personnel matter. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Monica Reeves with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White via conference call, HR Director Kate Rice, HR Generalist Jennifer Allen, DSD Office Manager Jennifer Almeida, and DSD Planner Elizabeth Allen. The Executive Session concluded at 3:01 p.m. While in open session, the Board considered a resolution to adopt a change to one job title and job description in the Development Services Department to move the Economic Development position to a new position, a Community Outreach Specialist. The pay ranges are the same; the job descriptions are changed and instead of reporting to economic

development and the director, this position will report to a long-range planner. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to approve adopting the changes to the job title and description in in the Development Services Department. (Resolution No. 22-180.) A status change form will be processed by the HR staff. The meeting concluded at 3:03 p.m.

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

WORKSHOP WITH THE CITY OF MIDDLETON AND THE MIDDLETON URBAN RENEWAL AGENCY TO FURTHER DISCUSS THE URBAN RENEWAL PLANNING AND DRAFT PROJECT PLANS FOR THE PROPOSED REVENUE ALLOCATION AREAS

The Board met today at 3:08 p.m. for a workshop with the City of Middleton and the Middleton Urban Renewal Agency to further discuss the urban renewal planning and draft project plans for the proposed revenue allocation areas. Present were: Commissioners Keri Smith and Leslie Van Beek, Middleton City Clerk Becky Crofts, Amy Woodruff with Civil Dynamics, Attorney Meghan Conrad, Middleton Public Works Director Jason Van Gilder, Clerk Chris Yamamoto, Controller Zach Wagoner, Assessor Brian Stender, Treasurer Tracie Lloyd, Senior System Analyst Steve Onofrei, Steve Fultz from the City of Caldwell, Mark Wendelsdorf, and Deputy Clerk Monica Reeves. Ms. Crofts said on June 2nd they met with the Board concerning two urban renewal districts, the East District and the West District, and after a lot of discussion they have decided not to pursue the West District at this time. At the last meeting the Board requested information on the project planning and there was discussion on whether they were going to exclude some areas. A PowerPoint presentation was given and a copy is on file with this day's minute entry. Highlights were as follows:

Reviewed maps showing the new planning boundary for the RAA for the east area.

Planned Improvements

Regional Utility Infrastructure

- Water Utility Loop Beneath Boise River
- Recycle Water Treatment and Distribution
- Regional Natural Gas Connections
- Power Grid Improvements

Redevelopment of Infrastructure

- Roadway, Trails, Water, Sewer Supporting Location Specific Projects

Regional Roadway Connections

- Widen and Straighten Middleton Road Corridor
- Boise Bridge Replacement within Middleton Road
- Duff and Middleton Intersections

Urban Core Redevelopment

- Jogging Trail Connections to Middleton Place Park and Foot Park

- River Park and Trail System to Reactivate the River Corridor
- Crane Creek Commercial Center
- Parking Facilities to Encourage Destination Recreation

Next Steps – Updated Plan Approval Timeline

- September 19, 2022 – Agency consideration of the Plan
- October 4, 2022 – BOCC consideration of intergovernmental agreement and transfer of powers ordinance
- October 11, 2022 – Middleton P&Z regarding conformity with the comprehensive plan
- October 14, 2022 – First publication notice of the city council public hearing and delivery of the plan and meeting notice to the overlapping taxing entities
- October 28, 2022 – Second publication notice of the city council public hearing
- November 16, 2022 – City council public hearing and ordinance readings follow

There were follow-up questions from the Board regarding the growth rate; sustainability of the plan and ensuring services are provided; residential components of the plan; and the importance of commercial corridor. Commissioner Van Beek likes the plan as presented. Assessor Stender said the Assessor's Office will provide information that will go into the feasibility study and asked where does the city expect to have the feasibility component to the plan so the elected officials can review it. Meghan Conrad said it has to be done by the time the agency would be considering the plan so they are anticipating it within the next week or two, and it's possible they may have to shift some of the dates to accommodate the timeline. Assessor Stender said when he's heard Mayor Rule talk about the plans he has said he wanted to develop commercial and industrial sites to bring jobs to Middleton. The south is designed to be residential on the map but if it defaults it would go back to industrial so if it ends up being built out as residential would the city consider de-annexing it from the plan. If the intent is to have a commercial industrial RAA where the residential typically doesn't fit, would that be up for consideration? He said it would not cause a base reset if they de-annex so it wouldn't theoretically crush the plan. Ms. Crofts wants to look at the numbers and see how they come in compared to projects; they can answer that question when they come back. Commissioner Van Beek said as she understands it, the project has to have paid for the designated infrastructure on that before it can be released so that doesn't implode the plan. If it's done its job or is exceeding the projected revenue and the feasibility than there is no reason that it could not be released from that, but it cannot impugn the integrity of the plan. Meghan Conrad said to the extent there are any debt obligations out there or reimbursement obligations related to certain public infrastructure improvements those would have to be paid off before there is any release of parcels that generate income. De-annexation is always a possibility. Assessor Stender asked if the intention is to have the parcels that are outside city limits annexed in if something is built on it. Ms. Conrad said that is correct. No Board action was required or taken. The meeting concluded at 3:40 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM
CALDWELL, IDAHO SEPTEMBER 7, 2022

PRESENT: Commissioner Keri K. Smith, Chair – **OUT IN THE MORNING**
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **OUT**
 Deputy Clerk Monica Reeves

APPROVED CLAIMS ORDER NO. 2225

The Board approved payment of County claims in the amount of \$1,802,839.38 for a County payroll (approved electronically)

PUBLIC HEARING TO CONSIDER A PRELIMINARY PLAT FOR RIDGELAND ESTATES SUBDIVISION, CASE NO. SD2020-0036

Due to a lack of quorum, this case was rescheduled to September 14, 2022 at 9:00 a.m.

MEETING WITH THE CITY OF CALDWELL REGARDING APPOINTMENT TO THE CALDWELL URBAN RENEWAL AGENCY BOARD

The Board met today at 1:33 p.m. with the City of Caldwell regarding the appointment to the Caldwell Urban Renewal Agency Board. Present were: Commissioners Keri Smith and Leslie Van Beek; Assessor Brian Stender; Caldwell Mayor Jarom Wagoner, Caldwell Attorney Mark Hilty, and Caldwell City Clerk Debbie Geyer, who participated via Zoom; and Deputy Clerk Monica Reeves. On August 30, 2022, the Board appointed Commissioner Van Beek to serve as the County's representative on the Caldwell Urban Renewal Agency Board through January of 2023. Mark Hilty, the attorney for City of Caldwell, said he learned the day of the city council meeting that the council may not approve Commissioner Van Beek's appointment so he thought it better to continue the matter and look at how to deal with the issue. From his perspective, the city wants to honor the intent of the intergovernmental cooperative agreement and have County representation on the URA board given the fact that a significant portion of the new area was outside the city limits. There remains no concern about the principle of having some County representation on the board; the problem they did not foresee is having a nominee who is not acceptable to the council and that raises some legal issues about whether a former city council can contractually bind a future council to vote a certain way on an appointment. He is looking for a way to resolve the issue without having to come to a dispute with the County about what the contract means and what happens if the nominee is not appointed, etc. One way to do that is to maybe have somebody besides Commissioner Van Beek be the nominee, or, we can run the nominee through the council and see what they decide. Mayor Wagoner said the council agrees with the County having a representative on the URA board. Commissioner Van Beek said when the Board of Commissioners passed its resolution it was for a temporary appointment until

January, 2023. Commissioners White and Smith both declined to serve, but she is willing to serve. ElJay Waite serves as her treasurer and she has worked with him on understanding the feasibility studies and how urban renewal works so she was the logical choice from the County's side to sit on the board until January when the appointment is re-evaluated. Additionally, the County hopes to have a DSD Director in place at that time. Commissioner Smith said when she fielded phone calls on this topic she stressed that it was a temporary appointment. She is okay with a temporary appointment and will agree to serve for the remainder of the year, however, her term on the BOCC ends in January but she would agree to serve on the URA board if the new BOCC wants her to continue serving. Commissioner Van Beek said the only problem she sees is in that period is that a sitting Commissioner would not be privy to the information. Commissioner Smith said perhaps the representative should be the person who holds the BOCC District 2 seat as it covers the City of Caldwell; she would serve temporarily and then encourage the appointment of Brad Holton who will take office in January as the District 2 Commissioner. Commissioner Van Beek suggested her nomination be taken back to the council as a three-meeting appointment. She said the incoming Commissioners should have the ability to have some say-so as we divvy up responsibilities going forward. Commissioner Smith said we need to make an appointment and if Commissioner Van Beek is not willing to do it then we have to wait for Commissioner White to come back and then move forward with an appointment. She said she spoke to two council members and they are fully aware that Commissioner Van Beek's appointment was for a short-term commitment but there was still concern. Commissioner Van Beek's opinion is the nomination should be taken back to the city council as a short-term nomination. Mayor Wagoner said perhaps it needs to have a term date ending December 31, 2022 rather than through 2025. Also, he doesn't know what the outcome will be if the nominee is still Commissioner Van Beek. Debbie Geyer noted that the County's resolution stated the appointment is through January 2023, but when it was put on the council's agenda it had a date of 2025 which reflected the expiration date of Steve Fultz's term. Commissioner Smith said she supports Commissioner Van Beek's appointment because she knows she supports urban renewal. It was decided the Board of Commissioners will meet on Friday to decide on an appointment or affirm its previous decision. The meeting concluded at 1:50 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 8, 2022

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

APPROVED CLAIMS

- The Board has approved claims 587550 to 587584 in the amount of \$95,465.77
- The Board has approved claims 587585 to 587620 in the amount of \$55,961.67

- The Board has approved claims 587621 to 587622 in the amount of \$75,800.00
- The Board has approved claims 587623 to 587655 in the amount of \$87,956.68
- The Board has approved claims 587695 to 587700 in the amount of \$1,295.00
- The Board has approved claims 587701 to 587731 in the amount of \$49,031.33
- The Board has approved claims 587732 to 587776 in the amount of \$77,750.21
- The Board has approved claims 587777 to 587796 in the amount of \$10,992.00
- The Board has approved claims 587797 to 587822 in the amount of \$13,371.24
- The Board has approved claims 587823 to 587858 in the amount of \$191,427.02
- The Board has approved claim 587935 ADV in the amount of \$191.25
- The Board has approved the July Jury claim in the amount of \$7,282.61
- The Board has approved the Aug Elections claim in the amount of \$18,183.00
- The Board has approved claims 587859 to 587886 in the amount of \$16,764.01

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ESRI, Inc., in the amount of \$1,890.96 for the Information Technology Department
- Dell in the amount of \$1,554.96 for the Information Technology Department
- Boise Appliance in the amount of \$6,045.09 for the Facilities Department

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for County Line Wine to be used 9/10/22 and 9/16/22; Gem Lounge to be used on 9/17/22; and H&M Meats and Catering to be used on 9/17/22.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for Karlee Kirschner, Deputy Public Defender; and Sheleen Young, Print Design Coordinator.

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:49 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kellie George, Deputy PA Alex Klempel, and Deputy Clerk Monica Reeves. Case No. 2022-518 meets the eligibility criteria for cremation assistance and upon the motion of Commissioner White and second by Commissioner Van Beek, the Board voted unanimously to approve the case with a written decision to be issued in 30 days. Liens and lien releases were presented for Board approval. The meeting concluded at 8:49 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2022-497

The Board met today at 8:57 a.m. to conduct a medical indigency hearing for case no. 2022-497. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kellie George, Deputy P.A. Alex Klempel, Attorney Kevin Griffiths for St. Alphonsus and Deputy Clerk Monica Reeves. Following testimony provided by Kellie George and Kevin Griffiths, Commissioner White made a motion to agree with St. Alphonsus's decision to withdraw the application. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:02 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2022-501

The Board met today at 9:05 a.m. to conduct a medical indigency hearing for case no. 2022-501. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kellie George, Deputy P.A. Alex Klempel, Attorney Kevin Griffiths for St. Alphonsus and Deputy Clerk Monica Reeves. Following testimony provided by Kellie George and Kevin Griffiths, Commissioner White made a motion to continue the case to October 20, 2022 at 8:45 a.m. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:14 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2022-128

The Board met today at 9:05 a.m. to conduct a medical indigency hearing for case no. 2022-128. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kellie George, Deputy P.A. Alex Klempel, and Deputy Clerk Monica Reeves. Following testimony provided by Kellie George, Commissioner White made a motion to issue a final denial with a written decision in 30 days. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:15 a.m. An audio recording is on file in the Commissioners' Office.

LEGAL STAFF UPDATE AND CONSIDER SIGNING ACTION ITEMS

The Board met today at 10:01 a.m. to for a legal staff update and to consider signing action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy PA Zach Wesley, Deputy PA Alex Klempel, Deputy PA Oscar Klaas, HR Director Kate Rice, Benefits and Training Coordinator Nicole Ahlstrom, Elections Supervisor Haley Hicks, Elections Specialist Brandi Long, Clerk Chris Yamamoto, Indigent Services Director Yvonne Baker, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider signing Services Agreement with Preventative Health, LLC – The agreement is for the onsite health screening and flu shots. The County pays \$25 per flu shot, where in years past the County had paid \$120-\$125 per shot. Legal has reviewed the agreement. Upon the motion of

Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign the services agreement with Preventative Health, LLC. (Agreement No. 22-098.)

Consider signing Amendment No. 3 to Agreement No. 20-011 Employer Service Agreement with JobScore - This is the annual renewal of the agreement for the applicant tracking and online application system. This year's cost is a 3% increase over last year's amount. The agreement has been reviewed by Legal. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign Amendment No. 3 to Agreement No. 20-011 Employer Service Agreement with JobScore. (Agreement No. 22-099.)

Consider signing Temporary Use Agreement for Polling Places with the Church of Jesus Christ of Latter-Day Saints - Clerk Yamamoto and the Elections staff discuss the agreement which is the temporary use agreement the church uses for its facilities. The County has identified issues in Section 7 and 10 of the agreement, however, the church will not make changes to its form. The Elections Office is desperate for polling locations. Deputy PA reviewed the agreement and identified the potential issues. The PA's Office recommends not signing the contract from a legal perspective, but the Board has discretion to say it has competing interests and it could determine that having these polling places is a weightier interest than avoiding signing this contract. The Board had follow-up questions for staff and Legal. There is no fee associated with using the site. Commissioner Smith is okay with signing the agreement understanding we have to comply with the state and federal law regarding elections. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign temporary use agreement for polling places with the stipulations as provided by Legal. (Agreement No. 22-100.)

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LITIGATION

Note for the record: As properly noticed the Board met today at 10:27 a.m. for a legal staff update. A request was made to go into Executive Session to discuss a personnel matter, records exempt from public disclosure and attorney-client communication, and to communicate with Legal counsel regarding pending/imminently likely litigation. The Executive Session was held as follows:

Commissioner Smith made a motion to go into Executive Session at 10:27 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f). 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, Deputy PA Zach Wesley, Deputy PA Alex Klempel, and Deputy PA Oscar Klaas. The Executive Session concluded at 10:51 a.m. with no decision being called for in open session.

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

MEETING TO DISCUSS TAXING DISTRICT EXTENSION REQUESTS, AND TO CONSIDER SIGNING A NOTICE OF PUBLICATION OF FY2022 BUDGET ADJUSTMENTS

The Board met today at 10:51 a.m. to discuss tax district extension requests, and to consider signing a notice of publication of the FY2022 budget adjustments. Present were: Commissioners Keri Smith and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Sr. System Analyst Steve Onofrei, Captain Harold Patchett, Larry Stevenson, and Deputy Clerk Monica Reeves. Steve Onofrei reported there are five taxing districts who have requested extension requests in the filing of the levy certification: Caldwell School District, Kuna School District, Vallivue School District, West Ada School District, and the City of Middleton. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign the resolution granting the taxing district requests as presented. (Resolution 22-181.)

The Board reviewed the notice of publication for FY2022 budget adjustments:

Juvenile Detention: \$100,000 increase for personnel and operating costs to provide essential juvenile detention public safety services.

County Weed Control: \$30,000 increase for increased workload and unanticipated increased operating costs for fuel, chemical supplies and vehicle maintenance.

Treatment Courts: \$60,000 increase for staffing and operational costs to support self-funded treatment court operations.

Court Facilities: \$150,000 increase for investment in court facilities funded by restricted court surcharge fees.

Development Services: \$340,000 increase for additional personnel related to workload requirements.

American Rescue Plan Act: \$635,625 increase from ARPA fiscal recovery funds for COVID-19 mitigation providing radio equipment for public safety and first responders.

Office/Department	FY 2022 Adopted Budget	FY 2022 Budget Adjustment	FY 2022 Amended Budget
Development Services	\$ 2,503,461	\$ 340,000	\$ 2,843,461
Juvenile Detention	\$ 2,549,391	\$ 100,000	\$ 2,649,391
County Weed Control	\$ 353,695	\$ 30,000	\$ 383,695
Treatment Courts	\$ 414,672	\$ 60,000	\$ 474,672
Court Facilities	\$ 62,500	\$ 150,000	\$ 212,500
American Rescue Plan Act	\$ 6,169,045	\$ 635,625	\$ 6,804,670
Total		\$ 1,315,625	

Commissioners Smith and Van Beek had questions which were answered by Controller Wagoner. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to sign the notice of publication for the FY2022 budget adjustments. The hearing will be held on September 22, 2022 at 10:30 a.m. to receive public comments. The meeting concluded at 10:56 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE SECTION 74-206(1)(E) TO CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING TRADE OR COMMERCE IN WHICH THE COUNTY IS IN COMPETITION WITH GOVERNING BODIES IN OTHER STATES OR NATIONS

Commissioner Smith made a motion to go into Executive Session at 11:03 a.m. pursuant to Idaho Code, Section 74-206(1) (e) to consider preliminary negotiations involving trade or commerce in which the county is in competition with governing bodies in other states or nations. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Monica Reeves 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, Assessor Brian Stender, Doug Waterman, Steve Jenkins, and representatives from Project Imagine. The Executive Session concluded at 11:48 a.m. with no decision being called for in open session.

PUBLIC HEARING TO CONSIDER A REQUEST BY SAMUEL & MARIA GARCIA, GISELLE GARCIA & LYNETTE GARCIA FOR A REZONE AND SHORT PLAT FOR LAKHOTA SUBDIVISION, CASE NOS. RZ2021-0025 AND SD2021-0014

The Board met today at 1:38 p.m. to conduct a public hearing in the matter of a request by Samuel & Maria Garcia, Giselle Garcia & Lynette Garcia for rezone of approximately 2.71 acres from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone. Also requested is a Short Plat for Lakhota Subdivision. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Lynette Garcia, Jesse Christensen, Rachel Johnson, and Deputy Clerk Monica Reeves. This is a second hearing for this case; the first hearing was held on August 1, 2022. Dan Lister gave the oral staff report. The subject property is located on the west side of Lakhota Lane. On August 1, 2022, the Board of County Commissioners found the request could not be supported for three findings: The requested rezone was not more appropriate than the agricultural zone; it is not compatible with surrounding land uses; and it would have a negative impact on the character of the area. A draft development agreement with conditions has been submitted by the applicant if they are allowed to amend the application and rehear the case. The conditions limit it to the division being requested, and no secondary dwellings would be allowed on the parcels and therefore would not have a net increase of any residential use. The property is located within a residential designation on the future land use map. The area is mostly rural residential, and is predominately agricultural. The parcel is not prime farm ground. Keller and Associates found the short plat to be compliant with County code. The Hearing Examiner recommended approval of the rezone and short plat on May 18, 2022. The Board's hearing today was noticed for a recommended denial based on the outcome of the August 1, 2022 hearing. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in support of the request:

Lynette Garcia testified she learned from the last hearing and recognized they did not fully understand the implications of an R-1 rezone application. When they bought the property, they

inherited the application from the previous owners and they did not question their decision to submit for a straight rezone. After the August 1st hearing, the Garcias agreed with the Board's concerns, but they do want to move forward with the plat to build two homes so they are seeking to amend their application to a conditional R-1 rezone. They agree to limit the property to one division and no secondary dwellings will be allowed on the resulting two lots.

Jesse Christensen is the project engineer and he worked with the previous owner on their R-1 application. He did not realize a conditional rezone would be a better option but he and the Garcias are now working towards that. He gave testimony regarding water rights and conversations they have had with the irrigation district, as well as the shared private driveway and conversations with the fire chief who has approved of the access.

Rachel Johnson is the realtor for the Garcia Family and she supports their request as their modest acreage homes will complement the surrounding area. Furthermore, having two separate parcels will allow ease of financing on the homes.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek said she likes the change to a conditional rezone. She believes the applicant bought the property in good faith, it has limited agricultural use, and the request has passed muster with the Hearing Examiner. She appreciates the engineer's testimony that there is movement to have the fire district sign off on the cul de sac, and there is movement from the Boise Project Board of Control to get water rights to the property. The size of the properties in the area are large enough and given the willingness to limit additional housing she feels this will be better in the long run as opposed to a secondary residence. She is in favor of amending the findings to incorporate the new FCO's to limit the parcels to one subdivision and prohibiting secondary dwellings. Commissioner White is in favor of moving forward with a conditional rezone. Commissioner Smith said given the willingness of two Commissioners to move forward, the case will be tabled to allow time for the applicants to pay the appropriate fees and re-notice the hearing. Commissioner Van Beek made a motion to table the case indefinitely to allow the applicant and staff to work together on a new hearing date. Commissioner White seconded the motion and thanked the applicants for the time they put into the case. Commissioner Smith said her position has not changed, and she believes future Commissioners will use a conditional rezone as precedence which is sad for the wine country and the agricultural community out there. Commissioner Smith is opposed to the motion. The motion carried by a two-to-one split vote. The hearing concluded at 2:15 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 9, 2022

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- W2W Flooring in the amount of \$15,513.75 for the Facilities Department

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

The Board met today at 9:04 a.m. to conduct a public hearing in the matter of a request by Laurie Bingham for approval of a preliminary plat (including irrigation and drainage) for Bella Toscana Subdivision No. 3. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planning Official Dan Lister, DSD Engineer Devin Krasowski, DSD Engineering Coordinator Stephanie Hailey, Todd Lakey, Pat Colwell, Harold Bingham, Heather Dunham, Dallas Jensen, Mark Dunham, Nancy McHugh, Ann Jensen, Andrew Johnson, Eldon Betz, Robert Greenwald, Barbara Parshley, Mindy Johnson, Steven Powers, Scott Jimmerson, Jenni Jimmerson, Sue Stark, Kathy Cammack, Cheryl Keniston, Terri Warren, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that she toured the area with John Williamson as part of his operation; she has been on site and looked at the homes but there was no discussion about the case before the Board today. Deputy PA Zach Wesley said that does not create a conflict of interest that requires recusal. Commissioner Smith disclosed that she was contacted by the Smith Family who wanted to know how to stop the development, but she told them she could not discuss the case and encouraged them to look at the zoning ordinance and review the standards for approval.

Devin Krasowski gave the oral staff report. This is the third phase of Bella Toscana, a development in the Sunnyslope area with Phase 1 and Phase 2. The property was conditionally rezoned in 2003 from agriculture to rural residential and is subject to a development agreement which was modified in 2012. Notable conditions of the rezone include: construction of individual wells to public water system standards, minimum lot sizes of ½ acre on non-irrigated land and 1 acre on irrigated land, and a minimum average lot size of 1 acre on non-irrigated land and 2 acres on irrigated land; fire suppression provisions were to be coordinated with the fire district; lots with access to surface water for irrigation water are required to be connected to the pressurized irrigation system with operation and maintenance carried out by a water users agreement; stormwater and other traditional drainage shall be maintained onsite; interior roads must be paved public roads with the exception of public drives; the development must have an HOA and common areas maintained by the HOA; the development shall participate in improvements of Charleston Drive conducted by the highway district; the total number of lots within the development cannot exceed 150 lots; the developer must do traffic studies required by ITD; the development shall utilize clustering of lots and emphasize open spaces in an effort to enhance the open spaces and open fill of the development. For Bella Toscana No. 3, the subject parcels are approximately 50 acres when combined and the plat contains 15 residential lots which will have

access via internal public roads. The area is in a DEQ-designated nitrate priority area meaning the groundwater quality has degraded due to nitrates; DEQ has identified 35 of these areas throughout the state which is intended to tell agencies and citizens where they should focus efforts to protect groundwater quality. This area is ranked 8 of 35 in DEQ's scoring system. The development plans to have individual septic systems and domestic wells. The application team has completed a nutrient pathogen study and is ready to submit it to the health department. A central pressurized irrigation system is proposed for the development utilizing existing shares in the Wilder Irrigation District. There was a review of agency comments. Keller Associates and DSD staff have reviewed the preliminary plat including preliminary irrigation and drainage plans, and found them to be approvable, with the exception of rerouting some of the proposed pressurized irrigation lines. The P&Z Commission recommended denial and had general concerns about how this phase of the development and the associated improvements will fit into the overall plan for the remaining development, as well as specific concerns related to the conditions of the development agreement being met, domestic water supply and the impacts of the development to nearby groundwater users, lot size, fire suppression and traffic.

Commissioner Smith asked if staff did an analysis of the phasing requirements and said the zoning ordinance is pretty clear if they do not meet the two-year time requirement they have to start land use over again. Dan Lister said he doesn't believe this case had a timeframe inside the initial development agreement; it said upon termination or if conditions were not being met then staff can terminate based on that. The code at the time did not have the 2-year timeframe but when it was amended in 2012 we did have that code for the two-year timeframe but it was not included into this modification and it refers back to the original modification for the timeframe, but there is verbiage that talks about if conditions were not met, or if the case appears to be terminated staff could work on reverting the zoning back to an ag zone. The Board had questions of staff regarding the conditions and whether there has been compliance. Mr. Krasowski reviewed the conditions of approval highlighting the ones that are aimed at addressing the concerns of the P&Z Commission which are identified in the staff report.

The following people testified in support of the request:

Todd Lakey said the conditional rezone was brought by the Williamson Family and they are synonymous with farming in the Sunnyslope area since 1909. This was a long-term project and back then they talked about ag harmony which provided for development on least suited and moderately suited soils in certain areas. This rezone allowed the development of the property but allowed it to occur over time where they would develop portions as needed and keep other portions in agriculture for longer periods of time. Approval of a development agreement and conditional rezone in this case establishes rights and obligations. This is a preliminary plat, a technical review and it's not an opportunity to go back and revisit land use issues which have already been decided and it's inappropriate to address those issues now. The project meets the requirements of the ordinance and the development agreement. The entrance has been approved by the highway district and the phases will utilize stub roads. In 2003 there was extensive testimony and there was strong support from the agricultural operators in the area. Five hearings were conducted on this case from 2002 to 2003 and issues regarding location, lot size,

density, community well, individual well, community wastewater vs. individual septic were all debated, discussed and decided at that rezone hearing and it is not appropriate to consider those issues today. Today's hearing is for technical compliance review. The application was approved for individual wells. The community well that was requested by the opposition was denied. Those in opposition wanted a community well and there were generic comments about how they were generally better, but there was no site-specific or geological or hydrological basis for their comments requesting a community well. The Williamsons were opposed to a community well. A community well drives up cost which means you have to have higher density to pay for it but that's not what they wanted. They retained a professional engineer and hydrologist who did a hydrological and geological study and based on that analysis said individual wells and septic were a better option than a community well. Regarding the clustering of homes and lot size, it was a principle applied to help maintain an open feel; however, it was not intended to require clustering of lots or homes in every phase. They are willing to utilize building envelopes. They have concerns with some of the conditions:

No. 8 and No. 9: They do not feel the water system is appropriate; individual wells were determined to be more appropriate and better for the area than high volume community wells.

No. 2: It is appropriate to state they comply with highway district and ITD requirements. The additional provisions about adequate consideration of those kind of other things that is the County stepping into jurisdiction of ITD and the highway district.

No. 10: They need to comply with state law. Stating the lawns must be irrigated with surface water while the surface water is available. There is a pressurized irrigation system that provides irrigation to those lots with water rights. There are lots that do not have surface irrigation water rights and so that requirement would not fit. Compliance with state code and utilization of the pressurized irrigation system they have in place is what's appropriate.

No. 11: The condition deals with the hillside portions of the property and it seems redundant. The hillside ordinance does not prohibit development on the hillside areas, it just simply has additional requirements, and they will comply with ordinance versus saying there cannot be any development on slopes greater than 15%. The language should state any development on the hillside would have to comply with the ordinance. Discussion ensued.

No. 12: They have to comply with the minimum lot sizes. They are a minimum average of one acre and two acres, depending on whether it's dry or irrigated. The minimum size of ½ acre or 1 acre depending if it's dry or irrigated. It is not appropriate to use that to modify the development agreement. The language should state the applicant has to comply with the development agreement in the future phases. Further discussion ensued.

Commissioner Smith said Mr. Lakey said he doesn't know if the larger parcel is intended for development, but that is required as part of the development master plan in order for the Board to make a decision on the average lot size. Mr. Lakey said in approving the previous rezone and the development agreement the County agreed it was appropriate and the development could proceed under those conditions. Further, the development agreement limits some aspects of the

ordinances. Commissioner Smith asked if staff did an individual analysis that conditions were met. Mr. Krasowski said he did not run down the checklist they use for checking compliance, but Keller Associates did. There was further discussion between staff and the Board.

Mr. Lakey said regarding the discussion about lots accessing onto Charleston Drive, which is an existing gravel road, there was a requirement that the applicant participate in Charleston improvements if that was the case. The highway district does not have any plans to improve Charleston and the applicant doesn't have any lots that access onto Charleston, nor do they want to use Charleston. They are dedicating right-of-way for the highway district. This property will not impact Charleston Drive in any way.

Pat Colwell, the project engineer, offered technical testimony. This is the third phase of Bella Toscana which has been in process for 20 years. It's a slope progressing development, and the development agreement was signed in 2003. Phase 1 was platted in 2011 and Phase 2 in 2015. Harold Bingham has owned and lived in the first phase for about 12 years, and he has a vested interest in creating a quality development. The proposed lots in the subdivision to the west range from $\frac{3}{4}$ of an acre to 1.5 acre. They have reduced the number of lots in this phase from 28 down to 14. They have completed a nutrient pathogen study that will be submitted to DEQ and SWDH in conjunction with the subdivision engineering report. The report shows the subdivision will not negatively impact groundwater. They are not aware of any water quantity issues in the area; IDWR maps show the water levels have been steady in the monitoring wells for the last 14 years. The water quality in the area is not great, it has a slight sulfur smell. All the wells in Phases 1 and 2 have met the conditions of wells being cased all the way down to the aquifer as required in the conditions of approval. Wells in Phase 3 will also meet requirements. Regarding roadway and traffic, a deceleration lane from Hoskins Road to Morellino Way was previously constructed and is in place for what was originally anticipated to be a much larger subdivision. It is the only deceleration lane on Hoskins Road and is adequate for the relatively small number of lots that are currently in it and will eventually take access off Morellino Way. Golden Gate Highway District has reviewed the preliminary plat and has no objections. Storm drainage will be retained on site and pressurized irrigation will be provided to all lots, with one exception, they will move lines to get out of the 15% sloped area and they are happy to have that 15% area as a non-buildable area. All of the technical agencies have approved the preliminary plat, and it meets all of the conditions. Right now, the master plan for the 25 acres is to leave it open, and they have no objection if it doesn't have a building permit. Commissioner Smith said we are here today because the master plan has changed significantly, and the ordinance is pretty clear about requiring a master plan and so it appears that one doesn't exist. Mr. Colwell said we are here today because the preliminary plat has expired. The master plan is essentially the same as the one the Board saw. The roadways look almost exactly the same as they did previously, it's just that they cut the number of lots in half. There was further review and discussion. Commissioner Van Beek said she believes that what has been provided on the preliminary plat for what's under consideration, given that the applicant would have to go through the P&Z Commission, is sufficient for her. Mr. Colwell said they would be happy to strike the note. Commissioner Smith said she doesn't want there to be a race to the maximum number of developable lots. She is having a hard time understanding how that master plan met the development agreement. Mr. Colwell said it met the requirements and

staff approved it; the P&Z Commission approved it, and the Board approved it. Commissioner White had follow-up questions for staff regarding conditions being met for Phases 1 and 2. Mr. Krasowski said he does not see Condition No. 1 in the development agreement being strictly met based on the construction of the few wells he looked at in the existing phases. Mr. Colwell said they pulled the well permits from IDWR and the casing is down to the aquifer. There are multiple ways to seal a well either through bentonite chips or through concrete, but nobody seals their individual wells with concrete. Commissioner Smith said if Condition No. 1 is unenforceable why don't we change it. Dan Lister said the P&Z Commission had questions where they don't believe there is evidence the conditions have been met and asked how they can be met based on how they have been written. Mr. Colwell said the highway district has stated there are no plans to pave Charleston Road.

(The Board took a break from 11:08 a.m. to 11:17 a.m.)

Harold Bingham testified he is a managing member of the Bella Terra Group and is a native Idahoan who has lived in the Bella Toscana Subdivision for the past 10 years. He appreciates slow housing growth and wants the remaining 100+ acres to remain in farmland. He has 40 years of experience in the water industry. It's been said that the domestic wells of the Bella Toscana Subdivision have damaged or lowered wells in the area; however, it is a physical impossibility for Bella Toscana wells to have any impact on neighboring wells as the distances are too great. He spoke about well depth and his communication with IDWR who said there is no evidence of aquifer issues in the area; he has also talked to a representative with SPF Engineering who indicated there are no known water problems in the area. Mr. Bingham does not support a public water system the cost of which could be upwards of \$400,000, and he questioned how the HOA can be burdened with the cost of repair and maintenance; with only 14 lots there is no economy of scale. According to Mr. Bingham, the intent for the 25-acre parcel is to remain as farmland.

Dallas Jensen gave testimony on the topic of domestic wells and community wells. His experience is he would not want to manage a community drinking water well due to stringent testing requirements, maintenance issues, etc.

The following people testified in opposition to the request:

Barbara Parshley testified it was determined years ago that a community well was a better option than individual wells. She has spoken with IDWR, and they recommend a community well which will put less strain on the surrounding water. The science from 2003 to now indicates community wells are what we need. She stated the wells in the area have been affected where multiple people have had to deepen or drill new wells. There is also a concern that the Golden Gate Highway District has no plans to fix Hoskins Road. She gave further testimony regarding well monitoring issues; decrease in the aquifer; and that people are irrigating their land with well water. She objects to the minimum average lot size versus the minimum lot size and said the lot sizes need to be larger. Following her testimony, Ms. Parshley responded to questions from the Board. Andrew Johnson testified that the fire hydrant requirement for the second phase was based partly on testimony by the applicant that it would be available to the surrounding properties, but the fire

department is not aware of that, and they said it does not service those who live in Bella Toscana Phases 1 and 2 and will not service Phase 3, nor does it service the houses in the surrounding area. He does not believe the requirements for Phases 1 and 2 were met until Phase 3 was in progress. He believes the project is too dense. He is concerned about road safety issues and wants access for the new houses to be farther to the east, so they are not at the base of the hill. The applicant previously said they would be willing to do a set off for the east side where vehicles were buried, but nothing has been said about that today. Following his testimony, Mr. Johnson responded to questions from the Board.

Robert Greenwald testified he has lost four feet of static water level in eight years and the filters have to be changed every 60-90 days as they are packed with black sand. Water quality has deteriorated, and he is concerned about the impact additional wells will have on his well. There are traffic and road safety concerns in the area.

Rebuttal testimony was offered by Todd Lakey. The land use has been decided, this a preliminary plat and so we are not here to decide if the area is appropriate or if lot size is appropriate. They have underlying approval that they are complying with. Regarding the community well, that was previously decided and vetted extensively in multiple hearings. Part of the testimony at the underlying hearing supporting individual wells and casing down to the aquifer, the hydrologist noted at the time that standards at that time only required they case down to 18 feet so a lot of the wells in the area may have that same design flaw. The more modern wells are at 300 feet, not at 50 feet. Mr. Lakey does not believe IDWR would not make a general statement that everything needs a community well. In this case, a site analysis was done and the geology has not changed. It's appropriate and the way the County should function that we leave the jurisdiction of the roads to the entities that have jurisdiction and expertise. The highway district has approved that plat, and they have to meet ITD requirements. The access point is where it is. They did make the applicant install a turn lane at the time, but they are meeting their requirements now. The 10,000-gallon tank was installed in Phase 1 as part of the initial development; the fire hydrant is used to refill the truck, we are not talking about running hoses from a hydrant to rural lots. If the fire district requires another hydrant in another location the developer is happy to do that. The wells have been cased and bentonite is a common practice to seal the wells. According to Mr. Lakey, the plat meets the technical requirements and is in compliance with the conditions of the development agreement. The reference to the 25-acre parcel to future development was unintentional and Mr. Bingham's testimony reflected that. There is a requirement that it be removed from the final plat and they are happy to do that. The plat meets the requirements and he is asking for Board approval.

Commissioner Smith said a lot of evidence has been submitted and she wants to continue the hearing to review and direct staff to do a thorough evaluation of compliance with the conditions of approval. She asked how staff is showing compliance with Condition #10 regarding Charleston Drive will be improved as additional lots are platted. Mr. Krasowski said he could spend more time on that. Commissioner Smith said Condition No. 1 should be amended and we should either show compliance or not. Regarding Condition No. 15, what is the evidence of open space? We don't have a master plan to show compliance with Condition No. 2, and either we give them time to

figure it out or it's a basis for denial. She said compliance with conditions needs to be outlined. The public deserves to understand what the full development looks like. Commissioner Van Beek said the statement is this would still be a staged plan that would have to come back, it's not part of the development under consideration today. She has no problem with getting more information. Commissioner Smith said staff could work with the applicant on a master plan on whether it's applicable or not applicable, and what staff feels would meet that, and then have something showing compliance with all of the conditions of approval and the Board will leave public testimony open. Commissioner Van Beek made a motion to continue the hearing to October 5, 2022, at 9:00 a.m. The motion was seconded by Commissioner Smith who wanted to clarify that the motion is to evaluate compliance with all of the conditions. Discussion ensued. Commissioner White wants to make sure the Board is not setting a precedent with its requirement for this case. Commissioner Smith said they need to show compliance with the development agreement, and she wants something on the record. She said the Board has had many master plans with phased development. Commissioner Van Beek shares Commissioner White's concern. The Board has questioned the applicant on what it is deciding on and not deciding on at this stage of the plan so lot size is not what it is deciding. The well casing discussion should not focus on Phases 1 and 2 because we cannot do anything about that. We could require the well casings exceed the standard and meet the static line and are backfilled with bentonite, that's a greater than minimum standard. She is looking at the testimony from Mr. Lakey, Mr. Colwell and Mr. Bingham. She does not understand why we would go back and require any review of Phases 1 or 2; we want to ensure and condition this to meet a well standard with a depth to an aquifer and support what is in this area. She has nothing to the contrary that it won't. Commissioner Smith said we should not condemn Phase 3 because of Condition No. 1, but we want to know how to move forward with conditions of approval and if Condition No. 1 is not enforceable and we cannot meet the standard then we should know that and this cannot be met so the right process is to amend the development agreement, or, staff and the applicant can come back and say here is how it will be complied with. There is a lot to these conditions that fall outside the wells. Commissioner Van Beek asked what is the goal of obtaining that information? Is it to enforce the reconstruction of a well that was done improperly? What is the end point of re-evaluating every well that's been installed in Phases 1 and 2. Commissioner Smith said development agreement #12-085, exhibit 6, states this agreement may be terminated and the zoning designation upon which the basis is used reverted to the previous zoning district upon failure by the owner to comply with the terms and conditions contained in this agreement. After the notice of the owner, pursuant to Section 3.1. It's a fair question to the public that we have evaluated that this agreement is being complied with and if it isn't, they have to start over again. She is not saying we are going to revert back, but we need more information that the development complies with the development agreement. Commissioner Van Beek said Pat Colwell testified he believes Phases 1 and 2 comply. Commissioner Smith said they have not gone through all the conditions and shown proof of compliance and Condition No. 10 is a good example. The only way to remove it is through an agreement amendment which is not in front of the Board today. In order to approve a preliminary plat, we have to comply with all the conditions of approval as stated. There is a motion to gather more evidence to ensure this is a fair process and that all conditions of approval have been met. Commissioner White said there is no problem with getting more information but wants to make sure the Board is not doing something for the first time that sets a precedent.

Commissioner Smith said normally these do not live that long. The zoning ordinance requires them to be started within two years and completed in five years and the successive phases have to be completed within every 24 months. This one is different in comparison to anything else the Board has been paying attention to because of that perceived length of time for development. Mr. Lakey did provide good evidence that this was a longer development and so she believes there is good evidence to not kill the project because it didn't meet the five-year requirement, but that does not take away the fact that a prior Board committed this current Board to a long-term obligation and so because of that we need to comply with the conditions of approval because they didn't go away, just like the rezone did not go away. Following discussion, Commissioner Smith said the motion is to table the hearing to October 5, 2022, at 9:00 a.m. Commissioner White was opposed to the motion. The motion carried by a two-to-one split vote with Commissioners Smith and Van Beek voting in favor. The hearing concluded at 12:26 p.m. An audio recording is on file in the Commissioners' Office.

CALDWELL URBAN RENEWAL AGENCY BOARD APPOINTMENT MEETING AND CONSIDER APPROVING AN ALCOHOLIC BEVERAGE TRANSFER LICENSE FOR IMBIBE, LLC DBA MCCLEARY'S

The Board met today at 12:28 p.m. to consider making an appointment to the Caldwell Urban Renewal Agency Board, and to consider an alcoholic beverage transfer license for Imbibe, LLC dba McCleary's. Present were: Commissioners Keri Smith, Leslie Van Beek, and Pam White, and Deputy Clerk Monica Reeves. Commissioner Smith said last week the Board appointed Commissioner Van Beek to the URA board and subsequently held a meeting with the Caldwell Mayor and attorney where they asked for a new nomination. Commissioner White said Assessor Stender recommended the appointee be the Commissioner whose district includes the City of Caldwell which would be the District 2 seat. Commissioner Smith will hold that seat until January 6 and a new Board takes office on January 9, 2023. Commissioner White made a motion to appoint Commissioner Keri Smith, who serves the District 2 Commissioner, to the Caldwell Urban Renewal Agency Board. The motion was seconded by Commissioner Smith. Commissioner Van Beek is not opposed, but to commit the seat going forward falls outside the scope of this Board of Commissioners because there are Commissioners who are retiring and new Commissioners are coming in. She supports having Commissioner Smith having appointed on a temporary basis. After January it is the prerogative of a new BOCC to assign the seat. She disagrees with making it seat-specific. Commissioner White recommends the District 2 Commissioner would be the representative on the Caldwell Urban Renewal Agency Board. Commissioner Van Beek was opposed to the motion. The motion carried by a two-to-one split vote. (Resolution No. 22-189.)

Consider approving an alcoholic beverage transfer license for Imbibe, LLC dba McCleary's - Upon the motion of Commissioner Smith and the second by Commissioner White, the Board voted unanimously to approve the license transfer. Commissioner Van Beek abstained on the license transfer. (Resolution No. 22-182.)

The meeting concluded at 12:32 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – DISCUSS A PERSONNEL MATTER

Commissioner Van Beek made a motion to go into Executive Session at 12:33 p.m. pursuant to Idaho Code, Section 74-206(1) (b). The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Monica Reeves with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kate Rice, HR Comp/Benefits Manager Bosco Baldwin, Chief Deputy Sheriff Doug Hart, Lt. Martin Flores, and Controller Zach Wagoner. The Executive Session concluded at 1:14 p.m. with no decision being called for in open session.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 12, 2022

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

EXECUTIVE SESSION PURSUANT TO IDAHO CODE 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

Commissioner White made a motion to go into Executive Session at 9:04 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 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, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Prosecutor Bryan Taylor, Clerk Chris Yamamoto, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Controller Zach Wagoner, Brian Baughman and Shannon Kinney with Hartwell Corp. The Executive Session concluded at 9:54 a.m. with no decision being called for in open session.

PUBLIC HEARING TO CONSIDER A REQUEST BY TAYLOR JENE HOMES, INC, AND FTERA VIEWS SUBDIVISION FOR A CONDITIONAL REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2020-0019/SD2020-0035

The Board met today at 10:02 a.m. to conduct a public hearing in the matter of a request by Taylor Jene Homes, Inc., and Ftera Views Subdivision. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, County Engineer Devin Krasowski, Mark Hilty, Casey Ames, Larry Leisure, Erin Sorensen, Rebekah Ames, Mike Woodworth, Sarah Cunningham, Amy Weidner, Mike Cowan, John K. Johnson, II, Thomas Bratcher, Ray Eide, Donna Cooper, Christine Eide, Wes Weidner, and Deputy Clerk Monica Reeves. Commissioner Smith opened the hearing and said the last time the Board heard this case it was denied and a new hearing was scheduled. Emails were received requesting the hearing be continued due to a lack of attendance by some in opposition. She contacted Claudia Haynes and advised the hearing would move forward today and if the Board denied the case the matter would be closed, and, if the case was approved the Board would hold another hearing. However, it is not clear on whether a third hearing would be required, but a constituent was told to share the information that if it was approved another hearing would be held. Commissioner Smith believes the Board should hold another hearing if the applicant's request is approved today. Prior to the start of today's hearing, Commissioner Smith shared that information with Attorney Mark Hilty. Commissioners Van Beek and White agree with conducting another hearing (a third hearing) if the case is approved today.

Dan Lister gave the oral staff report. The original request was a zoning map amendment of 122 acres from agricultural to rural residential in September of 2020, and it came with a plat for Valley View Ranch Subdivision #4 with a total of 45 buildable residential lots. On April 15, 2021, the P&Z Commission recommended approval of the rezone and the plat in a three-to-two vote. On June 28, 2021 the case came before the Board and was tabled to July 26, 2021, and the Board requested information regarding HOA management of domestic well usage of irrigation, HOA landscaping plan review, information for Upper Deer Flat Fire District and the Boise Project Board of Control regarding fire safety and dust control around the canal, information regarding community wells in the existing area, and conditions to consider for mitigation. The Board tabled the case to August 2, 2021 to review the information provided. On August 2, 2021 the Board denied the cases which required a new hearing because it was a reversal of the P&Z Commission's recommendation. The Board determined that since it is a new hearing to consider denial, it can also consider any information the applicant provides to see if there are any conditions they would consider and at that point the Board could decide to allow them to amend the application. In April of 2022, the applicant submitted an amended application for a conditional rezone from an agricultural zone to a rural residential zone with a preliminary plat which is now called Ftera Views with a total of 33 buildable residential lots. They have included a draft development agreement with conditions and draft CC&R's, and a landscaping plan has been provided. With 33 lots and 4 common lots it's an average lot size of 3.14 acres. The development agreement includes conditions regarding CC&R's. The maximum acreage to be watered is ¼ acre per lot; individual wells must be drilled 150 feet below the first source of water found while drilling; fees paid to the association for maintaining the irrigation system; native landscape plan must be upheld to preserve native habitat and grasses outside that ¼ acre irrigated area; fire safety, firewise buffers would be maintained; and fire sprinklers would be required in each home. A hydrological evaluation was provided by the applicant revising the previous report. The water demand would be approximately 3,050 gallons per day per lot during the peak irrigation system and approximately 400 gallons per day per lot in the non-irrigation season. Data indicates a steady water level since 1990. Water usage by the

project will have negligible impacts on existing wells. In his summary, Mr. Lister said it's been over a year since the case was tabled; though they submitted an amended application, the Board did not direct them to do so. It was a denial and they were supposed to come back with information, then staff was to be directed to allow that application to be submitted but that didn't happen and so this is a way to clean up the record which is why staff recommends having one more hearing if it is approved.

County Engineer Devin Krasowski provided testimony regarding the hydrology report and the technical aspects of the project. The summary is that the aquifer is not being currently over-drafted on an annual basis and we can expect to see high seasonal fluctuations in the water table. Impacts to existing groundwater users in the area will likely be negligible compared to the seasonal fluctuations of the water table that already exist. If reasonable due diligence is put into understanding the groundwater source in the area, individual wells can be a reliable and safe source of drinking water south of the lake. There are still benefits to consider a public water system for water supply of Ftera Views. The County wouldn't have to worry about how deep wells are drilled, what depths the pumps are set at, the proximity of wells, drinking water quality, or the state of the aquifer, it would all be handled by the state agencies with jurisdiction. The concerns with a public water system are mainly that it's a long process for the developer and requires future homeowners to work together to make sure the system is maintained. Following his report, Mr. Krasowski responded to questions from the Board. There were follow-up questions for Dan Lister as well.

The following people testified in support of the request:

Larry Leasure, from the White-Leasure Development Company, said the company was brought into the project last year when the developer for an evaluation of the entire project. The project has been outstanding in scope, size, and character; it's an infill project surrounded by residential subdivisions. They spent many hours in neighborhood meetings and made recommendations in order to address the neighbors' concerns. The primary concern is water and whether there is a supply. Initially, the request was for 45 lots but they are now requesting 33 lots with some open lots. They performed a balloon test to make sure there was no visual impairment of the views. The property is NOT in the flight path of the aerial spraying operation that's in the area. Mr. Leasure spoke of the plans for the common lots; the one in the center was designed for outdoor opportunities for the neighborhood, and the other common lot will include a bus stop. The common lots will not be irrigated but will have natural landscaping. Following his testimony, Mr. Leasure responded to questions from the Board.

(The Board took a recess from 11:04 a.m. to 11:16 a.m.)

Erin Sorenson testified that she used to live on Deer Flat Road and Chicken Dinner Road and has a strong appreciation for the area. She has worked for Idaho Power and has experience working along the Snake River doing mitigation, conservation, and restoration improvements and she sees a lot potential with this site that hasn't been farmed as there is a lot of native sage and cactus and a lot of things that are worthy of appreciation for the potential residential use. She runs a design-

build firm in Boise that is focused on low water use conservation, low energy use, and native landscaping, and with this project they saw a lot of opportunity with the water concerns to address those through landscape and they saw a lot of opportunities to work with the neighbors about their concerns about a bus stop and roadway safety and to address those through the landscape plan. The density has been reduced to 33 home sites and they have worked with the neighbors on a walking path through the area. They can restrict the watered area to a ¼ acre but still make it beautiful with rockscapes and revegetation and by not disturbing the existing land through construction. Following her testimony, Ms. Sorenson responded to questions from the Board.

Mike Woodworth gave testimony regarding groundwater data. They provided an updated report showing the water usage for the proposed subdivision with some of the changes that have been made, and also looking at the groundwater data that's available from IDWR. The groundwater data in the area suggests that the aquifer levels are very stable and increasing in some cases. Groundwater levels have been stable or rising for the past 20+ years although there are large seasonal fluctuations in the area, the result of which has been some of the well problems noted in the area. He said data from IDWR and studies from Mountain Waterworks and SPF, and HDR arrived at the same conclusions via looking at the data that's available and it's very consistent with the message Devin Krasowski delivered earlier this morning. Several regional water experts have provided testimony specifically for this project. IDWR previously provided testimony for this project in 2021 stating the groundwater levels in the area are stable and they attributed most of the issues to well construction or seasonal fluctuation. Mr. Woodworth highlighted the changes that have been made to this subdivision. The original proposal was originally for 45 residential lots, 37 of those would be using groundwater wells to irrigate up to a ½ acre for a total of 18.5 acres of irrigation. The proposed new plan reduces the number of lots using groundwater for irrigation from 37 to 25, plus they are reducing the amount of irrigation area per lot with the new proposal just over 6 acres irrigated via groundwater versus the original proposal of 18.5. He said what's driving the water use in the area is not residential in-home use, it's irrigation and so what they have done with this development is try to limit that irrigation to the maximum extent possible to be a water-wise community. Of 122 acres, they plan to irrigate just over 6 acres. Following his testimony, Mr. Woodworth responded to questions from the Board.

Casey Ames gave testimony pertaining to the two "tot lots" (gazebo/park area) and said he is willing to work with the County's parks department on the design. The point was for less water use so if the Board decided that wasn't an efficient way to do that, it was to give a concession to say he is fine with less water use. Regarding the bus stop, they reached out to the highway district who said it might not be the best spot and the district is scheduled tomorrow to re-evaluate what was already an approval, but the variance permit had expired since so much time has passed. They have been trying to get a development agreement and are still waiting to come to a resolution. They believe 150 feet was the safe zone for well depth. He has no doubt the project will be beautiful and from a marketability standpoint the site is infill and the topography on it is set for views. Commissioner Smith said the County cannot commit its parks department resources and so she thinks the common lot should be absorbed into the lot to the left or the right. Mr. Ames said they can deal with that and he is open to making this work. The question has been: is there water? And they have done a good job of proving there is substantial water if the wells are done

right. He will agree to a condition that would require the wells go to a certain depth based on the experts' opinion. Following his testimony, Mr. Ames responded to questions from the Board.

Mark Hilty, the attorney for the applicant, said there are a lot of compelling reasons for why it should be approved and years ago it was identified as rural residential and that designation has had a significant impact on the market and it was bought believing that was the direction the County wanted to see this go. As an infill development that's surrounded by similar development, a pattern has already been established in the area as a good planning practice. The property is not viable for agricultural uses. He said there was concerns from the Amens about how, ironically, this residential development could have a negative impact on agriculture in the area. What about all the surrounding subdivisions affecting the future agricultural use on this property? It's simply not going to happen. There are people who have sincere concerns about the impacts to their wells and the aquifer in the area, but he urged the Board to make its decision based upon the best evidence about what the condition of groundwater is. There is evidence from Mr. Woodworth, IDWR, and DSD staff, as well as the Terry Scanlan report that's said the same thing: the groundwater level has been steady for decades and in some areas, it's increasing and you cannot find that there is likely to be an adverse impact on properties in the area from the construction of the wells described here. There is a sufficient water table to support the proposed development. The developer is amenable to the conditions the Board thinks are appropriate for this development.

The Board took a lunch break at 11:54 a.m. and reconvened at 1:06 p.m.

Testimony in opposition was as follows:

Amy Weidner lives in Foothill Ranch Subdivision which is north of the proposed development and it has a community well. To the north is the proposed Goldberg Estates that has two pivots that suck air every summer during the seasonal fluctuation. The wells recharge and the aquifer recharges, but people cannot be expected to stop using water during July, August, and September. When it's dry and hot they have no water and she believes that fact is being glossed over when it should be considered a top priority. We should not develop based on best case scenario, we should develop based on worst case scenario and if that is in August we shut all the wells off because they are sucking air that is what you base the growth on. Just because the comprehensive plan says this is a fill-in area doesn't mean it's effective; we don't have the water and the best evidence is not paid professionals that bring us old data, it's boots on the grounds, people who live there whose wells are being affected. There are lot of subdivisions the neighbors intend to fight because they are unsustainable with the water during the summer months. Those in favor of the project live in Eagle and Boise and are not going to be affected detrimentally by this project. Ms. Weidner proposed an amazing agricultural opportunity to the developer's assistant, but said she was ignored; they want to sell off the lots and leave and she believes he does not want to live there due to the water issues. She spoke of the conditions of approval for Foothill which included well drilling standards, but the developer later ignored the conditions for approval. In 2001 there were water problems and the Board wanted the wells drilled in a specific fashion but they weren't done that way. There hasn't been any follow-up or follow through and no one at the County knows

who has oversight. She's concerned the developer for this project will ignore the requirements. Sky Ranch Estates has a community well that is sucking air and others in the area are experiencing problems as well. She asked what new information the developer produced that proves he will not adversely affect the surrounding communities in regards to the water. The wells that were tested are one mile away, but that's not effective in letting us know what's going on at this location. The Board should deny this because the applicant has not brought anything new proving the project will not be detrimental to those who live in the area. In Sky Ranch Estates DEQ is asking for pressure tests, and in Foothill Ranch they have notified EPA because of high levels of arsenic. She said no one has shown marketing of any subdivision where only $\frac{1}{4}$ of an acre can be watered. Following her testimony, Ms. Weidner responded to questions from the Board.

John Johnson testified that he moved to the adjacent property a year ago and said despite the water reports the homeowners are still facing issues, in fact, his neighbor had to lower his well twice. The homeowners collectively have paid over \$500,000 to address water issues over the last several years and that trend is alarmingly increasing. When he purchased his property, he had no idea there was a water issue and had he known of the water issues in the area he would not have come back to south Nampa. He has a swimming pool in his backyard and that's his sprinkler system. He put a hydrant in his backyard and agreed with his neighbors that since there is no water available for fire hydrants he has agreed that his pool can be used for irrigation. He has $\frac{3}{4}$ of an acre of grass and new trees that are dying. As a brand-new homeowner it's quite alarming. The CC&R's are a big issue due to enforcement and monitoring issues. He does not have a problem with the development, but he doesn't want water issues to impede his ability to take care of his mother-in-law who is receiving end of life care. He cannot image a future homeowner thinking they are getting lawns and natural habitation, it's not reasonable. Mr. Johnson said he never saw the balloon test the developer's representative spoke about, and furthermore no one from the development team has talked to him or his neighbor. He said the Board should either deny the application or table it as there is a lot of information to be reviewed. Following his testimony, Mr. Johnson responded to questions from the Board.

Rebuttal testimony was offered by Larry Leasure. This new group spent 100 hours trying to talk with the neighbors to understand the issues. They did not suggest all the houses were going to be built at two levels; he made that decision and he wanted to be sure that the two-story homes would be notated and that's why the balloon tests were over 30 feet. They staked every lot in the center where the house would be, based upon the plan, and they took all the addresses which included John Johnson's house. They met with neighbors so they would know where the balloon tests were being performed. There is tremendous amount of new information that's been provided and most of it was provided in March/April. CC&R's have been submitted to the County for input that speaks to the well, the depth, and the well drilling another 150 feet below where they meet water.

Erin Sorenson said the experts from IDWR, HDR, and Mountain Waterworks are in agreement and acknowledge the seasonality of the fluctuation and in room where they had HDR and Mountain Waterworks a pointblank question was asked what would be an appropriate depth for these individual wells, everyone thought 150 feet (an additional 150 feet below the water depth) would

plan for the future, worst case scenario and that's they are putting that in the non-revocable CC&R's for the development which she believes can be enforced either by a neighborhood group, or by professionals who are put in place to handle the CC&R's if the neighbors aren't to be trusted managing their own lands. She spoke of the well monitoring data that has demonstrated the recharge in a very bad water year was about 80 feet and that's for a development that's higher up and there are construction issues with wells. Ms. Sorenson responded to questions from the Board regarding well monitoring data. They have one well on site that can be accessed on Lot 29 and a secondary one on Lot 32 but it may have been buried by some neighbors so it's not presently being used.

Casey Adams offered additional testimony in response to questions from the Board regarding well monitoring and water rights. Further follow-up questions and discussion ensued. Commissioner Van Beek disclosed that her husband's former in-laws used to farm in the area and knew the farmer who owned this property and those water rights were sold because it was difficult to farm. Mr. Ames said the previous farmer sold the property to an investor and Mr. Ames then purchased it from Pam Burns who was representing an out-of-state investor; it was sold as a development property.

Commissioner Smith asked if the Board is ready to render a decision or do they want more time to consider the information presented. Commissioner Van Beek said there is information from both sides that not everyone has had the opportunity to look at. She likes Mr. Ames' plan, but said the Board has to evaluate the essential services for the area. Given the history she has with this area, the proposal represents something that is desirable, and given the amount of work the applicant has done to mitigate the concerns she wants staff to do an additional analysis and it would provide Ms. Weidner an opportunity to look at some of the information. There has been a material change in the form of a reduction but she feels they have done enough due diligence that if they were able to meet with the neighbors there might be a way for this to be a viable project. Commissioner Smith said instead of making a decision if the Board granted the opportunity with the acknowledgement that it is a change in application and would require another hearing it would give staff an unbiased opportunity to go through the staff report, and with the change that was proposed and then make a recommendation, and the Board could have a final hearing and make a final decision at that time. Dan Lister agreed and said it would give staff time to do the analysis and it would not cause another tabling or hearing. Commissioner Smith said that would get it back on the schedule within a few weeks to legally notice it and post the property with this specific proposal and it would give the developer time to look at the comments from today's hearing and make any necessary changes to the development agreement and submit those to staff so everyone has an opportunity for review. She supports moving forward and giving a "head nod" to allow the amended application and evaluating it at a final hearing. It is appropriate for the applicant to pay the applicable fees. Commissioners Van Beek and White support moving forward in this manner. The Board will have a new hearing that starts from scratch with this specific proposal with an updated staff report for that proposal and an opportunity for testimony. The hearing concluded at 2:32 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 13, 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 Tammie Halcomb, Community Outreach Specialist.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Elevate Technology in the amount of \$1,560.00 for the IT Department
- SHI in the amount of \$13,056.80 for the IT Department

APPROVED CATERING PERMITS

The Board approved liquor catering permits for Legends Sports Pub & Grill to be used 10/1/22; Heritage Hop Haus to be used 9/30/22; and Treasure Valley Road Runners LLC to be used 11/12/22.

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

The Board met today at 9:06 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, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas, Alex (arrived at 9:13 a.m.), Treasurer Tracie Lloyd (left at 9:28 a.m.), Sr. Deputy Treasurer Tonya May (left at 9:28 a.m.), Chief Deputy Assessor Joe Cox (left at 9:15 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing an Ordinance Amending Chapter 1, Article 23, Business Investment Incentive; and a Summary of an Ordinance Amending Chapter 1, Article 23, Business Investment Incentive: Mr. Cox explained that within the current ordinance the county generally allows up to a 75% exemption but since the adoption of the original ordinance the county has missed some larger opportunities due to not offering a 100% exemption. This amendment would provide companies with specific qualifiers to qualify for 100% exemption. A few other minor revisions were made to the ordinance which were reviewed by Mr. Cox. Commissioner Van Beek made a motion to sign the ordinance and summary Amending Chapter 1, Article 23, Business Investment Incentive. The motion was seconded by Commissioner White and carried unanimously (See ordinance no. 22-020).

Discussion ensued regarding properties taken for tax lien being deeded to the Nampa and Caldwell housing authorities. This year only the Nampa Housing Authority has expressed interest in an available property. Commissioner Smith said she feels there should be opportunity for the previous owner to obtain proceeds if the house sells at auction. If the home doesn't sell at auction then it could be deeded to the housing authority. Commissioners Van Beek and White both agree with this option. At this time the property the Nampa Housing Authority has expressed interest in will be noticed as both part of the regular auction taking place on November 9, 2022 and to be deeded to the housing authority so that the Board will be able to consider either option.

Commissioner Smith asked for advice regarding a citizen who has continuously reached out to the Board about re-opening his court case, however this is something outside the statutory authority of the Board. Commissioner Van Beek noted she has spoken with this gentleman, but he did not like the options he was provided. Legal staff suggested continuing to provide him with his options and reiterate to him that his request is outside of the Board's scope of authority.

A request was made to go into executive session as follows:

EXECUTIVE SESSION – PERSONNEL MATTERS 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 9:33 a.m. pursuant to Idaho Code, Section 74-206(1) (a), (b), and (f) regarding personnel matters and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas and Deputy P.A. Alex Klempel. The Executive Session concluded at 10:02 a.m. with no decision being called for in open session.

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

PUBLIC HEARING TO CONSIDER A REQUEST BY KEITH AND JANA MOORE FOR A SHORT PLAT FOR SKM ESTATES SUBDIVISION, CASE NO. SD2021-0028

The Board met today at 10:08 a.m. to conduct a public hearing in the matter of a request by Keith and Jana Moore for a short plat for SKM Estates Subdivision, a two-lot subdivision. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Keith and Jana Moore, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The parcel is zoned "CR-R-R" (Conditional Rezone - Rural Residential) and is located at 580 S. Powerline Road in Melba. The conditional rezone was approved subject to a development agreement to

allowing for one division and two lots. The total acreage is 6.43 acres, 5.69 acres with right-of-way dedication. The property will be served by individual septic systems and wells. There was a review of agency comments. The short plat was reviewed by Keller Associates and was found to meet County code subject to conditions. The property is in the Melba Impact Area and is subject to the city's subdivision ordinance. The plat meets the minimum requirements; however, the final plat does not yet have all the signatures so it cannot be considered today. On June 1, 2022 a conditional rezone was approved subject to a development agreement to allow one division where each lot may have a primary dwelling but no secondary dwellings. On June 16, 2022, the Planning and Zoning Commission recommended approval of the plat. Staff is recommending approval subject to conditions. Following his staff report, Mr. Lister responded to questions from the Board. Commissioner Smith wants to remove the condition that requires a note about secondary dwellings being added to the plat because the development agreement is legally binding so she's no in favor of adding the note to the plat. Commissioner Van Beek agrees. Commissioner Smith said we also do not need the condition on the plat regarding lateral easement that Keller Associates had asked about. Keith Moore testified in favor of his request and spoke of the delays that have affected the plat as well as the communications he has had with the agencies involved. He plans to surface irrigate the property. In the future they may go with an above-surface pressurized system to use sprinklers. He will reconfigure where the head gate water comes in so they have diversion ability. They have a temporary licensing agreement for the water, which has been approved by the highway district, but at a later date they may pull that in conjunction with reconfiguring the distribution box to the neighbor who he gave the easement. The Moores do not want the liability for the water running in the ditch so their long-term plan is to run two lines outside of the 40-foot right-of-way of the highway district and get it underground. Upon the motion of Commissioner Van Beek and the second by Commissioner white, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to approve the preliminary plat with the conditions of approval eliminating the secondary dwelling notation because of the development agreement being legally binding document. The final plat will be considered at a later date. The hearing concluded at 10:27 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING RESOLUTION FOR CASE NO. VAC2022-0001

The Board met today at 11:42 a.m. to consider a resolution to vacate Plat Note #14 from the Lewis Crossing Subdivision final plat, Case No. VAC2022-0001. The plat note concerns fire sprinkler requirements. Present were: Commissioners Keri Smith and Leslie Van Beek, and Deputy Clerk Monica Reeves. Commissioner Smith said the resolution was not signed at the September 1, 2022 hearing because the Board was waiting on clarification on whether the taxes had been paid. The County Treasurer sent an email stating in this instance where no lot line adjustments are being made and there is only the removal of a note concerning fire suppression, there is no need for the Treasurer's review or signature prior to the Board's proceeding. Upon the motion of Commissioner Smith and the second by Commissioner Van Beek, the Board voted unanimously to sign the resolution as presented (Resolution No. 22-183.) The document was recorded as

Instrument No. 2022-043122. The meeting concluded at 11:43 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE ICRMP BOARD OF TRUSTEES

Today the ICRMP Board of Trustees held a meeting at 3:00 p.m. at its office in Boise. The Board of Commissioners was invited, but a quorum did not attend; however, Commissioner Leslie Van Beek was in attendance.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 14, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Devin Krasowski, Associate Engineer.

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for the Undiscovered Barrel to be used on 9/24/22; Slick's Bar to be used on 9/24/22; Legends Sports Pub & Grill to be used on 10/8/22; and Parma Ridge to be used on 9/15/22.

RESCHEDULE PUBLIC HEARING - PRELIMINARY PLAT FOR RIDGELAND ESTATES SUBDIVISION, CASE NO. SD2020-0036

The Board met today at 9:02 a.m. to consider a request by Hess Properties, LLC. for approval of a preliminary plat (irrigation and drainage plan) for Ridgeland Estates Subdivision. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, and DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. The applicant requested the case be tabled to a later date so they can work on a grading plan. Commissioner Smith said since it's the applicant's request and we do not know how long it will take to do that we cannot table to a date certain, the applicant should pay the applicable fees for re-noticing the hearing. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to reschedule the hearing for Case No. SD2020-0036 and for staff and the applicant to work to reestablish a new hearing date with applicable fees. The proceeding concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:01 a.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Director Sinner updated the Board on the following:

2022 Post Fair report

- Extreme heat
- Total attendance was 48,133
- Revenue exceeded budget by a minimum of \$140,000 (still a couple sponsorship payments are outstanding)
- New/Firsts – Junior Livestock Show, Bacon Buddies, staff

Opportunities for 2023

- Continue to focus on guest experience
- Programming and marketing to increase daytime crowd
- Evaluation of opportunities for 2023 Fair

Event Center

- Recently met with the City of Caldwell regarding temporary occupancy permit which could happen at the end of October.

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

EXECUTIVE SESSION – PERSONNEL MATTERS

Commissioner Van Beek made a motion to go into Executive Session at 10:16 a.m. pursuant to Idaho Code, Section 74-206(1) (b) regarding personnel matters. 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 and Fair Director Diana Sinner. The Executive Session concluded at 10:26 a.m. with no decision being called for in open session.

Discussion ensued regarding the Fair Board advisory committee. Several member terms have expired with several more set to expire soon. The Board gave direction to Director Sinner to recommend five (5) new members and to work with the PA's Office on the bylaws. The Board would like to see this advisory board as more of a working group with "boots on the ground". Once new members are selected letters will be sent to the current members thanking them for their service.

The meeting concluded at 10:29 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER ORDINANCE AMENDMENT, CASE NO. OR2021-0029

The Board met today at 11:02 a.m. to consider the findings of fact, conclusions of law, and order (FCOs), as well as an ordinance and summary amending Chapter 7, Articles 17 and 18, Zoning Regulations of the Canyon County Code of Ordinances, Case No. OR2021-0029.

AN ORDINANCE AMENDING CHAPTER 7, ARTICLES 17, AND 18, ZONING REGULATIONS, OF THE CANYON COUNTY CODE OF ORDINANCES; THE AMENDMENT INCLUDES THE FOLLOWING:

- CHAPTER 7, ARTICLE 17, SECTION 3, SUBSECTION 3: JURISDICTION: AMENDMENT TO SUBSECTIONS (A), (B), AND (F).
- CHAPTER 7, ARTICLE 18: AMENDMENT TO INCLUDE SEPARATE SECTIONS FOR PURPOSE AS SECTION 07-18-07, APPLICABILITY AS 07-18-03 AND APPLICATION AS 07-18-05, SEPARATE AND AMEND PROVISIONS AND REQUIREMENTS FOR LAND DIVISION IN AN "A" ZONE AND DIVISIONS IN OTHER ZONES TO CHANGE FROM SECTION 07-18-01 TO 07-18-07, AMEND SECTION 07-18-03 ADMINISTRATIVE DIVISION OF NONVIABLE PARCELS IN AN AGRICULTURAL ZONE TO BECOME SECTION 07-18-09 AND CORRECT A FORMATTING ERROR, AMEND 07-18-05 ADMINISTRATIVE DIVISION AND RELOCATION OF BUILDING PERMITS BETWEEN CONTIGUOUS PARCELS IN AN AGRICULTURAL ZONE TO BECOME SECTION 07-18-11 AND REMOVE THE REQUIREMENT 100% OWNERSHIP IN BOTH THE ORIGINATING PARCELS AND DESTINATION PARCEL, ADD SECTION 07-18-13 AS ADMINISTRATIVE LAND DIVISIONS IN ALL OTHER ZONES, AND REMOVAL OF SECTION 07-18-07 LAND DIVISIONS BY JUDICIAL DIVISION (COURT ORDER)

Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. Elizabeth Allen, Planner III, has been the chief DSD employee assigned to this case and she is attending a conference today so Deputy PA Wesley and Planning Official Lister are covering, to some extent, for her this morning. On August 9, 2022 the Board held a public hearing and approved the ordinance and FCO's in the form presented today but we set the formal signing of the documents out in order to prepare summary of the ordinance and to get the documents in order. Commissioner Van Beek said a citizen contacted her and wanted to verify there were no changes to the subdivision ordinance that specifically related to the minor replat on an old subdivision plat. Commissioner Smith said those changes did not take place. Deputy PA Wesley said there are only two changes to the subdivision ordinance: 7-17-03 Jurisdiction, and it removes the former paragraph B in that section that allowed the estates that were divided through a probate proceeding or a court decree to avoid the subdivision ordinance, and the second change is the language we used to use fewer than five and now we are using no more than four which is consistent with state law and the rest of the ordinance. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve FCOs, the amended ordinance and the legal notice of amended ordinance (summary) for Case No. OR2021-0029. The motion was seconded by

Commissioner White and carried unanimously. (Ordinance No. 22-017.) The meeting concluded at 11:05 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE TRIAL COURT ADMINISTRATOR

The Board met today at 1:38 p.m. to consider an action item of signing a resolution for the job description and pay range of one position under the Trial Court Administrator. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Judge Davis VanderVelde, TCA Jamie Robb and Deputy Clerk Jenen Ross.

Action Item: Consider signing a resolution for job description and pay range of one position under the Trial Court Administrator

Ms. Robb explained that she determined the salary based off a like position in Ada County, although in an effort to be conservative while still trying to correct the issue, she set the salary slightly below where Ada County is at. The Ada county pay range is \$92,225 to \$126,960 + 3% deferred compensation match; this number is for FY2022 so it will likely be higher for FY2023. Canyon County's current pay range is \$61,000 to \$89,000. In response to a question from Commissioner Smith regarding the discrepancy, Ms. Robb said she has seen a copy of Ada County's job description and feels that Canyon County's Deputy TCA is probably handling more job responsibilities. However, she is not sure why this position is set so low, she doesn't have any historical knowledge of how the salary was set but said this position is not at market-value and she would not be able to fill this position if it were vacant at the current pay range. The person currently filling this position has been in the position since 2008 and has been the only person to hold the position. Commissioner Van Beek requested information about the pay range when the position was originally created in order to evaluate a trend. Discussion ensued as to why Commissioner Van Beek would need this information – Commissioner Smith feels that by evaluating a salary trend over the past 14 years is not a comparison to market-trend. A brief review was provided of some of the changes made to the job description. Commissioner Smith asked if the wage being proposed today would be the wage for FY2023 or if this wage would increase with the FY2023 data applied. Ms. Robb said she is open to either idea but, ideally, she would like to see the market data also applied to this position once the new fiscal year begins but just getting the position somewhere close to market would also be satisfactory without applying the FY2023 salary data; either amount would fit into her FY2023 budget. Currently the position is being paid at \$79,076 which is 88% of the current min, mid, max range; 88% of the proposed new range would be \$102,613.28. Ms. Robb said this is an executive level position and feels that the wage she has proposed would hold up to a compensation analysis. Commissioner Van Beek feels that she would need a wage and compensation person to weigh-in on this and she would like some additional information.

Based on a question from Commissioner Van Beek, Ms. Robb spoke about her own job and it being previously being filled by an attorney vs. her not having a law degree.

Commissioner White spoke about how, for her, this is really more about the job experience in this position.

Discussion ensued as to how Ms. Robb calculated the starting salary at 95% of Ada County and her justification of that number. Commissioner Smith said that historically, Canyon County salaries have been based off 80% of Ada County salaries. Based on that information the minimum for this position would be \$73,780 and \$101,568 would be the maximum for FY2022. Ms. Robb said at those numbers, 88% would put the person in that position at \$89,379. Commissioner Smith said she could support those numbers. She encouraged Ms. Robb to meet with the new Wage/Compensation Analyst, Bosco Baldwin and requested she revise the numbers in her resolution for Board consideration. There is a resolution that will be considered tomorrow so the revised numbers would need to be shared with Mr. Baldwin in order to be included in the FY23 salary numbers allowing the proposed salary increase to take effect in the new fiscal year. The Board is in favor of the direction provided to Ms. Robb. Ms. Robb said she will make the revisions to the paperwork and return prior to the conclusion of the next meeting.

A break from this meeting and action item was taken from 2:07 p.m. to 2:30 p.m.

When Ms. Robb returned, she explained she had made the directed revisions to the resolution to adjust the min, mid and max numbers.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution adopting changes to the salary range and job description of one (1) position in the Trial Court Administrator's department (see resolution no. 22-184).

The meeting concluded at 2:32 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER RESOLUTIONS FOR THE ADDITION OF ONE (1) POSITION IN BOTH THE PROSECUTOR'S OFFICE AND THE PUBLIC DEFENDER DEPARTMENT

The Board met today at 2:07 p.m. to consider resolution for the addition of one (1) position in both the Prosecutor's Office and the Public Defender's department. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chief Deputy Public Defender Scott James, Prosecutor Bryan Taylor, HR Generalist Demi Etheridge, Controller Zach Wagoner, Chief Deputy Criminal P.A. Doug Robertson and Deputy Clerk Jenen Ross.

Mr. James spoke about how the resolution being considered today will add one additional position to the department which will be paid from the PDC grant. Mr. Wagoner confirmed that these monies have already been paid to the county. Mr. James indicated that depending on the results of the Bar results that come out today, the Public Defender's department will be fully staffed.

Discussion ensued as to what will happen with public defense in the future based on changes in the legislature this year. Mr. James addressed Commissioner Van Beek's questions about caseload

number reporting and where the four attorneys' currently working in their office but awaiting Bar results will fall within the salary range. As of right now, those four attorneys are not able to attend court on their own and must be accompanied by a licensed attorney. Once they've passed the Bar they will be able to handle their own cases thus also freeing up the attorney's accompanying them.

Prosecutor Taylor explained his office is in the same position as the Public Defender's department. He held off on adding positions earlier in the year awaiting information on what the PDC would do. His office doesn't receive any grant funding so a new position would be fully taxpayer funded. The ultimate goal is to keep parity between both offices. As is the situation with the Public Defender's department, assuming Bar passage, the criminal division will be fully staffed.

Discussion ensued regarding vacant positions and potential hiring.

Mr. Wagoner said neither position is included in the FY2023 budget but that there are sufficient funds to account for these positions.

At the request of Commissioner Van Beek, Mr. Taylor said he would happy to provide caseload numbers to the Board and spoke about his staffing, caseload numbers and how his office operates.

Commissioner Smith said she is supportive of the requests and made a motion to approve the resolutions as presented. The motion was seconded by Commissioner White and carried unanimously. See resolution no. 22-186 approving the addition of one (1) one position in the Prosecuting Attorney's Office and resolution no. 22-185 approving the addition of one (1) position in the Public Defender's Department.

The meeting concluded at 2:30 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 15, 2022

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

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

The Board approved a commuter vehicle authorization form Dylan Evans.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Tricycle, LLC dba Eastside Tavern to be used 9/30/22.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:50 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Case Manager Kellie George and Deputy Clerk Jenen Ross.

Commissioner Van Beek made a motion to approve case no. 2022-519. The motion was seconded by Commissioner White and carried unanimously.

Commissioner Van Beek made a motion to sign lien releases for case nos. 2015-301, 2009-1109 and 2017-137. The motion was seconded by Commissioner White and carried unanimously.

The meeting concluded at 8:52 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 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas, Deputy P.A. Zach Wesley, Treasurer Tracie Lloyd, Landfill Director David Loper (left at 9:08 a.m.), Mike Murgoitio with Timber Creek Recycling (left at 9:08 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider hearing public comment regarding Sole Source Procurement of Caterpillar 323 Track Excavator from Western States Equipment: No one appeared to offer comment.

Consider Authorizing Execution of Caterpillar 323 Track Excavator from Western States Equipment Sales Agreement: Director Loper explained this is for a FY2023 purchase and once the sales agreement is signed he will submit a purchase order. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to authorize the execution of Caterpillar 323 Track Excavator from Western States Equipment Sales Agreement (see agreement no. 22-101).

Consider public comment related to of Sole Source Procurement for Crushing Recycle Services from Timber Creek Recycling for Pickles Butte Sanitary Landfill: no one appeared to offer comment.

Consider signing Agreement with Timber Creek Recycling for Crushing Recycle Services at Pickles Butte Sanitary Landfill: Director Loper said this is a new service with Timber Creek for concrete crushing which is separate from the wood waste contract. Crushed concrete may be used at the landfill, or it may be hauled away. This is a year-to-year contract with Timber Creek for this service. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted

unanimously to sign the agreement with Timber Creek Recycling for crushing recycle services at Pickles Butte Sanitary Landfill (see agreement no. 22-102).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:08 a.m. pursuant to Idaho Code, Section 74-206(1) (d), (f) and (i) regarding records exempt from public disclosure, communicate with legal counsel regarding pending/imminently likely litigation and communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas and Treasurer Tracie Lloyd. The Executive Session concluded at 9:33 a.m. with no decision being called for in open session.

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

MEETING WITH THE WEED & GOPHER SUPERINTENDENT TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:33 a.m. for a meeting with the Weed and Gopher Superintendent to discuss general issues, set policy, and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Weed and Gopher Superintendent AJ Mondor, Cory Flatt, Lead Weed Applicator, and Deputy Clerk Monica Reeves. Topics of discussion included the following:

- The department received a professional applicator certification from the Department of Agricultural Resources for the pesticide compliance program.
- August numbers of gopher tails and trapping, owl boxes, hay inspections, mowing, and weeds sprayed.
- Workload log. They are caught up able to start mowing, and fix the equipment that was broken. When spray requests come in staff responds that day or the next day.
- Communication with staff regarding work assignments.

The Board appreciated Director Mondor's comprehensive report. Commissioner Smith likes having maps and establishing areas and weed types and said basing work off of that will help with the department's efficiency. She said the Board needs to know how the fees are set by the

department for weeds and for gopher trapping because at the last meeting with Director Mondor there was discussion about how going out for an RFP might show that prices are higher. The PA's Office recommended the Board ask Director Mondor go through a detailed cost of doing business. There are costs such as human resources, leadership-type meetings, and the overall cost of the department so that we can have an adopted fee schedule because we do not currently have one. Director Mondor said he doesn't know what that means, and Commissioner Smith said Deputy PA Wesley will assist – it will help establish actual costs and fees that we are legally allowed to charge. Director Mondor said the department is way under the cost, and on some points, he really likes that because there are a lot of people who cannot afford what the department already charges, and there are others who have more money than they know what to do with and they know the department is the cheapest and best in town and utilize it whenever they can. He doesn't know how to split that out; he's talked about different things with his employees and doesn't want to go to something that's income-based driven where people submit their tax information and he decides. Commissioner Smith said by law we have to charge for the cost of the service, we cannot make money but we shouldn't be losing money so we need to figure out what that cost of service is and establish a fee schedule from there. She suggested Director Mondor ask Deputy PA Wesley about those one-off's if someone cannot afford the service but they need it, but she doesn't know if there will be an option for them. Director Mondor will visit with Deputy PA Wesley about it.

Commissioner Smith wants to know what the owl box program costs the County. When there is downtime in the department she understands that's what staff is working on but she wants to make sure they are prioritizing work. She asked if the department is working with Facilities Director Britton on spraying County properties. Director Mondor said they are helping with that, and they spray the larger areas such as the landfill, gun range, animal shelter, jail site, parking lots, boat launch at Lake Lowell, and roadsides. They are not licensed or insured to spray landscaped areas. Commissioner Smith asked him to include in his reports how often he works with Director Britton on County properties. Director Mondor said he will do that, and added that he checks with Director Britton once or twice a year, but they check on the properties more often. Commissioner Smith asked him to check in with Facilities on a quarterly basis. Director Mondor communicates with Director Britton on his spraying activities when they plan to spray County properties.

Director Mondor reported there is an unexpected cost of \$5,000 to \$6,000 for the tractor repair, which he did not budget for. He will ask to replace the tractor in the next three years. He said the PA's Office is reviewing a new contract with Cintas for uniforms; he hasn't had a contract in place for a little bit and they are trying to get that settled. He has no plans to virtually attend a meeting in Bonners Ferry, Idaho, via a Zoom link as he is looking forward to hearing an update on an enforcement case in another county.

Commissioner Smith asked if he has visited with the PA's Office recently about the RFP project. Director Mondor said he sent an email the day Commissioner Smith asked him about it, but he has not heard back. He appreciates the work the PA's Office does for him, but he struggles with getting timely responses. He will send another email about the RFP project. Commissioner Smith said the Board has discussed the RFP with the PA, but the big thing will be helping establish cost and they will want to know for the RFP exactly what work needs done and then on our side we need to

know what is our cost to do the work. Director Mondor said each job is different; it could be a field full of vacant cars, a field with sink holes, does it have old fences tied up, or has it been dumped on? They don't know until they start praying the property and so it's hard to give estimates because they don't know what they are going to run into when the weeds are 6-feet tall. It will be difficult to build an RFP that encompasses everything they do but he thinks they will be able to do it. Commissioner Smith said the first RFP is for gopher trapping, which should be simple. She asked him to clarify with the PA's Office that that is the first priority, and then we can work on the weed RFP as a supplemental to the weed department if they get behind. Director Mondor agreed. The items discussed were general in nature and did not require Board action. The meeting concluded at 10:59 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

CONSIDER A RESOLUTION OF THE CANYON COUNTY BOARD OF COMMISSIONERS APPROVING A ONE-TIME RETENTION AND APPRECIATION PAYMENT FOR FISCAL YEAR 2022; AND TO CONSIDER A RESOLUTION THE APPROVING THE FY2023 SALARIES

The Board met today at 1:32 p.m. to consider a resolution approving a one-time retention and appreciation payment for Fiscal Year 2022, and to consider a resolution approving the Fiscal Year 2023 salaries. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, IT Director Greg Rast, Wage and Compensation Analyst Bosco Baldwin, Assessor Brian Stender, Treasurer Tracie Lloyd, Brad Holton, Fair Director Diana Sinner, Sr. System Analyst Steve Onofrei, PIO Joe Decker, Fleet Director Mark Tolman, Parks Director Nicki Schwend, Juvenile Detention Deputy Administrator Shawn Anderson, Solid Waste Director David Loper, Weed and Gopher Control Superintendent AJ Mondor, Director of Misdemeanor Probation Jeff Breach, Chief Deputy Sheriff Marv Dashiell, Sheriff's Financial Manager David Ivers, Assistant IT Director Eric Jensen, other interested persons, and Deputy Clerk Monica Reeves. Commissioner Smith said she asked for the action items to move forward because she's incredibly proud to have worked alongside County staff and because the County has worked diligently to be in a strong financial situation. Zach Wagoner said over the course of the past few years it's been a wild ride and he's proud of the employees and elected officials because we have been able to continue to provide services and that's a direct result of the employees and their commitment to do the right thing. The FY2021 budget was very thin with minimal pay increases. The County prepared for the worst, and financially things have turned out well because of our frugal and prudent management of public monies. The County is in a stable solid financial position at the moment and has the financial resources to invest in our personnel. Commissioner Smith said in 2021 we were very thin in how we took care of employees and that year Canyon County experienced a 20.23% turnover rate and we struggled to keep up with services. We have had a hard time keeping key positions filled because we cannot keep up with the market in terms of salary. In FY2022 our turnover rate is at 14.36% and the goal should be under 10%. She is excited to be part of something that helps compensate employees for the work they do. Commissioner Van Beek said she recognizes the County has great employees, and in the last year employees received an average overall 9.5% COLA adjustment which is greater than a lot of citizens received. The County continues to provide some of the higher increases, and this would be the second

consecutive year that the County will outpace most of the other counties in Idaho. There was a proposal to look at a number of options and so she was surprised two days ago when she saw this item on the agenda. There is no final number on what that amount would look like and the information is lacking for the Board to do its diligence by statute in the setting of salaries. The proposal is one of the largest salary increases the County has seen. The proposal would be a \$2,000 payment to full-time employees and a \$1,000 payment to part-time employees. The total cost after including benefits will be \$2.1M. Commissioner Van Beek said she does not support the resolution. The numbers are late, and the Board has not had the chance to evaluate the impact on the budget; the story in yesterday's Idaho Statesman newspaper indicates the County doesn't know what it looks like for the insurance moving forward. There are a lot of variables and unknowns and to add \$2.1M to one of the highest increases in salaries is not sustainable in her opinion. Commissioner Smith asked if Commissioner Van Beek is taking the information reported in a newspaper article over the information she knows to be true about our insurance and whether that is her reasoning for not supporting it? Commissioner Van Beek said there are a number of factors the Board needs to take into consideration in the new fiscal year; it has appeared to be a posture of spending since May. In response to a question from Commissioner Smith, Controller Wagoner said he projects that our fund balance for FY2022 will increase by \$10M even including this \$2.1M expenditure. Commissioner White said the County has not given a retention/appreciation payment in the time she has been in office. She made a motion to sign the resolution approving a one-time retention and appreciation payment for FY2022 which includes a \$2,000 payment for fulltime employees and on \$1,000 for part-time employees. The resolution needs to reflect that will be dispersed on the October 7 paycheck and employees will have until 5:00 p.m. on September 30, 2022, to change their withholding amounts. The motion was seconded by Commissioner Smith. Commissioner Van Beek was opposed to the motion. The motion carried by a two-to-one split vote. (Resolution No. 22-187.)

The next item of discussion was the resolution to approve the FY2023 salaries. IT Director Greg Rast and Bosco Baldwin, the County's newly hired compensation analyst gave a summary of what has transpired and confirmed we are still within the adopted budget numbers. Director Rast said since the approval at the budget hearing they adjusted the minimum rate down to \$18 an hour; the years in position (YIP) adjustments were put in as well. The pain points of the minimum salaries for employees, deputy sheriff in the jail and patrol stayed the same. The Controller said the specialty and lead pay should be included in the salaries for FY23 so the latest revision has those additional dollars in the salaries. They met with elected officials and department administrators, and they agreed with the numbers they reviewed. The spreadsheet shows we are roughly \$8.6M in salaries and with the specialty and lead pay we are roughly \$9M for salaries and benefits total. Mr. Baldwin said it was partially his fault that the last revision had to be sent out so late. They had to go through a number of pivot points, it was a massive spreadsheet and they wanted to make sure it was accurate before it was submitted to the Board. The received great data from the Controller and they put it into the spreadsheet so the Board could see a complete picture. Controller Wagoner said the amounts are consistent with what was approved for the FY2023 budget. There is sufficient revenue, cash balances, and funding to fully pay for those salaries and benefits for FY2023. Commissioner Van Beek said there are approximately 880 salaries with 76 vacant positions and there is no total for the Board to review, or a breakout of vacant positions

and the total of what that's costing taxpayers. Additionally, the one noticeable and offensive portion is Commissioner White's proposal to reduce the Commissioners' salary. She said Commissioner White asked her earlier in the week if there was still interest and Commissioner Van Beek indicated on the record on August 17th that there was not an interest to move forward with a Chief Operating Officer (COO) position. It was not marketed well and was not well received by the public. Commissioner Van Beek referenced a document that she said indicates there is a clear presentation that it was understood and collaborated by two Commissioners that the salary would include a 9% COLA for all employees and elected officials. The second point on the document says to reduce the salary of the BOCC but she doesn't know if that is indicating that they are no longer elected officials but is contradictory information to \$90,000 with no 9% COLA because of the addition of the COO position. She has reviewed the document and that position has been removed so the logic in reducing a commissioner's salary who manages 15 department heads and hundreds of employees, and a \$130+M budget is a slap in the face and is offensive to the incoming Commissioners who ran on the salary that was posted for two Commissioners who have struggled with attendance and struggled with a Board quorum to make these kinds of decisions. She said this decision should have been re-evaluated at the August 17 hearing when she indicated she did not want to move forward but that was not done. There was no adjustment that she knew of - she asked for the mid-year raises that were completed in June to be taken into consideration - it was a significant increase and adjustment to the budget but that did not happen. It's her understanding those increases were compounded. It's a surprise that the lead and specialty pay were added back in as the Board has had inadequate time to sufficiently evaluate that and she objects by statute as the chief executive authority for this County in charge of evaluating salaries. In fairness to our new wage and compensation analyst, there has been no time to adequately review the information with the Board. There are a number of red flags for an incoming Board and the outgoing Commissioners and she is not able to approve this document and the increases which have been objected to by the Clerk numerous times indicating that this was not a sustainable plan. She agrees that the County needs to compensate employees, salary is one of many factors but to continue to put money at a situation where there are other mitigating factors and risk management issues she will not enter the discussion because she was the only County representative at an ICRMP meeting, and we don't really have any idea what that looks like. We have not addressed the jail funding. The Assessor asked if we have a capital improvement plan and did we provide funding for a jail. She referred him to the Auditor's Office. She has lobbied for years to have that document be transparent, but that has not been done. There is a clear lack of due diligence. Citizens have contacted her indicating their salaries cannot sustain what is being proposed. She appreciates the employees and believes a wage increase is merited but given the deep cut that will not allow the County to take all the new construction is going to be problematic in years to come and we will have to raise property taxes. This will be put on the backs of taxpayers. As a person who has run a private business she is solvent and has maintained integrity and has planned for times of hardship. This is unprecedented and she hopes it goes down as one of the most offensive and unorthodox moves by two commissioners in county government in Idaho history. Commissioner White said she made her statement at the budget hearing, and she stands by it. She met with Commissioner Van Beek about an email exchange about restoring Commissioner salaries and how they could come together, and Commissioner Van Beek indicated she needed to think about things and talk to her people. She then asked if the COO position had

been removed from the budget. Commissioner White said that is a possibility for the incoming Board and that was Commissioner Van Beek's "big consideration on that." Commissioner Smith said the COO position is not included on the spreadsheet because it's not a filled position. It's still in the budget and it's still a position. What are doing today essentially is approving 800+ blue sheets for existing employees but it does not include the people who do not work here yet. Commissioner Smith said it's offensive to suggest Director Rast, Controller Wagoner, and HR staff have not done due diligence on this project given the countless hours that have gone into it. Director Rast said due diligence has been put in place. It has been six weeks of solid work where they have worked past midnight to validate numbers and make revisions. There were proposals of \$3,000 and \$12,000 and we are now sitting at \$7,657, a 14.29% average top to bottom. He has worked with HR and the Controller, and they have taken it very seriously. He hopes it is 100% correct, but it's really going to be 99.99%. Clerk Yamamoto said he and the Controller have watched and listened to the various proposals that were suggested throughout the process. This morning they received the latest iteration of the spreadsheet and the Controller spent hours reviewing the information. Controller Wagoner said he is comfortable with the numbers as presented. Salaries are very fluid and things change constantly so they will review it again before they do a final import into ADP. Commissioner Van Beek said Ada County has hired Steve Rutherford as the COO and his salary is set at \$136,000 and the Ada County BOCC salary is at \$124,000. During the budget season there was no proposal in any open meeting, but there could have been a closed meeting outside of the open meeting laws, that took place that talked about discussing a salary reduction, but it was never discussed in an open meeting to cut the Commissioners' salary. The COO position was an idea she had before Commissioner Smith took office and she's met with Steve Rutherford and the County Commissioners, and they indicated it was of value to Ada County but they did not cut their salaries in order to help manage the workload for that. It is a punitive effort that is retaliatory in nature and she objects; this is not going to be a good reflection and it represents the ongoing dysfunction of the County between elected officials that are determined to mob. Commissioner Smith asked Commissioner Van Beek if she will support paying the employees fair wages if her own wage is restored. Commissioner Van Beek said we don't know what fair is. If that is what two Commissioners have decided with 12 days from a wage and compensation analyst and a \$9M one-year increase to the budget, then she is confident they will move forward, but she is also confident that there will be ramifications from that kind of an increase going forward. Commissioner Smith believes Commissioner Van Beek is making today about her own salary - that it's not a fair salary for her- and she is completely ignoring the employees' salaries. Commissioner Van Beek said there is no argument on the value of Canyon County employees and the services they provide to the citizens, but in looking at the document the outlier is the reduction in wage of the Commissioners and it is the chief executive authority for this County and it has been cut in a way that is punitive and it's not an accurate reflection of what this office does or the responsibility they carry. Commissioner White said this was not retaliation and it has nothing to do with Commissioner Van Beek. The Commissioners have discussed the COO position for a year and a half and there are so many things that person could do, and she could not understand it. A salary of \$90,000 is more than she made when she was sworn into office. With the knowledge that there will be a new Board and they have the option and funding available should they want to get that person in place to assist with some of the other things Commissioners have to do on a regular basis, and so she figured to cut the Commissioners

salary down like this weighed out the balance of what that position was suggested to be paid. It had to do with the Office of Commissioners, not Pam White, Keri Smith, or Leslie Van Beek. There is no retaliation. She thought about it in a business way to provide for the BOCC. She said an incredible and thorough job has been done by staff in preparing the salary information. Commissioner Van Beek said there is a provision Idaho state statute that is a non-appropriations clause that does not allow one Board to bind a future Board and she believes Commissioners Smith and White have exceeded their statutory authority in presuming to know what a future Board does or does not want to do. It was punitive and the commissioners have exceeded their authority and there will be welcome changes in January. Clerk Yamamoto said the statute was put in place to not obligate Commissioners to a contract or outgoing funds; it has nothing to do with cutting funds back. He was not enamored with the COO position but feels if they get the right person with the right Board it could be a benefit. As the Clerk he acted as a COO in many ways, and he tried to keep it at a minimum so as not to step on toes because not every commissioner appreciated that. If you have a COO that's doing the job elected officials should be doing maybe salaries should be cut back. Commissioner Smith said that was her sentiment and Commissioner White's sentiment, and there is a lot of value to it. She hopes the future Board supports it because it's a three-person team and they are on the public record all the time when they meet so it's difficult to have immediate and direct contact with leaders that are carrying out the functions of the Board and this position would allow a direct contact and allow the efficiency to improve dramatically, in her opinion. The Board can choose to move forward with posting the job or it can wait, but that is not up for discussion today; what is up for discussion is the resolution that sets the salaries for FY23. Commissioner White made a motion to sign the resolution approving the FY2023 salaries. The motion was seconded by Commissioner Smith. Commissioner Van Beek was opposed to the motion to approve the salaries. The motion carried by a two-to-one split vote. (Resolution No. 22-188.) The meeting concluded at 2:17 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 16, 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 held this day.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Consolidated Supply Co., in the amount of \$3,752.84 for the Solid Waste Department

- Mountain Home Auto Ranch in the amount of \$119,982.00 for the Fleet Department
- CDW-G in the amount of \$52,848.10 for the Fleet Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Jared Smith, Deputy Attorney I; and Kyra Venecia, Deputy Attorney I.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Garden City Bar LLC dba 1918 Lounge to be used 9/22/22.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 19, 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:

- HC Company in the amount of \$16,967.50 for the Facilities Department
- HC Company in the amount of \$405,470.00 for the Facilities Department

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE 74-206(1)(A) AND (D) - INTERVIEW AND CANDIDATE EVALUATION FOR DIRECTOR OF DEVELOPMENT SERVICES

The Board met today at 9:01 a.m. to interview and evaluate candidates for the Director of Development Services. Commissioner White made a motion to go into Executive Session at 9:01 a.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding a personnel matter and to discuss records exempt from public disclosure. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Monica Reeves with Commissioners 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, Brad Holton, HR Generalist Jennifer Allen, and the following candidates during their respective interview times: S. Minshall; J. Larson via Skype; and M. Geiger via Skype. The Executive Session concluded at 11:25 a.m. While in open session, Commissioner Van Beek made a motion to continue the session to tomorrow, September 20, 2022 at 1:30 p.m., to resume candidate interviews. The motion was seconded by Commissioner Smith and carried unanimously. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 20, 2022

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

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for Holland's Bites & Brews LLC to be used on 9/25/22 and 10/1/22; The Pretty Bubble Company LLC dba Pretty Bubble to be used on 9/24/22.

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

The Board met today at 9:04 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Oscar Klaas, Deputy P.A. Zach Wesley (arrived at 9:06 a.m.), Chief Deputy Sheriff Marv Dashiell (left at 9:12 a.m.), Director of Juvenile Detention Sean Brown (left at 9:17 a.m.), Director of Facilities Rick Britton and Deputy Clerk Jenen Ross. The action items were considered as follows:

Mutual Assistance Compact for Law Enforcement Services with Ada County: Chief Dashiell explained that this compact is specific to the City of Star and jurisdiction where it overlaps into Canyon County. This is essentially the same agreement as last year with the exception of the non-expiring clause that has been added. Chief Dashiell said Canyon County and Ada County have a good working relationship and addressed questions posed by Commissioner Van Beek. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the mutual assistance compact for law enforcement services with Ada County (see agreement no. 22-105).

Action Item: Consider signing Juvenile Detention Housing Agreement with Elmore County and Adams County: Director Brown explained these are the annual housing agreements and there are no changes from last year. The daily rate will remain at \$210 and Director Brown spoke about how he calculates the costs; he anticipates there will be an increase next year. Discussion ensued regarding increasing the costs due to increased county expenses. Director Brown said cost are evaluated and revised as necessary each year. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the juvenile housing agreements with Elmore County (see agreement no. 22-104) and Adams County (see agreement no. 22-103).

EXECUTIVE SESSION – PERSONNEL MATTERS, ACQUISITION OF AN INTEREST IN REAL PROPERTY AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

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

Commissioner Van Beek made a motion to go into Executive Session at 9:18 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 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, Facilities Director Rick Britton (left at approximately 9:30 a.m.), Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley and Deputy P.A. Oscar Klaas. At the conclusion of the executive session an amended motion was made by Commissioner Van Beek to include sections (a) and (b) regarding personnel matters. The amended motion was seconded by Commissioner Smith. A roll call vote was taken by Deputy Clerk Jenen Ross with the Board voting unanimously to amend the original motion. The Executive Session concluded at 9:46 a.m. with no decision being called for in open session.

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

MEETING TO CONSIDER RESOLUTIONS FOR REFUNDS ON DEVELOPMENT SERVICES FEES

The Board met today at 9:46 a.m. to consider resolutions for refunds on Development Services fees. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Staff Jennifer Almeida and Pamela Dilbeck and Deputy Clerk Jenen Ross. The resolutions were considered as follows:

Consider signing a resolution to issue a refund to Robert Salaber for a withdrawn administrative decision application fee (AD2022-0077-APL): The applicant chose to pull their permit and are requesting a full refund, however, based on work that has already been done DSD has recommended \$510 be refunded. Upon the motion of Commissioner Van Beek and second by

Commissioner Smith the Board voted unanimously to sign the resolution to issue a refund to Robert Salaber for a withdrawn administrative decision application fee (AD2022-0077-APL). See resolution no. 22-190.

Consider signing a resolution to issue a refund to Optimum Electric for a withdrawn building permit application fee (BP2022-0714): The customer cancelled the job so the permit is no longer necessary. DSD is recommending a refund of \$964. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to issue a refund to Optimum Electric for a withdrawn building permit application fee (BP2022-0714). See resolution no. 22-191.

Consider signing a resolution to issue a refund to Optimum Electric for a withdrawn building permit application fee (BP2022-0713): The customer cancelled the job so the permit is no longer necessary. DSD is recommending a refund of \$844. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to issue a refund to Optimum Electric for a withdrawn building permit application fee (BP2022-0713). See resolution no. 22-192.

Consider signing a resolution to issue a refund to Mireya Felix for a withdrawn conditional rezone application fee (CR2022-0018): Noticing was done on this case so DSD is recommending a refund of \$617.50. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to issue a refund to Mireya Felix for a withdrawn conditional rezone application fee (CR2022-0018). See resolution no. 22-193.

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 MIDDLETON LAND INVESTMENTS, LLC REPRESENTED BY KIMLEY-HORN FOR A CONDITIONAL REZONE: CASE NO. RZ2021-0060

The Board met today at 10:06 a.m. to conduct a public hearing in the matter of a request by Middleton Land Investments, LLC, represented by Kimley-Horn, for a conditional rezone of parcel R38028, consisting of approximately 160.03 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Elizabeth Allen, Elizabeth Koeckeritz, Chad Hamel, Tim Nicholson, Nicolette Womack, Shawn Williams, Rick Holloway, Jamie Michaelis, Mary Beumeler, Katie Vandenberg-Van Vliet, Marnie Vandenburg, Carl Osterthaler, Robert DeBoard, Sandria DeBoard, Doretta Quenzer, Angelie Hoxie, John Ponath, Emery Meeks, Garth McCallon, Aubrey Blough, and Deputy Clerk Monica Reeves.

DSD Planner Elizabeth Allen gave the oral staff report. The request includes a development agreement limiting residential development to no more than 49 buildable lots. The property is located at 25574 Harvey Road in Caldwell and is eligible for 4 buildable lots. It has been utilized as farm ground and was sold to Middleton Land Investments, LLC, between 2006 and 2009. There

are 3 dairies and 2 feedlots located in the area. The site is located within a nitrate priority area. Ms. Allen reviewed the agency comments as well as public comments which cited the following concerns: loss of farmland, impacts to farming, lack of infrastructure, water table concerns, traffic, and changes to the character of the area. On June 2, 2022 the Planning and Zoning Commission recommended denial of the request. Following her report, Ms. Allen responded to questions from the Board.

The following people testified in support of the request:

Elizabeth Koeckeritz is an attorney representing the applicant. Grossman Properties has been in Idaho for a long time although they are now based out of Arizona and they are the developer behind the master planned developments of Hidden Springs, Cartwright Ranch, and the Eagle River Commercial District. They started working on this in July of 2021 before the newest comprehensive plan information was coming out, and at that time they had staff approve and agree that this was a good area and a good use for the request. Since that time as there has been more community input looking forward to the new comprehensive plan this has started to be viewed as something that should be considered under the new comprehensive plan, but they had submitted the application prior to that. As staff mentioned, it is appropriate to look at this under the current comprehensive plan and future land use map, not the proposed one. The request for a conditional rezone would limit the residential development to no more than 49 buildable lots and they expect to include various mitigation measures with the development agreement. There was a review of the conceptual plan. The minimum lot size is 2 acres and the proposal is for 2.75 acres with larger lots around the perimeter and slightly smaller interior lots. It is consistent with the comprehensive plan and compatible with the surrounding area. It does not negatively impact the character of the area, to the extent it does they are proposing mitigation. There is no undue interference with traffic, and they can meet and exceed the essential public services in this area. The developer disagrees with staff and the P&Z Commission finding that the use is not compatible. It fits in well with the area and offers an excellent transition buffer and when balanced against the competing interests of an owner who wants to have the ability to develop the property, the balance weighs in favor of allowing the conditional rezone. It's designated residential on the future land use map as well as almost everything around it. There are developable parcels in the area. The proposal meets a lot of the comprehensive plan goals and policies. The developer will improve the road to much higher standards on both Galloway and Harvey and is going to put in collector roads on the south and east where they don't currently exist so it really starts to build out the road system going forward. They have entered into a pre-annexation agreement with Middleton where they agree to extend utility corridor to and through. They are amenable to a density cap; they are retaining irrigation and surface water; the wells will only be used for domestic purposes only and it will be a community irrigation system. Middleton has agreed to rezone the property once it abuts in 2-3 years as R-3 zoning which is their highest residential development and would allow up to 10 times more lots. Following her testimony, Ms. Koeckeritz responded to questions from the Board.

Chad Hammel with Grossman Company Properties and Middleton Land Investments testified the property was not purchased from Mike Wagner; however, he is actively farming the property for

them. He testified about the amenities and said they would contemplate an amenity package if they get approval of the rezone. Based upon conversations with staff, they removed the preliminary plat from this application with the goal of getting approval today. They are willing to include an amenity package with pathways, tot lots, a pool, and recreational facilities but they were instructed to do the rezone first and then analyze that at the preliminary plat level. Whatever method they can disclose to potential future residents of the surrounding ag uses they are in full support of. Commissioner Smith said this is the time for working out what the amenities are because this is the only opportunity for the public to weigh in on them.

Tim Nicholson agrees with the testimony offered by Ms. Koeckeritz and Mr. Hammel. In response to earlier questions about the proportionate share model with regards to Canyon Highway District, Mr. Nichols said they had a preapplication meeting with the district and got their preliminary comments and they intend to meet their requirements and will widen both Galloway and Harvey on the applicant's side of the road to include additional asphalt, gravel shoulder and a barrow ditch. They will construct their half of the collector roads on the south and east side of property to be mid-mile collectors. The Board had follow-up questions for Mr. Nicholson and staff as well as Chad Hammel.

Testimony in opposition was as follows:

Katie Vandenberg-Van Vliet is an attorney with Sawtooth Law Offices which represents the Vandenberg Family and their business Vandenberg and Sons Dairy, and she testified in opposition on their behalf. The dairy is family-owned and operated and is less than ½ mile from the proposed site and has been in operation for nearly 42 years. The dairy owns the field that shares a property line with the site and rents several others nearby. She asked the Board to note her previously written and verbal testimony. The application does not meet the conditional rezone criteria and is not consistent with the comprehensive plan and the public's desire to preserve open ag space; it allows for irresponsible development on farmland that is outside of city sewer and water services necessitating construction of individual wells and sewers which will be injurious to the landowners and the aquifer; and residential subdivisions are an incompatible use next to farms and dairies and do not co-exist in harmony. The constituents are opposed to the rezone and are sick of the growth. The applicant, Middleton Land Investments, is an LLC based in Arizona and the voices of the constituents should matter more than the out-of-state investment entity. The applicant is trying to use other approved rezones as persuasive authority; however, the zoning ordinance prevents other rezones from being used as proof for approval of proposed nearby rezones. The right-to-farm act does not adequately protect existing ag uses and nothing they proposed makes her comfortable to protect these existing agricultural operations. CC&R's and disclosure statements do not make her comfortable. Commissioner Van Beek disclosed that the Vandenberg Family provided a host location for the Middleton FFA (of which her son was a member) to evaluate livestock.

Robert DeBoard has lived across from the property since 1972 and is concerned about his well and how it will be impacted when they drill 49 new wells. He also has concerns about the irrigation easement, and impacts to agriculture.

Mary Beumeler lives down the road from the proposed development and she supports Katie's Vandenberg-Van Vliet's testimony. She spoke of the robust agricultural area and the crops that are grown there and said it makes no sense to put an incompatible use in the middle of this region. Canyon County is vital to the nation and the world in seed production; there is a 150-acre carrot seed field nearby and those growers have been pushed farther west due to development. It's important to maintain the prime farm ground we have left in Canyon County. Dairy farms are the single biggest contributor to the agricultural sector economically in Idaho and it's not a good idea for housing to push them out. Ms. Beumeler is part of a fourth-generation farm family and if we continue to allow unrestricted growth we are going to change the character of Idaho. She pointed out an error on staff's map that incorrectly shows her property as rural residential. Her home is on 2 ½ acres on Galloway Road and the original farm belonged to her family and when her mother passed away they split off the house and rezoned the 2 acres. The entire 28 acres was mistakenly recognized as residential, but it is not rural residential and she has a letter from the County stating it is agriculture. The Board had follow-up questions for Ms. Beumeler.

Marnie Vandenberg testified that the fire department that's located within a ½ mile is not an actual fire department that can send water trucks to fight fire, it's more of a storage location and training facility. She gave testimony regarding her family's farming activities noting there are dairies in the area and 1,200 acres in silage which farmers are currently chopping. She has traffic safety concerns given the agricultural trucks that are on the roadways, and she is concerned with recharge in the area. The Board had follow-up questions for Ms. Vandenberg.

(The Board took a recess from 11:35 a.m. to 11:46 a.m.)

Angelie Hoxie lives on Harvey Road and is opposed to the rezone due to traffic and safety concerns. She reported on traffic accidents that have occurred in the area.

Carl Osterthaler is opposed to development in an agricultural area. He has observed cultural problems of people moving to a city-type environment and talked about the increased crime and gang activity coming with the growth in population.

John Ponath lives on Harvey Road and is opposed to the rezone citing school overcrowding, and traffic concerns.

Jamie Michaelis lives north of the proposed development and agrees with what's been stated in opposition. She has seen the evolution of growth and the effects it has had on the area. Her concerns include increased traffic, school overcrowding, increased crime, and the lack of protection of farm ground.

Emery Meeks offered testimony regarding the farmland and agricultural operations in the area as well as the development that has occurred. He noted how rare it is to have two 160-acre farmsteads that have not been built on.

Rick Holloway testified he owns a horse ranch on Galloway Road north of the property and it's one of the last intact 160-acre parcels in the area. He operated the ranch in the 1980s and bought the place in 1996 and had to install a new pump and at the time the water table was 50 feet. He just installed a new pump and the water table is at 68 feet. From 1980 to 1996 there was an increase in sprinkler irrigation which does not recharge the aquifer as much as gravity irrigation. At this point the water table seems stable and to tile ditches would be a big mistake because that is another way the water table is recharged. The fire station is on his property and it's a storage area. There are significant blind spots east and west of the subject property resulting in accidents and he wants to make sure traffic issues are not ignored. Following his testimony, Mr. Holloway responded to questions from the Board.

Rebuttal testimony was offered by Elizabeth Koeckeritz. Currently there is no stop sign or any traffic control on the northeast side, but there is a stop sign at Harvey Road where it comes onto Galloway Road but Galloway is not stopped right there. Any site design they do in the future has to meet the best practices and requirements of vision triangles and site distances and there is going to be a lot of work that has to go into the road development. Additionally, just widening and improving the road is going to make a difference in safety. Along the east and south, those are currently nonexistent roads, however, on the highway district's map they are intended to eventually be collectors and they are starting to improve them to make safer intersections in the future. The developer does not intend at this point to tile the ditch; the irrigation company requested they not do that. Per the highway district standards, they say the local road network in the project vicinity has adequate access capacity and so based on their requirements this road has plenty of room for capacity and more traffic on it. Road improvements do not come until development comes and the line-of-sight issues will be addressed. There is a conditional rezone for the property to the east and although they are saying at this point in time they do not intend to develop the property it does allow tight development at 18,000 square feet to one-acre lots. There will be a layout buffer. They want the hearing continued so they can come back with some of the amenities with further detailed right-to-farm provisions and how they intend to cover the property with easements to show this is an agricultural area that there is ag land and development going on. The developer has owned the property since 2007 and it has been designed as future residential and they want to use the available tools to provide a development that is compatible with the neighborhood.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioners Smith and Van Beek discussed edits they want staff to make to the FCO's which are summarized as follows:

- Include testimony regarding blind spots and traffic concerns and that we don't have enough information to require conditions of approval that would mitigate those traffic impacts. If this is denied, that would be one step the applicant could take to evaluate what those traffic impacts are and what mitigation could happen to improve road safety.
- To state that essential services would be provided is not accurate and the mitigation is to evaluate that kind of a precedent; the City of Star believes there is statutory support for

and would help developers understand the cost to the community of inviting more subdivisions. Voluntary compliance and working with the building contractors.

- Include a finding regarding the schools.
- A finding is still supportive that drainage will follow state law, irrigation is provided; utilities are limited per the testimony to power, satellite, and internet.
- For conclusion #3, staff wanted to clarify that the 30.31 acres was for the lots within the notified area so that it doesn't appear that that's the one area. State the average.
- Staff needs to reference Exhibit 3d that the median is 7.12 acres, and the average is 30.31 acres within the lots notified. If available, staff should include what the average lot size is within one mile, and that would include agricultural and residential lots.
- Update to FCO's to change R-R (rural residential) to CR-RR (conditional rezone – rural residential)
- Include a finding that the request will negatively affect the character of the area. There was a lot of testimony regarding the heavy and agricultural uses such as silage, composting, and truck traffic which can be comparable to an industrial zone with significant noise and odor which reduces the desirability of the area.
- The record needs corrected regarding the rural residential rezone located to the east of the subject property as the ground is still agriculture, but only one small lot is rural residential. There was testimony from the owner of the property that parcel will remain in agriculture. It should be tied back to the zoning ordinance that a conditional rezone is not presumptive proof. It is expired and the County would have the ability to rezone the land because seven years have lapsed, per Idaho Code. The findings to be clear that the conditional rezone has not moved forward and is over a decade old.

Commissioner Van Beek said there is always a possibility that the City of Middleton could annex the property and if that case, the County would have no jurisdiction. Regarding steps the applicant could take to gain approval in the future, Commissioner Smith said a fully vetted plan that includes all of the amenities, including pathways, sidewalks and a full plan that considers the existing character would be beneficial, and to also include a water study that looks at quantity. She suggested less reliance on CC&R's and more work on the development agreement. Commissioner Smith recommends the Board deny the rezone application and direct staff to come back later with updated FCO's. Commissioner Van Beek made a motion to deny the application by Middleton Land Investments, LLC, represented by Kimley Horn, for a conditional rezone for Case No. RZ2021-0060, and direct staff to make the changes to the FCO's as outlined by the Board and bring them back for signing at a later date. The motion was seconded by Commissioner Smith and carried unanimously. Commissioner Smith said the decision is the final decision and once the FCO's are signed the applicant has the right to ask for reconsideration and if the Board chooses to reconsider

it the applicant will be notified, and if they do not the applicant will have the right to request a judicial review. The hearing concluded at 12:40 p.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE, SECTION 74-206(1)(A) AND (B)

Commissioner Van Beek made a motion to go into Executive Session at 1:36 p.m. pursuant to Idaho Code, Section 74-206(1) (a) and (b) regarding personnel matters. 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 Jennifer Allen, Brad Holton and DSD Director candidate. The Executive Session concluded at 2:18 p.m. with no decision being called for in open session.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 21, 2022

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

PUBLIC HEARING TO CONSIDER THE 2030 COMPREHENSIVE PLAN UPDATE, OR2022-0008

The Board met today at 9:04 a.m. to conduct a public hearing regarding the Canyon County 2030 Comprehensive Plan Update, Case OR2022-0008. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planner Elizabeth Allen, DSD staff members: Jenna Petroll and Tammie Halcomb, Craig Davis, David Claiborne, David Anderson, Gerri Smith, Megan Dixon, Lorell Skogsberg, Chris Emmert, Beverly Emmert, Amy Bitner, Ron Bitner, George Crookham, Kris Crookham, Candi Fitch with the Idaho Hop Growers Association, Gerri Smith, Megan Dixon, Jodi St. Martin, Matt Eells, Rick Lattuis, Joseph Palmer, Caldwell Mayor Jarom Wagoner, Senator Patti Anne Lodge, Representative Kenny Wroten, Mary Beumeler, JoAnn Butler, Josie Jensen Erskine, Janet Northrup, Gail Delihant, Todd Lakey, Jerry Payne, Darin Taylor, John Cotner, Matt Dorsey, Derritt Kerner, Jim Davis, Tyler Hess, Nicole Albisu, Spencer Kofoed, Matt Wilke, Corey Blain, Doug Critchfield, Jim Thompson, Todd McCauley, T. Jacobs, Phyllis Indart, Jack Davis, Jayne Davis, Richard Zehr, C.L. Jones, Mike Teeter, Jim Thompson, Matt Dorsey, Mercedes Broomhall, Greg Hatheway, Cleon Hoagland, Wendy Rhodes, Gene Hawker, Chip Kinzler, Linda Wood, Connie Fishburn, Laurie Harman, Cole Moline, Christy DeVinaspie, John Sullivan, and Deputy Clerk Monica Reeves.

Elizabeth Allen gave the oral staff report. The P&Z Commission recommended approval with the changes staff recommended and the changes identified by the Commission. Staff identified that the plan is missing the airport map which includes the crop-dusting operations in the agriculture chapter and recommended it be added. The next step after adoption would be the development of advisory committees to assist with ordinance updates and address the sub area plans identified in the land use chapter to implement the plan and begin working on items.

Public comments are summarized below. The Board had comments and follow-up questions for each person.

Testimony in favor of the Plan was as follows:

Craig Davis, the owner of Kindred Vineyards and the President of the Sunnyslope Wine Trail, said there have been numerous workshops with public involvement over three years and the wineries have had an opportunity to hear the people voices. He has a petition with thousands of signatures who want to protect to protect Sunnyslope and Canyon County. The comp plan does not stop people from the doing the normal process; if somebody wants to convert agricultural land to residential they still have a process to go through and they can still apply. He gave a presentation on the importance of the wine region in Canyon County noting that Sunnyslope is one of the fastest-growing wine regions in the country with the wineries and vineyards generating a substantial amount of revenues and indirect jobs. Last year they generated \$54M in bottle sales and on this growth path they will be over \$167M industry in bottle sales. What makes them unique is the micro climate; they have the same grow zones as some areas in northern California. Sunnyslope has a month longer growing season than Boise. Mr. Davis said the loss of land is driving up the price of land so they cannot extend the 20% growth they are hoping to have for the next 5 years and it will be stifled dramatically if they cannot plant more grapes. They need 2,400 acres in the next 5 years if they are to stay on this growth path for the \$160+M. He said people come to Canyon County for the personal agricultural experience and the beautiful views and if a subdivision is put in next to his winery it will kill his business. He moved to Canyon County understanding they had ag zoning, and his rights could be infringed on by residential neighborhoods being put in next to him. They want to encourage business but do not want it put in the middle of prime ag ground.

David Claiborne, an attorney with Sawtooth Law who represents the Idaho Dairymen's Association and the Coalition of Agriculture's Future, said the plan strikes a proper balance and it should be understood that adoption of the plan is not a zoning decision, it's a policy decision. Agriculture is an important part of this county and it's why people like to live and work here. When we speak of prime ag lands we are talking about land viable for commercial agriculture on scales large enough that they can generate profits and be a business, we are not speaking of fragmented parcels of land that become hobby farms or country estates that don't contribute to that commercial chain of ag production. Those types of uses are incompatible where in areas where commercial agriculture is occurring. The plan should reflect what is good for the community as whole, what the vision is and should support community interests by keeping incompatible uses away from one another. The Board should not be concerned that by adopting the plan it is taking private property

rights; the courts have always ruled that that's not the case. Courts have consistently recognized that zoning ordinances regulate where buildings can be built, how they should be constructed, where we want to preserve open space, where we want to implement aestheticism or agriculture within our community but all of these are a permissible exercise of the Commissioners' power when acting under the land use planning act. Even though they might affect the value of property they don't constitute a taking. The plan would not take away a person's complete economic use of their property; there would be remaining economic uses available. The exercise of the planning authority to preserve ag lands is proper and in the best interests of the county, the cities, and the citizens as a whole and should not be viewed as a taking of any property right. The plan does not unreasonably infringe on any private property rights, doesn't render any private property valueless. It preserves prime ag lands and will allow private enterprise to flourish as a result.

David Anderson, who represents the American Farmland Trust, which has over 300 members, said the group is interested in proactively planning for agriculture. He spoke about the war in Ukraine and the resulting human atrocities, loss of resource and how it has decimated the Ukraine agricultural production. He spoke about how it is the responsibility for us to support the rest of the global food supply in being able to adjust to the loss. Grow regions like Canyon County are going to feel the pressure to make up the difference. The drought is decimating areas in other states and there is a lot of pressure on good soils to be able to continue to be able to produce more food. The comp plan creates a balance to continue to maintain that ag economy, and the plan with the agriculture protection elements is ensuring the balance to pay for community services in the residential growth areas.

Gerri Smith said 85% of the people have said "pass this Plan". The county is behind; schools are impacted, water is limited, and services are lacking. This is bigger than the realtors and developers, this about protecting our food supply and our way of life. Trust the people who put this together and the three years of hard work.

Megan Dixon supports the adoption of the draft 2030 comp plan and said if we do not support the plan the local economy will lose the foundation which allows us to keep producing the material. It's important to keep all the pieces of the economy, especially those that keep recreating themselves in place year-after-year.

Lorell Skogsberg represents a vegetable seed company in Nampa and his perspective is in ag preservation. Seed growers require isolation and separation. They are members of the Coalition of Ag's Future and they joined because of the spot zoning that was occurring through conditional use permits years ago so they joined to protect their sweet corn seed business. They want to stay here because the climate is unique and it's the best area to grow crops.

Beverly Emmert offered comments on behalf of Emmert Farms and Emmert Farms, Inc. Her family has farmed 100 acres south of Nampa and for over 100 years growing seed crops, mint, and hay, in addition to raising Black Angus cattle and they are in favor of the draft comp plan. She spoke of the conflicts between agriculture and residential development and said a lot needs to be addressed as it's becoming more difficult to sustain farming operations due to conflicts with water,

traffic, trespassing, loss of isolation for seed crops, and loss of ability to spray fields due to EPA drift requirements. Residential development near farmland has infringed on their right to farm. The loss of ag land equals loss of food and loss of sustainability on the county, state and national level.

Amy Bitner spoke about her family's long history in the area and questioned why agricultural ground is being developed. There are many growers and wineries who want vineyard land but they have to go Washington to purchase grapes because they only have 1,200 acres planted in Idaho and it's not enough. She said when there was a fire near her property it took the volunteer fire department in Marsing an hour and a half to respond that that is an example of why low-density housing in the Sunnyslope area is not a good idea in the wine region. Idahoans are being forced to leave the state because they can no longer afford to live here. Not only is this about protecting agriculture, but it should also be about protecting the Idahoans who serve all of us.

Ron Bitner spoke about the soils and slopes and how they create a unique site; the decline in the bee population and loss of diverse pollinators, and what they are doing to attract bees, and their efforts to educate others (farmers and developers) about pollinators.

George Crookham said the decision is simple when you break it down to the economics of Canyon County; you either protect the \$640M industry, which is in the best interest of all citizens, or follow the path of continued development of farmland that benefits a small minority, a good portion of which do not reside within Canyon County or even in the state of Idaho. This is treasured resource which is precious and irreplaceable and the short-term gains will not be in the best interest of the county at large. To vote against the comprehensive plan puts us on the path to insolvency and uncertainty for farm families. Years of work have been into the plan with hundreds of comments from local citizens and he encourages its adoption.

Kris Crookham said she is here today to speak specifically about the time she spent at the Canyon County Fair where she estimates she spoke to 300 people. She worked at a booth with a sign that read "No Farms No Food." People are frustrated with the things that are affecting their day-to-day lives as traffic, the infrastructure, and schools. People see business as usual continuing and they don't trust the County to help fix the problem or do anything about it because they feel it's more about the money than the community. There is an inherent disconnect as they watch developments institute planning in the projects they build as the County ignores comprehensive planning for those developments. They believe the County is being driven into insolvency as the costs of growth are not being addressed. One of the greatest myths is that ag land protection is not a conservative issue - it is highly conservative and kicking the can down the road adds a frustrating level of bureaucracy to the process. Ms. Crookham said they talk to other counties and city councils and are involved in community outreach.

(The Board took a break from 11:16 to 11:20 a.m.)

Caldwell Mayor Jarom Wagoner is an AICP-certified planner which gives him a unique perspective and he supports the adoption of the plan as-is. It provides a balance and an opportunity to

evaluate the applications as they come before the Board and he likes that it gives options. We need to be cautious about the “layer theory”. He referenced the Greenleaf impact area which is huge, and said the impact areas need to be looked at because that is where you have foreseeable growth, not 50 years down the road. We need smart growth and looking at what exists and what is planned in the future and base decisions off of those points; just because something is agriculture doesn’t mean it should always remain agriculture. Decisions should be made on a case-by-case basis. The County has taken three years to put together the plan and it is exceptionally well done and one of the best comprehensive plans he has ever seen. Regarding the concerns of people who have asked for more workshops, Mayor Wagoner said if you do workshop after workshop you’re not going to get everybody to agree - you may get the majority to agree - you need to put together the document that is the most appropriate and move forward with it.

Senator Patti Anne Lodge said she had input on the 2000 and 2010 on Plans and this one is so much better and much more emphasis and work put into it than the other Plans. Had we done a better job on the 2010 Plan we might not have had some of the issues we have today. Her concern is keeping farming, ranching, and the wine industry in Canyon County. Farmers are finding it increasingly difficult to move farm equipment because of the traffic issues and it’s causing some of them to reconsider whether they want to continue farming.

Joseph Palmer read a statement on behalf of the leadership of Vallivue School District who is in favor of the plan. He spoke about failed school bonds meanwhile developments are being approved by city councils which are bringing in more families than the district currently has the capacity to serve. Six of their elementary schools are overcrowded and in a matter of years all seven will be over capacity. When land from the County continues to be annexed into the city limits for development the school district is left appealing to patrons to pass yet another bond, and when patrons do not approve bonds the district is forced to pack classrooms with more students than is appropriate for just one teacher. After 20 years of growth patrons are experiencing voter fatigue. Vallivue School District appreciates the priorities to protect agricultural zones as it not only protects the ag interests, but also serves as a buffer to slow the pace of development which in turns allows the district to catch up and keep pace with the current growth crisis felt in elementary schools. Mr. Palmer said they have shared with local leaders the problem they are having with the growth, and for 20 years they have begged state legislators to listen and have the conversation but they won’t do it.

Mary Beumeler said this is a great forum for people to be heard and there has been a ton of work put into plan and it should be passed. This discussion should not be about money. She referred to the surveys done in 2020; 82% of the responding residents are in favor of preserving ag lands. She is a 4th generation farming family and has heard about the rare quality of Canyon County as an ag production area with beautiful soil and how rare it is and it’s a shame to cover it with houses. Canyon County is a global factor in feeding the world and it used to produce over 80% of the world’s sweet corn seed and it’s critical we keep it. She asked why we cannot preserve a corridor permanently of agricultural land like they do in Oregon where if you don’t buy 80 acres you can’t build a house. We need to permanently preserve the irreplaceable ag ground.

JoAnn Butler, who represents landowners in the northern area of Nampa's impact area, said they support the plan and the past decisions of the County regarding areas of impact because that has been the County's effort to concentrate growth which is a big part of smart growth. The County has worked with Nampa to define that area of impact and found the properties that make up the area of impact could be reasonably be expected to be annexed into Nampa. Since then the city planners and County planners have worked on land use and infrastructure plans for the northern area to plan and define appropriate development that acknowledges the unique character of the area including agriculture and its relationship to Nampa. She asked the Board to continue the close working relationship with the city so that as development applications come before the County it is well versed and comfortable with the plans the city puts together.

Josie Jensen Erskine is a soil scientist and a farmer and she manages the Ada Soil and Water Conservation District and one topic not talked about is the ecosystem services provided by soils and the important role soil plays in mitigation of climate change. She talked about climate consequences and climate change. Save the soil, it is important for all life. **Commissioner Smith noted the points raised on this topic should be discussed by the Ag committee in the future.*

Janet Northrup owns a vineyard in Sunnyslope and she agrees with the points raised so far. The plan does not indicate that the sloping lands in west Caldwell are quality soil. She is married to a geologist with a PhD from MIT and they we are on a committee drafting an AVA (American Viticulture Area), and her husband was part of the committee that drafted the Eagle Hills AVA. As the map stands now, it sounds like the slopes are not considered good for crops; and they are not for most crops, but it is ideal for viticulture. She supports the comprehensive plan.

Gail Delihant is with Western Growers Association and is a lobbyist for agriculture in California and has worked in the legislature for many years for farmers. She is very familiar with farming in California and has lived in Wilder for the past year and a half. Preserving agriculture in an ag area is critical. California has shoved agriculture out of the state with their rules, regulations and guidelines and there will be 1.5M acres of prime farmland that will go fallow in the next 10 years because of water restrictions. Because of the environmental justice committee and the environmental committee in California, agriculture can hardly farm anymore. Ms. Delihant supports the plan.

Neutral testimony

Matt Eells offered comments on behalf of the Caldwell Chamber of Commerce Land Use Committee. They previously submitted correspondence. Pre-existing problem of 2 homes being allowed on a parcel with no path for making them separate parcels. There needs to be a better definition of viable farm ground.

Testimony in opposition was as follows:

Todd Lakey offered comments on behalf of Snake River Building Contractors Association, as well as other groups and said they are here to ask for balance but that is not what is in the plan. They

are on the same page with a number of the people who have commented today and the interest in the balance is trying to protect prime ag ground but allow flexibility on nonprime ag ground. The plan does not talk about prime ag ground; it talks about farm land and ag land. It does not provide that balance regarding prime agricultural land. A conservative approach means you believe in the lightest touch of government as it exercises its power over people and their property and when it comes to ag this plan assumes that government knows best. Supporters of this plan talk about preserving our farm ground, but there is no such thing as “our” farm ground. There are many letters from longtime farmers in Canyon County, and he read a portion from Mike Wagner which said he favors a balanced approach with a healthy respect for the property rights of the owner of the land proposed for development. The current 2020 plan strikes a good balance and does not need major changes. He does not support the proposed versions of the future land use map and potential text. He supports the long-accepted principle of allowing residential uses on ground that is not productive or profitable for agriculture. He does not want to lose the right to sell or develop his unprofitable or marginable ground, or have the value of the ground significantly diminished. He should make the best decisions regarding the use of the land he farms and he does not want to be told it’s viable farm ground because it may be able to grow a particular crop or be used for vineyard or dryland grazing, especially by nonfarmers who are not familiar with the ground. A flawed survey was sent out and has no personal accountability when it asked if the ag ground should be preserved and it gives farmers no options. Mr. Lakey said he comes at this from a property rights perspective and the best way to preserve prime farm ground is to promote a strong ag economy and for farming to be profitable. Let farmers voluntarily decide what ground should be preserved and what is prime and keep ag profitable. The farmers he talks to want to keep farming but they need the ability to do something with their less viable ground as they deem appropriate. The current plan strikes a fairly good balance between property rights and government control and optimally he would like to push the pendulum to the right toward individual property rights. They are asking for a balance to preserve prime farm ground but this plan swings the pendulum too far to the left. There is no imminent need to throw out the current 2020 plan. Previous plans used committees of stakeholders to work on specific language in goals, polices and implementation with staff’s support and that’s what’s missing here. There are two very polar opinions because we have not had the stakeholders work on the specific language, doing that would build more consensus and buy-in from both sides. A number of his suggested provisions have been included, but the primary problem still remains; the text and the map that tend to limit farmers’ options on their nonprime farm ground and make them keep farming. The plan talks about more zoning types as additional options for landowners, but any of those decisions regarding rezoning still has to go through that process and the plan is the main thing you evaluate in an application and if it is not supported by the plan it’s extremely difficult to get a rezone approved. The future land use map that’s being proposed is a drastic change from the existing land use map and if you compare those two there is extensive rural residential areas that are designed in the current plan that have been removed. Those were specifically developed by driving around the county and looking at land and evaluating it and whether it was appropriate or viable for agriculture and those areas were designed and they should at least be put back into the future land use map. He is not a fan of the intensive ag designation as it’s another attempt to blanket reduce the ability of an ag operator to utilize their nonviable ground. You should be able to make site-specific decisions regardless of the location as to whether a particular application is

appropriate for prime or nonprime ground. Mr. Lakey said there are too many *shall, must, direct, and ensure* in the document. The plan is a guide and those words belong in an ordinance. The definition of prime ground was included in the updated version but the problem is there is no tie or reference to prime ground in the plan, it's all about the broad definitions of ag ground. The property rights section needs to be strengthened. The natural resource section encourages community systems on projects over 15 lots - there is science that says it's appropriate to have individual systems. They ask for balance - utilization of prime farm ground making that what we are trying to protect instead of this broad swath of ag ground and the best way to do that is to let stakeholders work on the specific language because the language does not reflect that. Do not approve the plan.

Darin Taylor said Canyon County's long-range plans response to the largest housing supply and unaffordable housing crisis is to route new housing, except for farm laborers, into city limits and areas of impact unless you live on a 5-acre minimum lot size whether or not irrigation water is available is why he opposes the comp plan. Its policy direction divides urban and rural living and disrupts the harmony between the two. He referred to parcel maps and said he is still learning about classifications since a lot of irrigated farmland is in the dry grazing parcel and a lot of the rural residential is in the rural industrial tract or rural commercial tract categories. This equal protection, the inspection of property classifications warrants more investigation. A current map and an analysis of current zoning and parcels in the unincorporated county is notably missing. If here it would show areas as rural residential zoning and subdivisions throughout the county. Identifying the parcels as agricultural on the proposed future land use map is nonsense. Policies in the proposed plan drastically shift away from balance and would harm the health, safety and welfare to residents. He asked the Board to table this item until an accurate future land use map is prepared and until policies addressing the housing supply deficit and unaffordable housing crisis can be included in the plan. The area of city impacts for the small cities are significantly oversized; we need to add rural residential areas to the proposed map outside areas of city impact for people that want the rural lifestyle. There is lack of specificity for agricultural, it's too general.

John Cotner said the biggest problem he has is removing a lot of the residential designations that are already in the comp plan because there are a lot of those areas that more viable for housing than there are even inside impact areas. There are hundreds if not thousands of acres inside the impact areas that are prime farm ground so if this was really about protecting prime farm ground we would not remove all residential designations in those areas outside, we would be more about trying to protect the actual farm ground and that's the majority that we're seeing. By removing the residential designations, it appears the new plan targets only 4.4% of the population growth – if you want to target growth that would happen in those impact areas but they are not building in those impact areas. 96.5% of all residential building happens in the impact areas. There is a contradiction in what the plan wants to do and what it is actually doing. There is a lack of balance. If the County wants to protect prime farm ground they need to have more discussions with the cities about how to change those impact areas and look at the soil classifications.

Matt Dorsey is opposed to the plan although he agrees with the farming community. The plan is a guide and it's not going to help him buy land any cheaper nor will it allow him to spray crops with

an airplane. He has farmed in the Sunnyslope area for years and his children will be sixth generation farmers. When an ag tourism blanket is put on the entire area, it takes away his ability to continue to farm and it could be taking away his ability to not to retire but continue to farm. He disagrees with the plan if it defines his land as a view lot for the agritourism folks. He uses his land to leverage himself into being a production agriculturist and he is trying to live within the rules and that is why the overlays bother him. He disagrees with the idea to use the plan to stop the growth. He wants to preserve ag land but not at the cost of going broke. The agritourism overlay zone because it hinders his commercial farming when trying to move equipment. There are negative effects to commercial farming with agritourism which is brought by the increase in population.

Derritt Kerner wanted to talk about one-acre lots and the map expansion which he believes is too restrictive on the residential classifications and will generate conflict if it's not more balanced.

Jim Davis said his family has operated a dairy since the 1940s and he sees both sides of the coin. After seeing the map his property is two miles out of the area of impact and that affects him personally and financially. A person should not be told what they can sell their ground for. He is pro farm but he doesn't want something that prevents him from selling on the free market.

Tyler Hess is a fifth generation Idaho native and a developer and he understands the reason for protecting farm ground but the new plan has a lot of restrictions on some of his properties restricting the opportunity for growth and for the one-acre lots which are in high demand. He has emails from the County where staff has not reviewed the property but said because they are outside the future comp plan their application would be denied and so when that happens it restricts opportunity. (*Commissioner Smith said that is not legal and she asked to see the email communication.*) Mr. Hess said he understands the need to protect farm ground but the land they do own and the farmers who said they can no longer farm it, they were taking away that property owners right away by not allowing them to sell it. There has to be more flexibility and he supports forming a committee for the stakeholders (farmers and developers) and identify proper locations.

Nicole Albisu said she and her husband are farmers and she is a school superintendent in Oregon. The comp plan puts a closed sign on County's door and the BOCC can find a better balance between sustaining agriculture, offering more diverse and rural housing options, and allowing farmers and ranchers the rights to utilize their land and profit just like the big farmers are profiting. The new plan does not have enough balance and it favors large conglomerate farming operations and reduces residential designations. It will change property owners' rights. Although Canyon County's agricultural footprint remains strong we are in crisis mode when it comes to housing and it continues to worsen.

Spencer Kofoed said both sides of his family have farmed for generations and he has a development business. His brother was on the committee and it felt like they were going through motions and said they'll work out the details of agritourism after the plan is adopted. He is on the side of free market, free enterprise, and working together to develop good communities, and he

is hesitant about government bureaucracy that prevents the free market system from working right.

Matt Wilke said the map doesn't consider his family farm that was zoned rural residential south of the lake in 2013. An agritourism overlay was put over it with exclusive agriculture. He is seeing errors on the map that that are deceiving. The plan seems to benefit the cities and stops unincorporated growth. He referenced policies that need improvement such as soils classification and he said they want to see the bypass removed from the functional classification map in the Middleton area. It's been a proposed expressway but COMPASS doesn't have the authority to change those maps. He referenced grape production. The plan needs to be balanced and more work needs to be done.

Cory Blaine lives on a farm he inherited from his grandfather who moved to Idaho from California to farm, and he is a residential home builder and developer. He was told by DSD that his application for a future comp plan amendment would not be approved. Last fall he came to DSD with a farmer who is tired of farming and wanted to have a project with one-acre lots and was told by a planner that the BOCC would not vote for it and the applicant was turned away. The farmer felt like the plan was condemning him to be a dairy farmer and he would never get more than \$7,000 to \$10,000 an acre for his land. He spoke about aerial spraying and how that can be done in a very small area, and he suggested the Board should get more information from the applicators before just accepting testimony and not just go with someone saying "I can't farm anymore if there is a development." The plan supports the large agricultural farming. If the County's intent is to allow farmers to come in and honor that if they have 500 acres and they are in the green area, he thinks there will be a lot of farming support. There were follow-up questions from the Board, and staff with Ms. Allen stating the zones were created to give property owners more options and still be in compliance with the comp plan.

To the points about DSD staff dissuading applicants, Commissioner Smith said the Board is the decision-making body and staff cannot apply a new comprehensive plan to any applications and she doubts that's been said. Applications are being delayed because we have a staff shortage in DSD and over 200 cases waiting to be processed.

There was discussion with Todd Lakey regarding the text vs. the map within the comp plan. Mr. Lakey's position is that text leans heavily on preserving farm ground, but it doesn't talk about prime farm ground or non-prime farm ground. He said the definition of farm ground is very broad and discourages development. He wants definition of viable and non-viable farm ground.

Doug Critchfield with the City of Nampa Planning & Zoning Department said the city has been involved with the project for the last 3 years and Nampa supports the County's efforts and interest in preserving quality agricultural farm land and they seek to continue to work with the County to establish grounds by which the ag industry can be preserved and enhanced while at the same time seeking ways to handle the unprecedented growth. They want the County to include Nampa and the various advisory groups as well as the municipalities, particularly the agricultural preservation strategic planning for growth sub area of lands, transfer of development rights, and land

development guidelines. They invite staff to participate in ongoing discussions with the City of Nampa, Vallivue School District, and the Nampa School District about the current school facilities crisis. Nampa is concerned about the statement in the comp plan for development of masterplan communities in the community. They consider the County to be the lead agency in agricultural land preservation but the role of the cities to lead on facilitating that type of development. The area of impact plays a vital role in planning for ag preservation and future growth and they applaud the statement in the plan that suggests for a review of the current joint powers agreements between the cities and the County governing development in the areas of city impact and they ask for it to be a priority. Regarding the intensive agricultural overlay adjacent to the current southern border of Nampa's impact area, they look forward to working with the County to address planning in that area; they are concerned about the transition from city to agriculture on the edges and what the buffer areas will look like. They have interest in being able to articulate how properties should be zoned when annexation outside of the area of impact is proposed so they want to work with the County on how to move forward on that. Nampa invites the County to participate on the drought taskforce, the goal of which is to ensure a sustainable supply of water for agriculture and the growing the population.

Jim Thompson is opposed to the plan because it's restrictive and he believes we are setting the stage with the new comp plan that it's agriculture and it's agriculture first, which he is not opposed to but he doesn't think it can be that way all across the County. There are so many variables in the green area that should not be ag. We are not solving problems, we are just adding more bureaucracy to what's already in place and he believes the restrictions can come back to haunt the farmers we are trying to protect. He referred to the restrictions in Owyhee County that are purely for the benefit of a corporation, big dairies and big money. There are a lot of people who support the plan who moved here from California, but the point they miss is they have been able to take advantage of the residential parcels but now they want to restrict it so nobody else can do that and that's not right. It's been said people can apply but staff gives the impression it will not be approved. The plan is too restrictive and there is zero opportunity for residential; it has to be more of a guide rather than an overall restriction.

Todd McCauley said one of the recurring questions that's come up is why do we continuously turn farm ground into residential ground and the simple answer is because individual citizens who own the land made the decision to willingly sell their land and, in most cases, they were not made to do that, it was their right to do that. He represents a person who owns 300 acres in Canyon County and farms 2,000 acres and he is not looking to stop farming altogether but several of his acres are elevated therefore very expensive too farm and it's nonprime farm ground is not suitable for farming but it's very suitable for residential and he listed it for sale. There are several developers who want to buy it and over the 2 years it was for sale none of his fellow farmers wanted to buy it. He submitted an application to DSD and was told it does not fit into the plan and therefore it will be denied and if he submits an application the money will be wasted. The reality of the plan is to either encourage or discourage people to apply and if there wasn't some desire to restrict it further then why not leave it the way it is now? There must be a compelling reason to do something different and that appears to curtail market opportunities and direct to a very specific plan as opposed to letting it work itself out naturally. If the plan is approved the practical

application for his friend is he will be trapped with land and will not be able to move forward with his land. Do not approve the plan but instead allow for more balanced and flexible zoning in the half-acre, 1-acre and 2-acre zoning.

Cleon Hoagland is opposed to the plan because of private property rights. He is fifth generation farmer and he is the last generation to farm his property. He has been trying to sell farm ground that he considers nonviable, noneconomical farm ground and he cannot make a living on it because it's too cost prohibitive. It's not really a farming community, it's a bedroom community and he has tried to sell his land and was told no, don't waste your time. He has an email that states the proposal would not meet the ordinance criteria and would be denied. He does not live within a one-mile radius of a subdivision; he lives within ¼ mile of the city limits. He believes the comprehensive plan is unfair.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public comment. (The Board took a break from 2:47 p.m. to 2:55 p.m.) Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to reopen public comment in order for staff to provide rebuttal.

DSD Planner Elizabeth Allen's comments were as follows:

- They added the new designations, agriculture designations to provide more of a balance than what we currently have in the agricultural zone and allow the opportunity for property owners to rezone with being consistent with the comp plan.
- Staff has met with a few citizens who have also been in attendance and told them they would recommend approval of a rezone after the plan was adopted because they currently didn't have an option to rezone. She offered to put that in writing for them.
- Earlier versions of the plan had language along the lines of encouraging innovating farming practices or best management practices and that was brought to remove that language based on concerns from the public and that's why none of that was in the plan.
- The intensive agricultural overlay is intended to help reduce conflicts but won't cut off property rights but will help farmers stay in operation.
- The agriculture advisory committee was brought up, but we are also proposing a rural smart growth committee and it will include developers and there are opportunities for members of the public to be engaged.
- She encouraged the Board to look at Attachment A because there are items that were changed: 1. Change all the language that said *shall* to *must*
- Sub area plans that were proposed with the land use chapter were intended to fine tune the maps. For the sub areas they would separate the County into 5 of 6 areas. Sub area plans would essentially be miniature comprehensive plans and they would work with the community by identifying land uses in those areas. We would probably see areas where they might be commercial opportunities or different residential options. They will work with the public on it.

- The agritourism area is not intended to limit the use of the land; it's intended to allow for flexibility so if the property doesn't want to have agritourism on their property they won't be required to do so.
- If you don't have an agritourism overlay they could incorporate agritourism in the agricultural zone by itself to allow more flexibility for farmers to have other options to do that they want for income.
- The masterplan community language was brought up and the findings of fact, conclusions of law and order (FCO's) and in the attachment staff proposes removing that language.

Commissioner White said it's concerning that citizens are pointing out the maps do not reflect correct zoning. She understands the important of agriculture and how vitally important the seed crop industry is to the world. She wants answers to the things that are not clear. She is not worried about approving the plan and developers losing their right to build and farmers losing their right to sell and profit. She is worried about the misinterpretations and misunderstandings and the of clarity of on both sides of the issue. Her takeaway is that nobody is taking away the case-by-case opportunity; and, the word *compatibility* should be used in place of *balance*.

Commissioner Smith reviewed the changes she wants:

The property rights section on Page 9 (keep 1.01.01, which is a policy – it should go back to a goal.)

Page 14, the population estimates section – It's the Treasure Valley population not the Canyon County population. The estimate for 2022 is 192,000 - is that for Canyon County? Add a title to the graph titled *Canyon County Population Stats*. Are we expecting to add 72,000 in 3 years? (Ms. Allen will review the COMPASS information and double check the graphs.)

The land use maps do not show the Star Impact Area. We have overlapping areas currently but that needs corrected.

How big of a deal is it if we take the agritourism and intensive agriculture overlay out of the plan and hold them until the ordinance is ready? Ms. Allen said that's not a problem; we can adopt the plan without those and the Board would have to amend it. The same thing for changing the rural residential designation to the RA. Ms. Allen said if it was called rural residential it wouldn't fit under agriculture anymore, it would be under residential. Commissioner Smith said if you apply for a rural residential zone we cannot change your zone within a period of years. Ms. Allen said she talked to legal counsel about that and he said it should stay as rural residential. We would have a record of it in the ordinance. Commissioner Smith said leave the rural residential zone and modify because the text of the rural residential zone to include elements of the RA zone so that it blends but doesn't change the zone.

Page 37, the policy under natural resources in hazardous areas - It says to protect human life and property and reduce public and private expenditures resulting from natural and human-made

disasters. If you build or develop we cannot help you in those areas then we shouldn't be telling the public we are going to protect them from it. We should delete that. It's probably missing something like limiting development in the natural hazardous areas. Ms. Allen said we have some of that language in another section. Commissioner Smith is inclined to delete that policy.

Regarding the section that encourages downward facing lighting to improve public health, safety and welfare, Commissioner Smith said there is a policy that talks about light pollution that's fine, but she's not heard a good argument on how downward facing light helps public health or safety. Ms. Allen said safety would apply to aerial applicators who fly at night, for example, and some could argue it would impact their sleep.

A goal that supports recharge projects since water is a natural resource and we consistently have conversations about recharge. Not a policy that's requiring people to do something but a goal that supports development that includes recharge projects. Maybe replace G.5.05.00 with language that talks about water. Page 38 has a great section on water that includes information about recharge but it is key to our success. Some type of goal that addresses the importance of recharge.

For the future, remember that the bee population is important.

She questioned the reference on Page 39 to the Boise River Complex and the Snake River Complex.

Page 48 under schools it states that new development adjacent to existing or planned schools should provide adequate pedestrian and bicycle access for school children and connecting roads and pathways. Should that only be subdivisions that are immediately adjacent or for developments within one mile of the schools? We should look into it being more than adjacent if we are looking at safe routes.

Page 49 references higher education. At the College of Western Idaho, it's worth mentioning the BSU center at CWI. Also, the U of I Parma Research and Extension Center is related to production storage and related problems of vegetables and forages, seed and specialty crops, produced in southwest Idaho. It's a valuable resource as part of higher education so include that. We have incredible trade schools that are not mentioned, and trade schools are a key part of our agricultural community versus colleges and so we should list the trade school options; for example, the helicopter program Silverhawk.

Page 53 public service facilities and utilities policy 7.02.01, to encourage the conservation of energy through the support of public education, incentives and other tools that encourage conservation. Staff referenced detention facilities, however, the schools did this well - Vallivue School District and Middleton School District talked about voter fatigue and the failure to pass bonds and it's important to note that the jail is full and we have voter fatigue and have failed to pass a bond. If you look at the numbers the jail is not technically full, but that's only because we have alternative sentencing and in some ways that's a good thing but we've had some serious

incidents recently that show some reason to keep people in jail if they've done bad things. She wants to add a sentence that the facility is full.

Page 61, the policy regarding considering the cumulative impacts of rezones and subdivisions on road capacity, traffic and traffic congestion on making land use decisions. The developers deserve to know how big a scope we are going to look at. Is it within one mile? How big of a cumulative impact are we looking at? If we're not ready for it to be a policy then we make it an action item or a goal to consider what that means. Ms. Allen said as far as distance she doesn't have an answer but asked if we can think about the larger regional transportation system?

On the recreation component, Commissioners Van Beek and Smith said the County should take action on the MOU between the Fish & Wildlife Service, the State of Idaho, and the County and its Parks Dept. with regard to the Deer Flat Wildlife Refuge. List the County's parks as well as the recreation opportunities.

Special Areas and Sites: The Sunnyslope AVA is a special area and site and there was a lot of testimony about the microclimate and the soil of that AVA and it should be specifically listed. Create a paragraph and add that.

Public Housing Overlay: It's an overlay to the support the Caldwell Housing Authority's use, so instead of doing CUP modifications continually, it would be allowed uses in the public housing overlay and would allow a mixed variety of uses. Commissioner Smith wants to remove that until we have the ordinance.

Commissioner Van Beek found some of the goals in conflict and she argues for allowing a house in ag zone, but there could be an argument for fragmenting the ag zone on that. It needs more discussion. We haven't defined what incompatible means because we don't have a clear definition of nonviable. Answer the question of where ag housing/farmworker housing is supposed to be located. It seems inconsistent because we are not allowing, in some instances, families to put family members there to help augment the farming operation which would be more desirable. Commissioner Smith said there are questions in that section but she is supportive of the goals listed. We'll remove the one action. Commissioner Van Beek wants to redefine some of the goals so they are not subject to interpretation. It's not clear, given the testimony there is clear direction on farm labor housing but not on how to meet or get input - when development is next to the ag community and what that really looks like. Staff was directed to take the feedback on work on the language.

On P.12.01.01 and P.12.01.02 of the agriculture section, staff was directed to replace the word *direct* with *encourage*. *To encourage nonagricultural related development to the cities, areas of city impact and other clearly defined and planned development areas*. It appears those have been removed so people cannot locate in a rural setting. Commissioner Smith said this would be a policy that would be one of the components of the ag section; it's guiding growth with a plan. What is increased protected farmland? What if we say support farmland through zoning purchasing and transfer of development rights, clustered development, conservation easements, and other

opportunities to guide development to more suitable areas. Support farmland through zoning and remember and remove the words *increased protected*.

Ms. Allen asked if she wants to remove all overlays? Commissioner Smith said no, just the intensive ag. There are 3 different agriculturally based overlays. The agritourism and intensive because there isn't enough to describe what that is and what that means. We're just shelving it.

There needs to be an action item that says to work with the cities to adopt ordinances that protect and promote agriculture.

Ms. Allen asked if the Board wants to change overlays to be an action item? Commissioner Smith said yes, that's a good solution.

Commissioner Van Beek said the word that needs to be used is *voluntary*. There has to be some provision given to landholder, the farm person. Voluntary compliance not a regulatory taking. Commissioner Smith said it would be an action, they would work on the developing language and work with the sectors to establish what that looks like and what it means. Commissioner Van Beek said on transfer of development rights or conservation easements, some of the definitions that could be critical are subject to interpretation. If it's not a problem then it should be stated in the best interest of transparency. It would help offset some of what looks like big government in telling landowners what they have to do, what they have to grow. There has to be an element of voluntary compliance. Developing policy that clearly discloses what those conservation easements and transfer of development rights. Commissioner Smith said none of that exists now and that would be part of your purview next year or whenever those proposals come in front of you for ordinance amendments. In some of this there is a tremendous amount of information and combing through the document is critical. Do we have enough in this document to pass something today and she does not believe we do.

Commissioner Smith said her final change is on A.13.01.05(A) under national interest, electric transmission corridors – there is a use of words twice. Promote energy conservation to support public education, incentives, and other tools that encourage conservation. What type of conservation? We already said it by promoting energy conservation through the support of public education, incentives and other tools.

Commissioner Van Beek said regarding action 12.01.04 to discourage the conversion of agricultural land to other uses, she met with a farmer and part of their plan for continuing their ag heritage was to divert some less productive ground to a different use that would augment and highlight the agricultural component of Canyon County and allow them to keep operating. It's premature to put an action item like that in place because it restricts it before it's gotten out of the gate.

Commissioner Smith said with those changes she recommends approval of the plan and to direct staff to bring those changes back in a final document for final approval. Upon the motion of

Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public comment.

Commissioner Van Beek said in looking at public services, facilities, and utilities we highlighted that we wanted to have some mention that the detention facility was full. One of the goals which falls directly under the purview of the Board is to provide funding for a public safety facility and she doesn't see that listed as a goal or an action item and it would be remiss for Commissioner Smith to make that statement but made no provision for the Board to make that a priority. Commissioner Smith said she doesn't know that the County has ever used the comp plan to identify specific actions for the elected officials. Commissioner Van Beek said then we would have to remove the requested change to say that the facility is full because that population fluctuates. Commissioner Smith said all we are doing is giving current conditions so the section where she wanted the references is just in the section that describes what the current conditions of our facilities are. Commissioner Van Beek said then make it a goal. G.07.02.03 would read to provide public safety facilities that we demand for services and incarceration for the cities in the County.

Ms. Allen said there is a reference to providing reliable public services and facilities. Commissioner Smith said that covers it. Commissioner Van Beek said then eliminate the new goal but specifically call out public safety because public services and public safety facilities are different. Commissioner Smith wants to change the language to state *public safety facilities, facilities, and utilities*. Commissioner Van Beek said given the current mental health crisis, it's important to put something in there to meet that service. Commissioner Smith questioned bringing in mental health into the public services facilities. Commissioner Van Beek said there is a proposal to use ARPA to fund a teen assessment center so Commissioner Smith is in conflict. Commissioner Smith said she is not making budget decisions based off a comprehensive plan; the plan is for land use. Commissioner Van Beek said we need adequate land allocation for a public safety facility that would also triage acute mental health to keep people out of the jail that don't belong there, but provide services to people that are in acute crisis so it would be a land designation big enough to meet that need. Commissioner Smith said there's not been enough conversation on that topic, nor is there enough time to come up with language so she requested the Board move on from the topic.

Commissioner Van Beek said under agriculture we work to include something that highlights hands on agriculture, much like the STEM programs so we have not just where people can enjoy what's produced in the viticulture area. For example, a cold press cider mill with agritourism but there is no look past where it doesn't feel like anything other than a winery component and there's so much more that could be done given the ag area we are in. Commissioner Smith said that is the goal of the agritourism, place as an action item and develop language.

Commissioner Van Beek asked if we took into consideration Greenleaf's concerns on the self-sustained master plan communities? Ms. Allen said yes, staff did take that into consideration. Ms. Allen asked about the airport map and the crop dusting and whether the Board wants to add that as well. Commissioner Smith asked staff to add it and the Board will consider it.

Commissioner Van Beek suggested there be two separate motions, one for the changes, and one for the plan itself because she is not opposed to the changes but she is opposed to the plan given the number of concerns that are out there. Commissioner Smith made a motion to approve the plan and direct staff to make the recommended changes. Commissioner White seconded the motion. Commissioner Van Beek said she wanted those motions broken out where one will approve the changes that had been recommended. Commissioner Smith said when we see what the changes are then we'll approve those changes if they meet what the Board requested. Commissioner Van Beek believes the motion is premature and there needs to be deliberation before a motion is called for. It's out of order to call for a motion. Commissioner Smith said it's not out of order, there is a plan in front of the Board and she supports the plan with the recommended changes. Commissioner White said the plan is important and if Commissioner Van Beek has some apprehension or reservation then she is fine with letting her get in a comfort zone and do this in the order she has suggested. Commissioner Van Beek said she does not want to debate semantics, she wants transparency in government because this matters and with the amount of changes and the amount of information that is unclear in this plan there is no reason the Board cannot break out a motion to adopt the suggested changes, but to roll them into the same motion feels like she is being railroaded to adopt the changes and the plan at the same time and to that she objects before there is deliberation. That is not good governance. Commissioner Smith withdrew her motion. Commissioner Van Beek made a motion to direct staff to make the changes provided by the Board and bring back those changes on Monday, September 26, 2022 at 9:00 a.m. The motion was seconded by Commissioner White and carried unanimously. Commissioner Smith said the Board will review the changes and decide on approval or denial on September 26th. Commissioner Van Beek wants to look at the changes and have the Board deliberate the merits on what's left given the testimony. She believes Todd Lakey brought valid points and his quote "a lighter touch of government as it touches people and their property" is absolutely appropriate. She said the Board heard convincing testimony from many people on the issues and the obstacles they are facing and she objects to leading people down a path where they are spending thousands of dollars believing they can obtain an approval when it's not clear. Soil is important but it's not part of any criteria the Board makes recommendations on. In a balanced approach you would retain something to keep it in balance but the plan appears to be out of balance. She is not in favor of a document that is lacking in clarity.

The hearing concluded at 4:20 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 22, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - **OUT** (Participated remotely for an afternoon meeting)
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Les Schwab in the amount of \$11,063.29 for the Solid Waste Department
- Apple, Inc., in the amount of \$1,578.00 for the IT Department
- Western-States – Meridian in the amount of \$285,000 for the Solid Waste Department

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for County Line Wine to be used 10/01/22, 10/9/22, 10/15/22, 10/22/22 and 10/29/22; O'Michael's Pub & Grill to be used on 10/1/22, 10/8/22, 10/15/22(2), 10/22/22 and 10/27/22.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Boone Singpraseuth, Security Systems Administrator; Jairo Rodriguez, Operations Manager; Ho Pham, Application Support Analyst I; and Noah Ryan, Juvenile Detention Officer.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 1:34 p.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Kellie George and Deputy Clerk Jenen Ross.

Ms. George provided background information on case no. 2022-381 stating that indigent services is requesting a final approval from the Board. Commissioner Van Beek made a motion to issue an approval with written decision within 30 days. The motion was seconded by Commissioner Smith and carried unanimously.

Due to hearing cases needing to be vacated today, a request has been made to continue case nos. 2022-494, 2022-499 and 2022-502 to October 6, 2022 at 9:00 a.m. Commissioner Van Beek made a motion to continue the cases as stated. The motion was seconded by Commissioner Smith and carried unanimously.

The meeting concluded at 1:39 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:40 p.m. with county attorneys for a legal staff update and to consider agenda items. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner White (joined by phone at 2:55 p.m.), Deputy P.A. Zach Wesley (left at 1:56 p.m.), Deputy P.A. Alex

Klempel (left at 1:56 p.m.), Facilities Director Rick Britton (left at 1:50 p.m.), Controller Zach Wagoner, Sr. System Analyst Steve Onofrei, Code Enforcement Officer Eric Arthur (left at 1:55 p.m.), Assessor Brian Stender, Mark Wendelsdorf and Deputy Clerk Jenen Ross. The agenda action items were considered as follows:

Consider signing first amendment to lease agreement with GPRV Partners 37 LLC for property located at 1614 Industrial Way, Caldwell, Idaho: Director Britton explained this is for the county warehouse building that has been leased for the past few years. The lease agreement has increased about \$1000 from last year but once a new warehouse is built this space would be vacated. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the first amendment to lease agreement with GPRV Partners 37 LLC for property located at 1614 Industrial Way, Caldwell, Idaho (see agreement no. 22-106).

Consider signing declaration and notice of sole source procurement for the construction of a Mezzanine Addition to the Canyon Crossroads Transportation Museum: Director Britton said this project has been out to bid for about 18 months without any interest. Recently someone has come forward who would like to do this type of work which Director Britton would like to pursue thru sole source. The quoted cost is \$74,500 with some work to be done by county staff. This project has been budgeted for. A public hearing will be held on October 11, 2022 at which time the Board can consider signing a contract with Veritas Maintenance. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the declaration and notice of sole source procurement for the construction of a mezzanine addition to the Canyon Crossroads Transportation Museum.

Consider approving abatement costs for property located at 221 Amber Street Caldwell: Mr. Arthur showed pictures to the Board and provided an explanation of the conditions of the property. Commissioner Smith had concern about the property owner possibly being deceased as Mr. Arthur said there has been no contact from either the property owner or the renter, however, the property has been properly noticed. A quote of \$4,580 has been received to abate the property. Commissioner Van Beek made a motion to abate the property. The motion was seconded by Commissioner Smith and carried unanimously.

Commissioner Smith asked about an email that was received about a private road issue. At the Board's direction, a meeting will be scheduled.

Consider signing a resolution setting the levy rates for all Canyon County taxing districts: Mr. Onofrei gave a PowerPoint presentation to the Board on establishing levy rates. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution setting the levy rates for all Canyon County taxing districts (see resolution no. 22-198).

Consider approving FY2022 budget adjustments: Mr. Wagoner answered questions posed by Commissioner Van Beek and noted that this is an accounting exercise. Upon the motion of

Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to approve the FY2022 budget adjustment (see resolution no. 22-196).

Consider approving FY2022 operating transfers and reimbursements: Mr. Wagoner said that the FY2022 budget includes some operating transfers and reimbursements. The County received cigarette tax money from the state, that money is restricted in its usage and can only be used for juvenile justice functions. The original receipt of the revenue is in the Juvenile Probation department and then certain portions of that revenue are transferred. There is a \$5000 transfer to the Juvenile Detention Center, there is also a \$5000 transfer to the Juvenile Drug Court. This is just an accounting exercise to allocate the proper revenue and expenditures to the proper locations. Controller Wagoner answered question from Commissioner Van Beek to understand and locate accounts within the chart of account. Commissioner Van Beek has some additional clarifying questions that she would like to work with Controller Wagoner on and does not feel comfortable moving forward in signing the resolution at this time. This action item was temporarily put on hold until Commissioner White could be reached by phone.

Consider signing a resolution for a change in application to an alcoholic beverage license for Lifestyle Café LLC dba Twelve25 Bistro & Wine Bar: Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a changed application to an alcoholic beverage license to Lifestyle Café LLC dba Twelve25 Bistro & Wine Bar (see resolution no. 22-194).

Consider signing a resolution for a new alcoholic beverage license for Panther Event Center LLC dba Panther Event Center: Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a new alcoholic beverage license to Panther Event Center LLC dba Panther Event Center (see resolution no. 22-195).

Continued - Consider approving FY2022 operating transfers and reimbursements: Commissioner White was reached by phone at approximately 2:55 p.m. at which time Mr. Wagoner provided a brief review stating that every year the County provides multiple services to the Landfill Enterprise fund such as HR, payroll, legal, accounting, cash management, etc. In accordance with proper accounting standards and procedures the Landfill pays for these services. For FY2022 the Landfill is scheduled to pay \$1,513,600 for these services - \$1.3M is transferred to the current expense fund, \$111,600 is transferred to the Justice fund for the unemployed inmate labor program and \$35,000 to Parks for the services they provide at Jubilee Park. The document shows the cash coming out of Landfill Enterprise fund and being deposited into the current expense, justice and parks and recreation funds. Commissioner Smith made a motion to approve the FY2022 operating transfers and reimbursements. The motion was seconded by Commissioner White. A vote was taken with Commissioners Smith and White voting in favor and Commissioner Van Beek abstaining from voting. The motion carried with two in favor.

The meeting concluded at 2:58 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE HARTWELL CORPORATION AND ESIS (A CHUBB COMPANY) REGARDING RISK AND CLAIM MANAGEMENT SOLUTIONS

The Board met at 3:07 p.m. for a meeting with The Hartwell Corporation and ESIS (a Chubb Company) regarding risk and claim management solutions. Present were: Commissioners Keri Smith and Leslie Van Beek, Prosecutor Bryan Taylor, Chief Civil Deputy PA Sam Laugheed, Assessor Brian Stender, Chief Deputy Sheriff Marv Dashiell, Incoming Chief Deputy Sheriff Doug Hart, Controller Zach Wagoner, HR Director Kate Rice, Brian Baughman and Shannon Kinney from the Hartwell Corporation, and ESIS representatives via Webex: Tonya Mader-Patouma; Todd DeStefano; Michael Sliemers; Nicholas Meyer; as well as Deputy Clerk Monica Reeves. The County's coverage through ICRMP expires at midnight on September 30, 2022. Today's discussion with ESIS focused on the following topics:

- Claim management
- Non-litigated and litigation management process
- Banking and billing component
- Need to have internal conversations about workflow and process
- Risk management information system
- Reports
- Training provided
- Defense counsel
- Self-insured reserve
- Third party administrator agreement

Sam Laugheed asked if we could execute the contract with zeros and work through the workflow, service instructions, etc., and have more time to do that. Mr. Sliemers said we can do that with a short amendment update with dates and amounts knowing it could take 30-60 days. We should focus on the "nuts and bolts" upfront so we're ready to go and then we can peel back amounts and other things that would be important at some point. Further discussion ensued regarding the PLDF (paid loss deposit funds) and the banking component with follow up questions from Commissioner Van Beek regarding loss amounts. ESIS will provide a sample claim handling document and instructions to Brian Baughman and then Brian, Kate Rice, Zach Wagoner and Sam Laugheed will work on it and bring it back to the Board. (Prosecutor Taylor left at 3:55 p.m. The Webex concluded at 4:20 p.m.) Brian Baughman said The Hartwell has a proposal showing insurance companies, coverages, and payments, as well as what they need today and the steps they would take if the Board agrees to move forward with insurance to replace ICRMP. The goal would be to get permission from the board of directors to move forward. A number of the items require applications to be signed and they are seeking clarity from the Board on who the signatory should be. Time is of the essence with October 1st around the corner. Sam Laugheed said the Board is not in a place today, unless we do an emergency amendment to the agenda (which he does not recommend at this point) to bind anything. There is a distinction between binding and getting all the information necessary from them so we can have an action item in front of the

Board and he asked if there is room to play or do we have to bind before they give us the policy? Brian Baughman said they have proposals and the necessary information listing the coverages, and it is available today along with the premiums and other information. Sam Laugheed said we need something on the agenda after the Board has an opportunity to review the documents The Hartwell provides that says *consider signing TPA contract with ESIS and consider binding coverage*. Commissioner Van Beek said she wants to be included in the discussion that Sam Laugheed suggested take place. Commissioner Smith said that's not standard process; the BOCC is a decision-making board, not an "in the weeds" board, and she further said the staff who would be participating in the meeting are adequately qualified. Mr. Baughman said there are a number of applications that have to be signed, and he is looking for direction on how to approach and a confirmation that the information is correct. Mr. Laugheed said the earlier applications that were filled out required a certification from a Board majority that approved of him (Sam Laugheed) signing off; it did not bind the County in any way, it was developing information. Some of the supplemental applications suggest that they will be the basis of a contract and those are the things the Board has to decide. The Board will have an action item on its agenda for next week and at that meeting there could be a motion to approve The Hartwell to bind the coverage. If it is going to bind the County it will have to come before the Board. Mr. Baughman said they can get the documents by October 1st; it's not new information, it's just insurance matters. He offered to email the policies. Shannon Kinney said there are two they do not yet have, but they are working on them. Sam Laugheed asked everyone to continue to review the TPA contract that will be on the Board's agenda. The meeting concluded 4:29 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 23, 2022

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

No meetings were held this day.

APPROVED CLAIMS

- The Board has approved claims 588018 to 588053 in the amount of \$124,352.07
- The Board has approved claims 588054 to 588088 in the amount of \$49,200.32
- The Board has approved claims 588089 to 588123 in the amount of \$60,332.78
- The Board has approved claim 587936 ADV in the amount of \$5,826.00
- The Board has approved the 2204 Jury claim in the amount of \$1,161.75
- The Board has approved claim 588017 ADV claim in the amount of \$416.00
- The Board has approved claim 588124 ADV claim in the amount of \$45,744.00
- The Board has approved claims 588125 to 588158 in the amount of \$60,839.55

- The Board has approved claims 588159 to 588191 in the amount of \$79,481.61
- The Board has approved claims 587937 to 587970 in the amount of \$47,153.89
- The Board has approved claims 587971 to 588016 in the amount of \$208,447.47
- The Board has approved claims 588192 to 588219 in the amount of \$52,212.68
- The Board has approved claims 588220 to 588238 in the amount of \$13,281.75
- The Board has approved claims 588247 to 588263 in the amount of \$8,637.73
- The Board has approved claims 588264 to 588303 in the amount of \$27,694.57
- The Board has approved claims 588304 to 588318 in the amount of \$11,045.70

APPROVED CLAIMS ORDER NO. 2226

The Board approved payment of County claims in the amount of \$1,932,941.35 for a County payroll (approved electronically)

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Angelique Arredondo, Legal Assistant I; Steve Rhodes, Autopsy Technician; Sydney Davis, Deputy Coroner; and Mary Miller, Customer Service Specialist.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 26, 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 588239 to 588246 in the amount of \$1,426.00

PUBLIC HEARING TO CONSIDER THE 2030 COMPREHENSIVE PLAN UPDATE, CASE NO. OR2022-0008

The Board met today at 9:04 a.m. for a continued hearing to consider the 2030 Comprehensive Plan Update, Case No. OR2022-0008. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planner Elizabeth Allen, DSD staff: Jenna Petroll, Tammy Halcomb, and Dan Lister, George Crookham, Todd Lakey, Steve Burton, John Williamson,

Matt Wilke, David Ferdinand, interested citizens, and Deputy Clerk Monica Reeves.

Elizabeth Allen provided an addendum to the staff report that includes the revised findings of fact, conclusions of law and order incorporating the changes made by P&Z Commission and as requested by the Board at the previous hearing held on September 21, 2022. (A copy of the report is on file with this day's minute entry.) During the review, there was discussion on the following areas:

- Overlay zones.
- Removal of the rural residential area inside the Nampa Area of City Impact (ACI).
- Inclusion of Star's ACI boundary on the map.
- Industrial was added between Greenleaf and Wilder as requested by P&Z Commission.
- Changes in maps on the western side of the Nampa Area of City Impact and discussion regarding potential new future land use designations. Staff removed the transition area so that entire area would be base agricultural. The City of Nampa asked that it be removed and so it was removed at the P&Z Commission hearing and was incorporated on the map when the changes made. DSD will work with Nampa on updating their agreement to help them get the density that they need to provide services.
- Discussion regarding how the comp plan map differs from the zoning map.
- Applicants have entitlements to apply for a subdivision on their rezoned land even though the comp plan map shows the land as agriculture. The comp plan map is not an entitlement document; it is a tool and a planning document, and a person's entitlement is not tied to a comp plan map.
- Some find there is a lack clarity about entitlements and how it's becoming difficult for a landowner to make application. Staff has incorporated more options and the Plan would also allow us to add more residential and commercial and industrial in areas if we get to that point. If adopted, it would provide the option to put more land use designations that aren't currently on the map.

Following Ms. Allen's review of the staff report, Commissioner Smith reviewed the following options the Board could consider:

- Option 1 approve the Plan as the P&Z Commission recommended with no changes. The process would end here, and the resolution and original Findings of Fact, Conclusions of Law, and Order (FCO's) presented to the Board could be signed.
- Option 2: Approve the Plan as the P&Z Commission recommended with the additional changes as identified by the BOCC. Due to material changes, a legally noticed second public hearing would be required and could be heard early to mid-October, 2022.

- Option 3: Deny the Plan and direct staff to return with FCOs to support the decision. The process would end here and the 2020 Comprehensive Plan would remain in effect.

Commissioner Smith is supportive of the Plan. She understands there is a lot of confusion and is committed to working between now and the next hearing to provide input and collaboration on this Plan and additional changes can be made if needed. There is a lot in the Plan that says the Board supports smart growth and areas for our communities to grow that still recognize our number one industry. A Plan, not a zoning ordinance, that supports agriculture is incredibly important for the developers, real estate agents, and the industry in Caldwell and Nampa and other communities that have recruited ag-related businesses that rely on our agriculture for their success. She supports the changes presented today recognizing there is a lot more work to do on the proposed overlay districts and working with the community to have some understanding and support of those plans moving forward, or nonsupport and not moving them forward. Commissioner Van Beek supports the changes identified but wants to hold on the Plan as there is more work that needs to be done and said the Board should be engaged in the process with the development and agricultural community and the stakeholders to “workshop some of this out.” Commissioner White supports approving the changes in order to keep the Plan moving and she made a motion to approve the Comprehensive Plan with the recommended changes today and to keep the process moving. The motion was seconded by Commissioner Smith. Commissioner Van Beek asked for the motion to be separated into two parts. Commissioner Smith said the motion is to approve the Comprehensive Plan with the recommended changes. Commissioner Van Beek was opposed to the motion and noted that she approves the changes but believes the Plan needs more work. The motion carried by a two-to-one split vote. The new hearing date will be October 12, 2022 at 1:30 p.m. The hearing concluded at 10:21 a.m. An audio recording is on file in the Commissioners’ Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 27, 2022

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

MEETING WITH THE HARTWELL CORPORATION REGARDING ACTION ITEMS

The Board met today with The Hartwell Corporation regarding action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Controller Zach Wagoner, HR Director Kate Rice, Brian Baughman and Shannon Kinney with The Hartwell Corp., Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Third Party Administrator Agreement with ESIS, Inc. and Consider binding insurance coverage with Travelers, Munich Re/Princeton Excess and Surplus Lines, Tokio Marine, CNA Surety, and RSUI Group, Inc.:

A handout was provided to the Board which Mr. Baughman reviewed. He noted that Travelers and Munich RE provide 98% of the insurance for the county; the remaining auxiliary policies with Tokio Marine, CNA Surety, RSUI Group, Inc. and ESIS are small coverages and tend to go in and out of insurance companies. The goal for today is to get permission from the Board of County Commissioners to move forward with binding these policies and to review how to proceed with signing paperwork. Additionally, they need instruction on how to move forward with billing.

Mr. Baughman addressed several questions posed by Commissioner Van Beek in regard to the ability to negotiate once coverage is bound, large loss limits, evaluation of losses and the purpose of a 3rd party administrator (TPA). He explained due to the short timeframe of needing coverage in place by October 1 it is important to designate someone to sign some very standard paperwork. Discussion ensued as to whom the best person would be. It was thought that in the future it may be based on the document and the person specialized in that area could confirm the information and sign (i.e. HR, Fleet, IT, etc.) but because of the timing it would be best to designate Mr. Laugheed to sign on the Board's behalf as he has been heavily involved in the entire process. Commissioner Smith made a motion to designate Sam Laugheed as the signer on the Board's behalf for the next 72 hours. The motion was seconded by Commissioner Van Beek and carried unanimously.

Mr. Baughman said the next set is to determine how payments will be made. Travelers has an option to pay quarterly or 50/50, each of the other policies must be paid in full upfront or a 10% fee is assessed. Controller Wagoner indicated that he would prefer the 50/50 option with Travelers and full payments will be made to the remaining companies in order to avoid the additional fee. Commissioner Smith moved to make payment as determined by Controller Wagoner. The motion was seconded by Commissioner White and carried unanimously.

For the record, Mr. Wesley clarified that the intent of the first motion is to authorize the PA's Office to sign on the Board's behalf in order to bind the county to the 5 policies as identified. Commissioner Smith confirmed that was the intent of the motion.

Mr. Baughman said setting up the TPA escrow account needs to be a top priority. Discussion ensued as to how the escrow account works. He explained that the primary reason for the escrow account is for the billing of claims, professional claims are going to be \$1500 a claim. Even if the county contacts attorneys who then settle the claim quickly, ESIS still has a \$1500 bill so their goal is to not have to send a bill to the county and go thru the approval process every time. Regarding the payout of claims, the escrow account is not used to pay claims. If a big claim happens they will let the county know that funding will need to be set aside; claims are not paid out before discussion with the county. He also noted that the \$10K limit is probably too low because Canyon County is not utilizing ESIS for general liability, Travelers is handling those. Most of claims that go thru ESIS

are going to be more serious such as employment practices, law enforcement liability, public official liability, etc. and if a claim gets serious \$10K isn't going to be enough.

Based on questions from HR Director Rice, Mr. Baughman spoke about the \$50K escrow account and the \$1500/per claim fee. He noted that the \$50K is not for ESIS services but used to pay claims from. Discussion ensued regarding the \$1500/per claim fee, Ms. Rice is concerned that it may not be worth paying that fee for claims that are known non-events just for ESIS to provide information on trends. There is an administrative set-up fee of approximately \$3500, those exact number were provided via email previously and not a part of the information handed out at today's meeting. Controller Wagoner said this is just a different way of doing things from the way it has been done in the past and he is extremely hesitant about turning over cash in advance. The top priority of the Clerk's Office is to safeguard and protect the county's assets. Commissioner Smith's understanding is that the county would still need to authorize payment except for whatever the threshold is set at. Commissioner White expressed her concerns about the escrow account being under the purview of ESIS vs. the county and Commissioner Van Beek said she doesn't see a problem with this and likened it to balancing a checking account noting that it is up to the county to know what is in the account and to manage the risk.

A draft copy of the ESIS agreement is on file with this day's minutes along with a copy of the handout presented by Mr. Baughman.

Another meeting will be held at a later date to further discuss the financial portions.

The meeting concluded at 9:33 a.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 28, 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 held this day.

APPROVED CLAIMS

- The Board has approved claim 588319 ADV in the amount of \$60.85

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- HC Company in the amount of \$10,553.18 for the Facilities department

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 29, 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 588320 to 588359 in the amount of \$228,007.99

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hyland Software in the amount of \$3,300 for the Information Technology Department
- Northwest Land Services in the amount of \$4,580 for Development Services (Code Enforcement)
- Greatmats in the amount of \$4,233 for the Sheriff's Office

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for Raising Our Bar to be used on 10/1/22, 10/2/22, 10/4/22, 10/6/22, 10/9/22, 10/14/22, 10/16/22, 10/20/22, 10/21/22, 10/22/22, 10/23/22, 10/29/22, 10/31/22; O'Michael's Pub & Grill to be used on 10/8/22; and Pretty Bubble to be used on 10/1/22.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for Josephine Santana, Administrative Specialist; Ann Marie Hall, Customer Service Specialist; Alfonso Garcia, Deputy Sheriff; Shireen Rezaei, Limited License/Intern; Mary Banford, Civil Lead Clerk; Tokasha Huskey, Chief Deputy Coroner; and Carmen Pagan, Deputy Sheriff.

APPROVED MAY 2022 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of May 2022 were read and approved and found to be a proper record of the proceedings of the Board of Commissioners of Canyon County, Idaho. Also approved was the synopsis for publication. Minutes of the Board of Canyon County Commissioners' meetings are on file in the Commissioners' Office and may be viewed upon request.

MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:00 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Case Manager Kellie George and Deputy Clerk Jenen Ross.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue a denial with written decision in 30 days on case no. 2022-520.

Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the lien releases as presented. Case numbers for the lien releases are as follows:

2006-341, 2011-1515, 2009-973, 2017-1609, 2020-159, 2018-448 and 2022-176.

The meeting concluded at 9:05 a.m. An audio recording is on file in the Commissioners' Office.

FILE IN MINUTES THE TREASURER'S MONTHLY REPORT FOR AUGUST 2022

The Board filed in the minutes the Treasurer's monthly report for August 2022.

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

The Board met today at 9:05 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 (left at 9:49 a.m.), Deputy P.A. Oscar Klaas (left at 9:49 a.m.), Chief Deputy Sheriff Marv Dashiell (left at 9:23 a.m.), Chief Deputy Sheriff Doug Hart (left at 9:23 a.m.), Sheriff Kieran Donahue (left at 9:23 a.m.), Controller Zach Wagoner (left at 9:27 a.m.), Recording Supervisor Emily Howell (left at 9:11 a.m.), CCSO Communication Manager Roxanne Wade (left at 9:08 a.m.), Planning Official Dan Lister (left at 9:49 a.m.), Clerk Chris Yamamoto (left at 9:27 a.m.), PIO Joe Decker (left at 9:30 a.m.), IT Director Greg Rast and other IT staff (left at 9:30 a.m.), Building Official Dave Curl and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing FY2023 Acceptance of ISPCC Grant Award: Chief Dashiell said that the grant monies will be used to update computers and replace monitors in the dispatch center as well as some connectivity components. Approval and acceptance of the grant award today will allow the project to move forward. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the FY2023 acceptance of ISPCC Grant award. A copy of the document is on file with this day's minutes.

Consider signing Delivery Agent Electronic Document Recording Agreement with Simplifile, LC: Ms. Howell explained the agreement solidifies the work that is done with Simplifile, LC which is a delivery agent for the electronic documents that are recorded daily. This is a new agreement, however, the system is currently being used in the Recorder's office; there is no cost for this service. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Delivery Agent Electronic Document Recording agreement with Simplifile, LC (see agreement no. 22-110).

Consider signing FY2023 Lease Agreement with Norman Family Trust: Chief Dashiell explained that this agreement has been in place for approximately 10 years and is shared among several entities. There is no change to the contract language, however, the cost has gone from \$2700 to \$4500 monthly. At the request of Commissioner Van Beek, Mr. Wesley spoke about possible options for termination of the lease. Chief Hart noted that a few years back there was an evaluation of the space and there was nothing available for under \$10,000/monthly. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the FY2023 Lease agreement with Norman Family Trust (see agreement no. 22-109).

Consider signing Resolution Awarding Officer's Badge and Duty Weapon Pursuant to Idaho Code § 31-830 (R. Johnson): Deputy Johnson has worked for the Sheriff's Office for 30 years as well as several years with Texas law enforcement and plans to retire on October 17, 2022.

Consider signing Resolution Awarding Officer's Badge and Duty Weapon Pursuant to Idaho Code § 31-830 (D. Daniels): Sgt. Daniels has work 27 years for the Sheriff's Office and several years with the reserves previously; he will be retiring tomorrow, September 30th. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolutions awarding badge and duty weapon to Deputy Johnson (see resolution no. 22-200) and Deputy Daniels (see resolution no. 22-199).

Consider signing Canyon County 2022 Engagement Letter with Eide Bailly, LLP: Controller Wagoner explained every year the county must have an outside audit performed and spoke to the qualifications of Eide Bailly. The audit process is scheduled to begin in October and conclude in January where they will conduct a walk-thru and evaluation of Offices/departments that have cash handling processes. There is an additional amount of \$3000 this year for implementation of the lease standard audit. Total contract cost for this year is \$64,800. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Canyon County 2022 Engagement Letter with Eide Bailly, LLP (see agreement no. 22-108).

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 9:30 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 White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Oscar Klaas and Building Official Dave Curl. The Executive Session concluded at 9:47 a.m. with no decision being called for in open session.

After the executive session, the Board considered the following action items:

Consider reasonable accommodation and settlement agreement with Moonlight Mountain Recovery, Inc. and D & W Investments 201, LLC for 2797 S. McDermott Road, Kuna: Mr. Wesley said there have been many conversations with both the Board and DSD about this agreement and property over the past several months. His recommendation is to settle this claim by entering into this agreement. The agreement will run with this property owner, this property and will resolve the complaint about the land use process. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the reasonable accommodation and settlement agreement with Moonlight Mountain Recovery, Inc. and D & W Investments 201, LLC for 2797 S. McDermott Road, Kuna (see agreement no. 22-107).

Consider signing the Treasurer's tax charge adjustment by PIN for August 2022: August adjustments will result in a reduction of \$50.00 to the tax rolls. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Treasurer's tax charge adjustment by PIN for August 2022.

The meeting concluded at 9:50 a.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER SIGNING FINAL PLAT FOR CASCADE HILLS NO. 2, CASE NO. SD2021-0019

The Board met today at 10:31 a.m. to consider the final plat for Cascade Hills No. 2, Case No. SD2021-0019. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Engineering Coordinator Stephanie Hailey, Spencer Kofoed, and Deputy Clerk Monica Reeves. Ms. Hailey reported the property is zoned R-1 residential with 26 residential lots and will utilize internal public roads and individual septic systems and wells. Irrigation will be provided via individual domestic wells. The preliminary plat was approved in December of 2019 subject to six conditions of approval. All conditions have been met. Keller & Associates has reviewed and noted their approval, and staff recommends the Board sign the final plat. Commissioner Van Beek had questions regarding irrigation. Ms. Hailey said when she did the research there was a clerical error on the preliminary plat. The exception for the irrigation for Lots 1-4 was part of the development for Cascade Hills No. 1, so it was not applicable to Cascade Hills No. 2 and that was not clarified in the FCO's for the preliminary plat and it was not addressed

at the time so it's not applicable to this case today. Commissioner Van Beek asked if that can be noted. Dan Lister said staff looked at it and it meets the intent of the condition and so he questioned if we really need to remove it or just state that that is completed and move forward with the case. We cannot add a reference to say it's not applicable to Condition No. 2 without going through a hearing process. Commissioner Smith said Condition No. 6 references the time requirements but there is no finding or conclusion that states they have met the time requirements. Mr. Lister said the FCO's were from 2019, and we typically do not add things like that anymore, but the timeframe should meet out ordinance which is a two-year timeframe from the time of preliminary plat approval and the submission of the final plat. Commissioner Smith said she has no problem signing the final plat but she wants the record to reflect the statement that it's not applicable for Condition No. 2, and a statement about the time limits be referenced in Condition No. 6. Staff needs to include how it was met in the project background. Mr. Lister pointed out that the final plat summary just provides some background, it's not a hearing document. Ms. Hailey said for the preliminary plat condition it shows with the master application that they were within the two-year requirement from the time the preliminary plat was approved until they complied with the final plat. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the final plat for Cascade Hills No. 2, Case No. SD2021-0019 with the notations regarding condition of approval Conditions No. 2 and No. 6. The meeting concluded at 10:39 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:41 a.m. to consider the short plat for Del Rosario Estates No. 3, Case No. SD2022-0012. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Engineering Coordinator Stephanie Hailey, and Deputy Clerk Monica Reeves. Ms. Hailey advised that she learned yesterday that the applicant was not prepared and has not received the Treasurer's signature on the final plat. Because the applicant is not sure when the final plat will be ready, the Board directed staff to work with the applicant on either paying a re-noticing fee or to submit separate applications for a preliminary plat and a final plat. The meeting concluded at 10:43 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING: CONSIDER REQUEST BY NICK AND HAILEY BLAND FOR A CONDITIONAL REZONE, CASE NO. CR2022-0002

The Board went on the record today at 2:06 p.m. to reschedule the public hearing in the matter of a request by Nick and Hailey Bland for a conditional rezone, Case No. CR2022-0002. Present were: Commissioners Leslie Van Beek and Pam White, and Deputy Clerk Monica Reeves. The attorneys involved in this case requested the hearing be rescheduled to a later date. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted

unanimously to continue the hearing to November 8, 2022 at 10:00 a.m. The meeting concluded at 2:07 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2022 TERM

CALDWELL, IDAHO SEPTEMBER 30, 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 588409 to 588410 in the amount of \$395.00
- The Board has approved claims 588360 to 588408 in the amount of \$127,885.04

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Neurilink in the amount of \$14,231.74 for the Information Technology Department

MEETING TO DISCUSS THE CANYON COUNTY SOLID WASTE ADVISORY COMMITTEE BY-LAWS AND TO CONSIDER AN ACTION ITEM

The Board met today at 10:08 a.m. to discuss the Canyon County Solid Waste Advisory Committee by-laws and to consider an associated action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Solid Waste Director David Loper, Controller Zach Wagoner, Mike Murgoitio with Timber Creek, Bob Bennett with Republic Services and Deputy Clerk Jenen Ross. Director Loper provided an overview of the by-laws including the objectives, organization and membership among other items. Mr. Bennett and Mr. Murgoitio expressed their desire to have a member of the BOCC participate as either a voting or non-voting member and discussion ensued regarding the logistics of that. At the conclusion of the discussion the Board chose to move forward with adopting the resolution as written. Commissioner Van Beek made a motion to sign the resolution adopting the Canyon County Solid Waste Advisory Committee By-Laws as presented. The motion was seconded by Commissioner White and carried unanimously (see resolution no. 22-201). The meeting concluded at 10:30 a.m. An audio recording is on file in the Commissioners' Office.

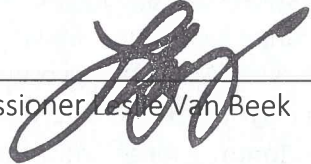
CONSIDER SIGNING A RESOLUTION TO APPROVE THE JOB DESCRIPTION, TITLE AND SALARY RANGE OF ONE POSITION AT THE LANDFILL AND TO APPROVE THE SALARY RANGE OF ONE NEW POSITION AT THE LANDFILL

The Board met today at 10:30 a.m. to consider signing a resolution to approve the job description, title and salary range of one position at the Landfill and to approve the salary range of one new position at the Landfill. Present were: Commissioners Keri Smith and Pam White, HR Director Kate Rice, Controller Zach Wagoner, Clerk Chris Yamamoto, Solid Waste Director David Loper and Deputy Clerk Jenen Ross. A brief break was taken until 10:39 a.m. Once the Board went back on the record discussion ensued regarding the positions being considered in the resolution – to change the title, job description, salary range and FLSA of the Landfill Supervisor position to a Landfill Manager position and to approve the salary range of the Environmental Compliance/Safety Manger. Discussion ended regard the research Director Loper did in evaluating the positions and salary rates and why the positions are classified either exempt or non-exempt. Upon the motion of Commissioner White and second by Commissioner Smith the Board voted unanimously to sign the resolution to approve the job description, title and salary range of one position at the Landfill and to approve the salary range of one new position at the Landfill (see resolution no. 22-202). The meeting concluded at 10:58 a.m. An audio recording is on file in the Commissioners’ Office.

THE MINUTES OF THE FISCAL TERM OF SEPTEMBER 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 18th day of March, 2023.

CANYON COUNTY BOARD OF COMMISSIONERS



Commissioner Leslie Van Beek

Commissioner Brad Holton



Commissioner Zach Brooks

ATTEST: CHRIS YAMAMOTO, CLERK

By: Jennifer Koss, Deputy Clerk