

APPROVED CLAIMS

- The Board has approved claim 603350 in the amount of \$312,307.28
- The Board has approved the February jury claim in the amount of \$5,318.50

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Western States Equipment - Meridian in the amount of \$500,000.00 for the Solid Waste Department (PO #5989)
- Right! Systems, Inc., in the amount of \$169,315.00 for the Information Technology department (PO #5977)
- BOE in the amount of \$7,384.00 for the Information Technology department (PO #5978)
- LN Curtis in the amount of \$17,782.00 for the Sheriff's Offices (PO #5836)

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Parma Ridge to be used 3/09/24.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Pamela Black, Temporary Election Specialist
- Warna Sears, Temporary Election Specialist
- Vivian Ferkin, Temporary Election Specialist
- Aidan Lorenz, Temporary Election Specialist
- Talia Sturkie, Deputy Prosecuting Attorney I - Criminal
- Kelsey Manweiler, Deputy Prosecuting Attorney I - Criminal (SAUSA)

ACTION ITEM: ADOPT AND SIGN THE FISCAL YEAR 2024 BUDGET BOOK

The Board met today at 2:03 p.m. to consider adopting and signing the Fiscal Year 2024 Budget Book. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, Clerk Rick Hogaboam, Chad Thompson, Jo Dee Arnold, Dan Arnold, and Deputy Clerk Monica Reeves. COO Rast said the reason the Board is adopting the budget book is because it should have been posted after the budget was approved. Historically, the Controller and Clerk have generated a budget book to show what we have done with the funds that were approved, but the Board was informed in October of 2023 that the Clerk and Controller did not want to create a book because the Commissioners prepared the budget. The Constituent Services Department was tasked with creating the budget book, a copy of which is on file with this day's minute entry. Today, each of

the Commissioners offered comments in support of the efforts to create the book and they spoke about why it was necessary. Clerk Hogaboam offered comments regarding the use of foregone, and spoke of his statutory requirements related to the budget process and submitting quarterly reports. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to adopt the FY2024 Budget Book. It will be posted on the County's website. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to adjourn. The meeting concluded at 2:50 p.m. An audio recording is on file in the Commissioners' Office.

#### MARCH 2024 TERM

CALDWELL, IDAHO MARCH 4, 2024

*There were no meetings scheduled for today.*

#### MARCH 2024 TERM

CALDWELL, IDAHO MARCH 5, 2024

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for:

- Steven Costley, Deputy Sheriff – received intermediate detention certificate

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

The Board met today at 9:30 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Carl Ericson, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, Solid Waste Director David Loper (left at 9:44 a.m.), Facilities Director Rick Britton (left at 9:34 a.m.), DSD Director Sabrina Minshall, COO Greg Rast, Clerk Rick Hogaboam (arrived at 9:32 a.m. and left at 9:51 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Report on Acquisition of Laundry Equipment from Alliance Laundry Equipment for the Dale Haile Detention Center:*** Mr. Ericson explained there were no bids were received by the February 20<sup>th</sup> deadline for this project which allowed the county to go to market. Alliance Laundry Equipment had given an initial estimate and seems they miscalculated the due date for bids. A purchase order was signed on February 21<sup>st</sup> and today's meeting is just to document and close out this acquisition. The Board provided consensus to continue moving forward with the acquisition of a purchase of \$174,205.00 for 7 washers, 7 dryer and 7 bases which were budgeted for in Fy24.

*Consider Legal Notice of Public Hearing to Consider Increasing Tipping Fees for the Pickles Butte Sanitary Landfill:* Director Loper reviewed some highlights of the increased fees including minimum fees, municipal solid waste, construction demolition, green waste, sheetrock, clean wood and tires. New categories added were tire shreds, mobile homes with a frame, commercial waste and a clean-up fee. Other changes included deleting the fee specific to Owyhee County and the out-of-county fee structure. There was also an increase to number of tires, paints and oils. The anticipated revenue increase is about \$1.7 – \$1.8M depending on volumes and tonnage. The public hearing will be held on March 26, 2024. Additional, discussion ensued regarding the agreement between Canyon and Owyhee counties and how that may need to be reviewed and updated. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the legal notice of public hearing to consider increasing tipping fees for the Pickles Butte Sanitary Landfill. A copy of the notice is on file with this day’s minutes.

Yesterday a petition for organization of Auditorium District from the City of Nampa was served on the county, Mr. Ericson provided the reason why and the role the County/Commissioners play in the in the petition.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:51 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 Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Deputy P.A. Carl Ericson, Deputy P.A. Alex Klempel, Deputy P.A. Zach Wesley, COO Greg Rast. Ms. Minshall joined the meeting at 9:51 a.m. The Executive Session concluded at 10:29 a.m. with no decision being called for in open session.

The meeting concluded at 10:29 a.m. and an audio recording of the open portion of the meeting is on file in the Commissioners’ Office.

PUBLIC HEARING: REQUEST BY RIDGELINE VISTAS, LLC, FOR APPROVAL OF A PRELIMINARY PLAT, IRRIGATION PLAN, GRADING AND DRAINAGE PLAN, AND HILLSIDE DEVELOPMENT PLAN, CASE NO. SD2021-0058

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of a request by Ridgeline Vistas, LLC, represented by KM Engineering, LLP, for approval for a preliminary plat, irrigation plan, grading and drainage plan, and hillside development plan subject to conditions of development in Development Agreement No. DA-21-033, Case No. SD2021-0058. Present were:

Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Principal Planner Debbie Root, Planning Supervisor Carl Anderson, In Favor: Lynn Warin, Kevin Froehlich, Todd Lakey, Matt Drown, and Stephanie Hopkins, Neutral: Melissa Wieland, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that in 2021 she was part of the decision-making process for this application and the rezone. Neither Commissioners Brooks and Holton had any disclosures or declarations to make.

DSD Principal Planner Deb Root gave the oral staff report. The proposed development is located on approximately 189.84 acres of conditionally zoned "CR-R-R" (Rural Residential) property, and consists of 20 residential lots with a minimum lot size of 8 acres and an average lot size that was must be at least 8.5 acres. The subject property is located to the east of 11509 Shalako Street in Caldwell and is also referenced as Parcels R37369 and R37368. On December 21, 2023 the Planning and Zoning Commission recommended that the Board of County Commissioners approve the request. The applicant is seeking approval of the Ridgeline Vistas Subdivision preliminary plat, irrigation plan and drainage plans, hillside development plans and agriculture preservation plan in accordance with DA No. 21-033. The development is located adjacent to High Plains Estates, and un-platted development of similar sized lots created through land divisions and building permit transfers. They are proposing to have individual domestic wells, septic systems. Access will be served by an existing private road, Shalako Road, taking access to Emmett Road a public road which is approximately 1.2 miles west. It will require reconstruction of Shalako Road. The property has irrigation groundwater rights. There is concern about the existing historic drainage due to flooding that has occurred onto adjacent properties, but the County engineer felt that could be addressed at the time of construction drawing approval. The property lies within a FEMA special flood hazard area, and an approved LOMR (letter of map revision) is required prior to the final plat submittal. The preliminary plat was found to be consistent with the standards of review as conditioned. Construction drawings as approved by the County engineer and affected agencies are required prior to development. Development concerns include single-point of ingress/egress; the development of homes and accessory structures on steep slopes; potential for erosion, vegetation disturbance; access; road grade; and emergency services responsiveness. The County engineer has proposed conditions requiring grading and drainage plans be provided for all but 4 of the proposed lots due to the slope arrangement where the building envelopes are located. Regarding the potential for wildfire, the Department of Interior/BLM sent a letter stating concerns for lands being accessed without approval through them and development on those lands without approval, and BLM fire suppression resources and personnel are not trained or qualified to provide structure protection in the event of wildfire. Ms. Root reviewed agency comments. The local bus company had advised that a school bus will not pick kids up in the development although that could be re-evaluated in the future. There will be a bus stop on the road outside of the development. The County floodplain administrator indicated the base flood elevation data has been provided and they will require the LOMR prior to the final plat being submitted. There are two proposed roads within the development, Shalako Street that must be improved and extended, and Ridgeline Vistas Lane. Letters of concern were received regarding the road, and the existing development having to a part of maintaining the fire suppression well, but that is an agreement between the two developments within the CC&Rs. Following her report, Ms. Root responded to

questions from Commissioner Van Beek regarding water supply, fire district requirements, wells, irrigation, and the roadway ingress/egress.

The following people testified in favor of the request:

Stephanie Hopkins, with KM Engineering, offered testimony on behalf of the property owner and developer for Ridgeline Vistas. The property was conditionally rezoned to rural residential in 2021, and there is a comprehensive development agreement that's been used to help guide the design of development. The developer has coordinated a fair amount with the property owners with the High Plains Estates Subdivision and adjacent property owners to make sure the development is consistent and compatible with the area. Primary access is via Shalako Road and the existing portion will be brought up to current standards and extended through the development to serve as access for the 20 lots. The average lot size is just under 9 acres, the largest lot is 9.83 acres. They are proposing individual well and septic. A portion of the development is in flood zone A, and a flood study was completed by HDR. They put an easement on the plat that can be adjusted as they go through final design to make sure no water is going to the west and water stays within the development. She spoke of the irrigation and domestic water rights available to the property; the northeast corner is steeper so lots will be graded appropriately and will require engineering with building permits. The 2-acre building lots were part of the development agreement requirements, they need to depict where the two acres will be where buildings can be located within; the rest of the property needs to be kept for agricultural uses and that is flexible because there's not a way to hold people down to specific uses going forward. They will encourage people to use the property for ag purposes and be consistent with the High Plains Estates development. They placed the building envelopes based on what they understand to be the existing conditions and what might work, but they would like a condition added to an approval that would allow for some flexibility rather than be held to this specific layout. Ms. Hopkins reviewed the agricultural analysis they submitted which depicts what people could do with the property that is going to be preserved for agricultural purposes. She reviewed the flood study that HDR completed. They will work with staff and FEMA on a letter of map revision that will be required before they file the final plat. She gave a summary of water rights. Irrigation water will come from the groundwater well and the domestic stock water will be diverted from lot 7, block 1. They will allow domestic and irrigation water to be supplied from either one or two wells on each lot, depending on what lot owners want to do. Well depths will be 300-400 feet. Lots will require engineering with building permits. The single point of access is tricky, and they have made design consideration to mitigate concerns, widening the road and including a fire hydrant and working with the fire department. Steep slopes will be engineered, and they have submitted a defensible space plan to show the gradients where they will place landscaping and make sure there is graduated spacing. Landowners will be made aware that they need to be cognizant of how they design landscaping going forward. Water will stay within the property, and they will mitigate within their development any of the water that will travel to the west. Following her testimony, the Board had follow-up questions for Ms. Hopkins and for staff. When asked about the language for the building envelopes, Ms. Hopkins said they would like to add a condition that allows for flexibility to modify the building envelopes with building permits so as each lot comes in they can have the opportunity to work with staff to determine if they can shift to the east, west, or south depending on the lot.

Ms. Root said the condition is written specifically so they cannot do that. The development agreement requires 2-acre building envelopes and agricultural preservation so ideally if the applicant did not agree with the conditions of the agreement it should go back to the hearing body to have those conditions modified to reflect what they plan to do in the development. Having the agricultural preservation plan and the irrigation water divvied up and the lots being the size they are is going to make it very difficult to comply with the conditions. The Board could modify the agricultural preservation plan condition and/or the conditions of approval restricting the development to two acres on the property and requiring those building envelopes. The Board could remove the building envelopes and place a condition that provides for development areas but doesn't place a large burden on staff to determine what that looks like with every building permit that comes in. Ms. Root has a concern with roving building permits.

Todd Lakey testified the land was an original lot as part of the High Plains project and was intended to be developed similarly with it and they are subject to their CC&Rs as a lot in that project. There will be specific provisions for this portion of the overall development and that will enable those lots to be responsible for the cost of the well maintenance and the hydrant maintenance. We have to approve the main Shalako Road. Regarding fire sprinklers, they are exempt with lot sizes being over 5 acres and outside an area of impact area, but they wanted fire district's support so that's why they agreed to the hydrant and sprinklers. They have subsurface water for the well and those will be allocated and transferred to each well. On the flexibility issue, they have building envelopes that will be shown on the plat and perhaps they can have flexibility between now and the final plat and once the roads and infrastructure are in they would like flexibility to relocate those envelopes within the project based on the layout to give them flexibility when they come in for the final plat. The well was installed in 2014 and it generates 1,000 gallons per minute. They have allocated an emergency use water right for that well and it will feed the fire hydrant. Following his testimony, Mr. Lakey responded to questions from the Board.

Lynn Warin offered testimony as the President of the High Plains Estates Property Owners Association (POA) and said they appreciate the continued collaboration of the project developer. Their board of directors is in favor of the Ridgeline Vistas development and the following conditions they agreed to:

At the signing of the final plat, all roads in High Plains Estates and Ridgeline Vistas will be deeded to the High Plains Estates POA. Prior to the signing of the final plat, Shalako Road shall be improved at the expense of Ridgeline Vistas developer to meet the minimum requirements of the zoning ordinance. If the development is completed in phases with Shalako Road being improved during the initial phase any damage created by the development of Ridgeline Vistas to Shalako Road will be during subsequent phases and will be repaired by the developer. Ridgeline Vistas will be an extension of the High Plains Estates POA governed by the requirements and will be included in the current High Plains Estates CC&R's as an addendum as well as future updated CC&Rs. The addendum will include fire protection well hydrant incremental annual assessments, building envelopes and lot specific water rights. Voting rights established for each building lot as they are sold and all unsold building lots will have a combined total of one vote for the developer and one

annual assessment. A onetime setup fee of \$500 will be assessed as each lot is sold by the developer. This was not in terms of building and funds for a well, this is the fee for those properties being transferred to the High Plains Estates POA, which is a minor difference from what was stated by Mr. Lakey. The fees will be collected by the POA and all expenses, maintenance, and improvements of the fire suppression well and hydrant will remain the responsibility of the developer until the last building lot of the final phase is sold at which time the well, along with the water rights and electrical expenses will become the property of High Plains Estates POA and will be turned over in good working order. As each lot is sold an additional \$300 annual assessment above the current HPE annual assessment will be collected from each property owner in Ridgeline Vistas for the maintenance of the well and hydrant. Semiannually Ridgeline Vistas developer will submit receipts for well hydrant maintenance for review by the POA board of directors. Approved expenses will be reimbursed to Ridgeline Vistas developer up to the maximum amount of reserves available in the hydrant or well assessment fund.

There was no neutral testimony or opposition testimony at today's hearing.

Rebuttal testimony was offered by Stephanie Hopkins and Kevin Froehlich

Stephanie Hopkins said the developer is amenable to not allowing secondary homes and that's something they can address through an addendum to the CC&R's, it would also be appropriate to include it as a condition.

Kevin Froehlich testified regarding the typical maximum gallons per minute. A typical home uses 300 gallons per day and the max is 13,000 gallons per day so it's going to cover the home plus extra.

Ms. Hopkins said they still want the additional condition to allow flexibility between the preliminary plat and the final plat on the building envelopes. In response to a question from Commissioner Brooks, she said the detailed sheets for the preliminary plat show the 2-acre building envelopes with the rest of the property being for agricultural uses. In the development agreement it's her understanding there wasn't a limitation to where exactly those building envelopes had to be placed. Staff wanted to see them stay in the exact spot so that's why they are asking for flexibility to modify the building envelopes where appropriate within lots between this phase of the approval and the final plat submittal. Ms. Root said Condition No. 13 indicates the building envelopes need to remain where they are shown. The preliminary plat was reviewed by staff and engineering with those building envelopes where they are located and the engineer provided, based on where structures may be and what lots needed to have grading an engineering plans, and the intent with a 2-acre building envelope and an ag preservation plan was to put those envelopes where they would be least disruptive to agriculture, which didn't really happen. She encouraged Ms. Hopkins to consider amending the development agreement to address some of those things that are difficult at best to do at this property. Ms. Root is not opposed to the building envelopes being modified some, but they were reviewed by engineering based on their proposed location which would still be reviewed again at final plat but at that time the roving envelopes were not restricted to just between the preliminary plat and final plat. If there is some thought to

not having those apply it would require an amendment to the development agreement. Ms. Hopkins said they are amenable to having the building envelope and preserving the rest of the ground for ag purposes, their request is to have some flexibility with where those envelopes are placed knowing that people who purchase lots may have preferences that are not reflected on the current pre plat. The agreement has some flexibility, it's Condition No. 13 with the preliminary plat that they want flexibility on.

Todd Lakey said if they could change that language it would give enough flexibility to say building envelope locations will substantially comply with those depicted in the preliminary plat. It gives flexibility and keeps it in the general location that's in whatever you approve in the pre plat. He proposes they modify the first sentence to state: as required by the development agreement, each lot has a specific building envelope that will be substantially consistent with the preliminary plat. The proposal is to delete the sentence that says all residential agricultural structures must lie within the area identified on the preliminary plat. The building envelopes on the final plat will be located in substantial conformance with the location on the preliminary plat. Ms. Hopkins said there are just a few lots in which they are seeking flexibility and it's more in the middle of the subdivision.

The following exhibits were identified: US Dept of Interior Bureau of Land Management letter will be identified as Exhibit H; and Exhibit I is the documentation submitted by Lynn Warin. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to accept Exhibits H and I. Upon the motion of Commissioner Holton and the second by Commissioner Brooks, the Board voted unanimously to close public testimony.

Commissioner Van Beek said the applicant has agreed to a restriction that would not allow secondary dwellings on the property. Commissioner Holton agreed and wants it added to the conditions of approval. Ms. Root said entitlements should have been addressed during the rezone phase so it would have to be voluntary on the applicant's part and so it may have to be addressed in a plat note. Commissioner Van Beek had questions about adding a plat note in reference to the building envelopes and hillside slopes. Ms. Roto said modifying that condition would require a modification to the development agreement. The secondary dwelling is a separate issue from the building envelope. You can require a condition that puts a plat note on the final plat indicating that no secondary dwellings will be allowed on the properties. The building envelope is already a condition in the development agreement, and it would have to be modified to substantially change it, such as eliminating the building envelopes completely. They can rove because they were already not required in a specific location. From the standpoint of changing where they are currently on the preliminary plat a bit, they just can't NOT be there unless they modify the development agreement. Commissioner Brooks is in favor of the proposed changes to Condition No. 13 to allow some flexibility. He said the term *substantial compliance* is at the interpretation of the person reading the term and, in his opinion, it gives enough flexibility to move the building envelope to where they see fit between now and the final plat. Commissioner Van Beek does not think any accessory dwelling units should be allowed. Commissioner Holton said he concurs with the P&Z Commission's findings with the addition of language to Condition No. 13, and the addition of Condition No. 15 that addresses not allowing accessory dwelling units. Commissioner Van Beek



made a motion based on the findings of fact and conclusions of law for Case No. SD2021-0058 to approve the preliminary plat, irrigation plan, preservation plan, and the grading and drainage plans for Ridgeline Vista Subdivision subject to the conditions of approval except for Condition No. 13 which will state as required by DA #21-033, each lot has specific building envelope location identified. The building envelope must be no more than two acres in size. All residential and agricultural structures must lie within the identified building envelopment. The building envelope shall be shown and located on the final plat in substantial compliance with the preliminary plat. Condition No. 15 will require a final plat note that states no secondary structures shall be allowed. Planning Supervisor Carl Anderson clarified that it is a voluntary condition. The motion was seconded by Commissioner Brooks and carried unanimously. The FCO's will be brought back at a later date. The hearing concluded at 3:09 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2024 TERM  
CALDWELL, IDAHO MARCH 6, 2024

#### APPROVED CLAIMS

- The Board has approved claims 603352 to 603391 in the amount of \$125,855.63
- The Board has approved claims 603392 to 603431 in the amount of \$177,533.70
- The Board has approved claims 603432 to 603470 in the amount of \$18,949.06
- The Board has approved claims 603471 to 603519 in the amount of \$106,463.74
- The Board has approved claims 603520 to 603564 in the amount of \$241,533.97
- The Board has approved claim 603740 ADV in the amount of \$3,171.00

#### APPROVED MARCH 8, 2024 PAYROLL

- The Board approved the March 8, 2024 payroll in the amount of \$2,424,631.03

#### APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved employee status change form for:

- Mikaela Rio, Juvenile Probation Clinician

#### MEETING WITH DEVELOPMENT SERVICES DEPT. DIRECTOR FOR DEPARTMENT UPDATE

The Board met today 3:30 p.m. with the Development Services Director for a department update. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, DSD Director Sabrina Minshall, Assistant DSD Director Jay Gibbons, Planning Supervisor Carl Anderson, COO Greg Rast,

Keri Smith arrived at 3:31 p.m., Deputy P.A. Zach Wesley and Deputy P.A. Laura Keys arrived at 3:40 p.m. and Deputy Clerk Jenen Ross.

In response to Commissioner Holton's question regarding a matrix or analysis of DSD performance, Director Minshall spoke about how they are not happy with the continued backlog situation. She provided a handout to the Board and reviewed the history and status of development applications. A copy of the handout is on file with this day's minutes. Commissioner Holton expressed his frustration with incomplete applications; DSD staff spoke to some of their ideas regarding those and how they fit into the process.

Mr. Anderson spoke about some process improvements and how they are working on modifications to their project management software for simplification and clarification on how applications move thru the process.

Director Minshall spoke about how Planners are spending an inordinate amount of time on staff reports trying to anticipate every question and leadership is working to get more consistency amongst the staff in how those reports are organized. Commissioners Van Beek and Brooks offered suggestions on changes they'd like to see.

Currently, reinstatement of the hearing examiner is being evaluated and they are working to determine which cases would be heard by this person. The contract was not renewed with Bruce Eggleston last year due to a lack of hearings being held. Additionally, they are looking at the process for parcel inquiries; they are taking a lot of time of the front office staff and often morph into something that is outside DSD scope. Commissioner Holton wants to know what the county's statutory obligation is in regard to this.

Other discussion topics included the way different types of applications make their way thru the hearing process, better alignment amongst divisions, an upcoming workshop to discuss long-range planning and House Bill 608 and Senate Bill 1403.

Follow-up items include:

- Legislative bills
- Statutory responsibility
- Executive session regarding a specific question

The meeting concluded at 4:31 p.m. and an audio recording is on file in the Commissioners' Office.

MARCH 2024 TERM  
CALDWELL, IDAHO    MARCH 7, 2024

APPROVED CLAIM

- The Board has approved claim 603741 in the amount of \$10,440.04
- The Board has approved claims 603565 to 603616 in the amount of \$745,992.85
- The Board has approved claims 603617 to 603638 in the amount of \$13,626.00
- The Board has approved claims 603639 to 603670 in the amount of \$76,109.90
- The Board has approved claims 603671 to 603696 in the amount of \$13,631.84
- The Board has approved claims 603697 to 603739 in the amount of \$71,246.49

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change form for:

- Hayli Marcilliat, Housekeeper
- Chelsea Boehm, Historic Preservation Officer
- Melissa Salazar, Legal Assistant I – Criminal Division

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

The Board met today at 9:32 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Sgt. Jason Roberts, Lt. Travis Engle and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider Agreement with Idaho Department of Parks and Recreation – Boating Safety Grant:*** This is an annual grant agreement which is the same as last year with the exception of greater funding amount – this year’s grant amount \$50,832. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the agreement with Idaho Department of Parks and Recreation – Boating Safety Grant (agreement no. 24-024).

There were no other matters for the legal staff update and the meeting concluded at 9:37 a.m. An audio recording is on file in the Commissioners’ Office.

MARCH 2024 TERM  
CALDWELL, IDAHO    MARCH 8, 2024

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Curtis Blue Line in the amount of \$26,304.75 for the Sheriff’s Office

CANYON COUNTY LOCAL OPTION REGISTRATION FEE DISCUSSION MEETING

Commissioners Zach Brooks and Brad Holton attended the COMPASS meeting regarding Potential Canyon County, Countywide Local Option Registration Fee. The meeting was hosted by COMPASS and was held in the Canyon County Administration Building. No Board action was required or taken as this meeting was held for discussion/informational purposes only.

#### MARCH 2024 TERM

CALDWELL, IDAHO MARCH 11, 2024

No meetings were scheduled today.

#### MARCH 2024 TERM

CALDWELL, IDAHO MARCH 12, 2024

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Converge One in the amount of \$6916.30 for the Information Technology department (PO #5981)
- DataBank in the amount of \$5625.00 for the Information Technology department (PO #5980)
- Tree Maintenance in the amount of \$13,000 for the Facilities department (PO #5931)
- WW Livestock Systems in the amount of \$97,861.05 for the Facilities department (PO #5930)

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Daisy Olmedo, PA Legal Assistant
- Joshua Wright, Juvenile Detention Officer
- Spencer Siebel, GIS Analyst

#### APPLICATION FOR APPROVAL TO ACCEPT OUTSIDE EMPLOYMENT FORM

The Board approved an application to accept outside employment for:

- Bernie Ramirez

#### APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permit for:

- Eastside Tavern to be used 4/20/24
- Olive and Vyne Eagle to be used 3/16/24

- Uppercuts Barber Shop LLC to be used 3/17/24, 5/26/24, 5/12/24 and 4/21/24
- Capital City Event Center to be used 5/4/24, 5/11/24, 5/25/24, 5/31/24, 6/1/24, 7/20/24 and 4/6/24

#### FILE IN MINUTES

- Treasurer's monthly report for January 2024

#### MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND PUBLIC HEARING TO RECEIVE COMMENT REGARDING SOLE SOURCE PROCUREMENT FOR NEW CUSTOMIZED SWINE PEN EQUIPMENT

The Board met today at 9:33 a.m. with county attorneys for a legal staff update and for a public hearing to receive comment regarding sole source procurement for new customized swine pen equipment. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Deputy P.A. Oscar Klaas, Deputy P.A. Zach Wesley, Fair Director Diana Sinner (left at 9:38 a.m.), DSD Director Sabrina Minshall, Facilities Director Rick Britton (left at 9:38 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross.

No written comments were received and no members of the public were present at the hearing to offer comment regarding the procurement for new customized swine pen equipment.

#### ***Consider Executing Purchase of New Customized Swine Pen Equipment from WW Livestock Systems:***

Commissioner Van Beek made a motion to execute the purchase. Mr. Klaas said that this was just a meeting to take comment and Commissioner Holton noted that opportunity was provided for public hearing, there were no comments and the Board is supportive of moving forward to get a proposed contract to be signed. Director Britton presented the Board with a purchase order for signatures.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:39 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 Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley, DSD Director Sabrina

Minshall and COO Greg Rast. The Executive Session concluded at 10:22 a.m. with no decision being called for in open session.

The meeting concluded at 10:22 a.m. and an audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### MEETING WITH DEVELOPMENT SERVICES TO CONSIDER ACTION ITEMS

The Board met today at 10:31 a.m. with Development Services to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Zach Wesley (left at 10:40 a.m.), DSD Office Manager Jennifer Almeida, Permit Supervisor Cassie Lamb, DSD Director Sabrina Minshall, Principal Planner Debbie Root, Principal Planner Dan Lister (left at 10:40 a.m.), Keri Smith (arrived at 10:34 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider a resolution issuing a refund to Donald Brown for a withdrawn Director Decision Variance request, Case no. AD2023-0081:*** There was minimal work done on this file with approximately 15% of the fees being utilized. DSD staff is recommending a refund of \$510.00 and upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the resolution issuing a refund to Donald Brown for a withdrawn Director Decision Variance request, case no. AD2023-0081 (resolution no. 24-038).

***Consider Certificate of non-compliance for property located at 16964 Sand Hollow Road, Caldwell, ID (parcel no. R24353):*** The property owner failed to apply for a building permit and has since built an unpermitted addition onto a manufactured home. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the certificate of non-compliance for property located at 16964 Sand Hollow Road, Caldwell, ID (parcel no. R24353).

***Consider Certificate of non-compliance for property located at 11 N. Queen Victoria Court, Nampa ID (parcel no. R30518016):*** Although a building permit was applied for and approved it was never paid for or picked up by the property owner and since that time the permit has expired. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the certificate of non-compliance for property located at 11 N. Queen Victoria Court, Nampa ID (parcel no. R30518016).

***Consider FCOs for Mark Johns, Case no. CR2023-0001:*** The development agreement and ordinance were not agendaized for today's meeting so Commissioner Holton made a motion to continue this action item to a time when all the documents are ready for signatures. The motion was seconded by Commissioner Brooks and carried unanimously.

***Consider FCOs for Atlas Towers/Schober, Case no. CU2023-0005-APL:*** Mr. Lister explained that on February 13, 2024 the Board heard the appeal from Atlas Towers regarding the denial of a conditional use permit for a telecommunications facility; the Board concurred with the denial made by the planning and zoning commission. Revised FCOs have been prepared updating criteria

no. 4 as requested by the Board which demonstrates the history of how this case made it before the Board and how they concurred with the decision. Commissioner Brooks recused himself as he did not participate in the hearing. Commissioner Van Beek made a motion to sign the FCOs on case no. CU2023-0005-APL which is a request for a conditional use permit to allow a telecommunications facility on parcel no. R31463010; that is to deny the appeal and uphold the decision by planning and zoning. The motion was seconded by Commissioner Holton and carried unanimously.

***Consider FCOs for Ridgeline Vistas Subdivision, Case No. SD2021-0058:*** Ms. Root said the Board asked a condition be revised and a condition be added; condition no. 13 was revised and condition no. 15 was added. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the FCOs for Ridgeline Vistas Subdivision, case no. 2021-0058.

The meeting concluded at 10:41 a.m. and an audio recording is on file in the Commissioners' Office.

#### JOINT MEETING WITH CITY OF CALDWELL FOR COORDINATION AND COLLABORATION ON LAND USE ISSUES

The Board met today at 3:02 p.m. for a joint meeting the City of Caldwell for coordination and collaboration on land use issues. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Assistant Director Jay Gibbons, DSD Planning Supervisor Carl Anderson, DSD Principal Planner Michelle Barron, Chief Operating Officer Greg Rast, Facilities Director Rick Britton, Fair Director Diana Sinner, Caldwell Mayor Jarom Wagoner, Caldwell City Councilors: Brad Doty, Chuck Stadick, Diana Register, Chris Allgood, and Mike Dittenber, Caldwell City Clerk Debbie Geyer, Caldwell P&Z Director Robin Collins, Caldwell P&Z Deputy Director Morgan Beesaw, Economic Development Director Steven Jenkins, Caldwell Parks and Recreation Director Juli McCoy, Keri Smith, Connie Aebischer, other interested citizens, and Deputy Clerk Monica Reeves.

Director Minshall said with most of the cities we don't have aligned visions, and what one jurisdiction might mean by agriculture is not what the county means by agriculture, for instance, the city means very low-density residential so staff have been working with some of the larger cities to develop what that spectrum looks like and determine if the visions are aligned. In general, do we have areas that perhaps can be served relatively soon but they might be applying through the county for something that's very low density but if it gets to the city if it's that low density it doesn't make sense for services and so the public gets caught in the middle of what does the city want, what does the county want, and what do the neighbors want?

Caldwell P&Z Director Robin Collins gave a PowerPoint presentation was given on the following topics, and a copy is on file with this day's minute entry:

- Overview of Levels of Planning and Coordination Opportunities
  - Comprehensive Plan
  - Impact Areas
  - City Limits and Annexations
  - Zoning Designations
  - Development Applications
- Caldwell Comprehensive Plan Update and Public Outreach
- Area of Impact Boundaries and Inconsistencies with Comprehensive Plans
  - 2 examples (future proposals)
- Canyon County Campus Planning and Future Zoning District
- “Fairgrounds area” Special Area Plan
- Questions and Discussion
- Next Steps
  - Comprehensive Plan(s) coordination, public outreach and map development
  - Utilities master plans and detailed analysis
  - Caldwell Area of Impact proposal back to County
  - Coordination on Campus Plan and Zoning District
  - County Participation in Special Area Plan

Mayor Wagoner said an impact area is not just about land use planning, the biggest impact is to sewer and water and it requires planning so they are able to have proper flow. When impact area boundaries change or cities annex into other impact areas the issue becomes not having the proper flow of sewage and which becomes very expensive in terms of maintenance.

Deputy Director Morgan Beesaw reported on the City of Caldwell’s comprehensive plan update process and efforts to get the public involved. They hope to adopt the final comp plan next spring and have early deliverables in April of 2024 followed by a draft vision document for the public. They will have a draft land use map and a draft existing conditions analysis that will be presented to the commission and council before summer to be used as a tool to guide future amendments until the final map and plan are adopted next year. Goals for the update are:

- Have the comprehensive plan boundary and Impact areas align with this update
- Update future land uses to be less intensive along the edges of the impact area / county boundary
- City desires an expansion of the Area of City Impact as part of this update
- Have a comprehensive plan with more guidance on density, land uses, and transitions

**City of Caldwell Current Comprehensive Plan and Impact Area Boundaries**



**Current Comprehensive Plan Boundary:** (37,111.25 acres)

North: Hwy 44

East: Madison Road

West: Chicken Dinner Road

South: Lowell Road / Lone Star Road

**Existing ACI Boundary:** (30,169.12 acres)

The City of Caldwell's planning area currently does not align with the City of Caldwell ACI boundary on the south end of Caldwell.

Impact area stops at Farmway Road, but Comprehensive plan boundary goes to Chicken Dinner

*(See map depicted on slide 12 of the PowerPoint presentation)*

The first proposal the City wants to discuss is:

**Caldwell Area of City Impact Potential Expansion Proposal and Comprehensive Plan Area Boundary Realignment - 1**

Expand impact area west along Ustick Road from Farmway to Wagner Road, then south to the lake, around the lake to Farmway, then north to connect to the existing impact area 0.25 mile south of Karcher.

<b>Comprehensive Plan Area Reduction</b>	<b>Potential ACI Expansion</b>
<b>(5,578.89) Acres</b>	<b>+ 1,924.22 Acres</b>

*(See map depicted on slide 13 of the PowerPoint presentation)*

**Caldwell Proposed ACI Expansion - 1**

**Purpose:**

Capture municipal growth that has occurred beyond the current ACI boundary, and to set a foundation for collaboratively planning this area with stakeholders and the County. The project will build 400 homes in the area.

The City has already master planned for the delivery of services in the area.

Utilities are expected to be extended within the potential ACI expansion area within approx. two (2) years.

(See map depicted on slide 14 of the PowerPoint presentation)

The second proposal the City wants to discuss is:

**Caldwell Area of City Impact Potential Expansion Proposal - 2**

Expand impact area from Hwy 44 north along the interstate, east on Purple Sage, north along El Paso Rd, around the city owned golf course and the school, then south on Hwy 30 to the northern corner of the golf course, then west approx. ½ mile past Farmway, then southwest to Mink, then west to Wagner, then south connecting back to Hwy 44.

<b>Potential ACI Expansion</b>
<b>+ 2,026.75 Acres</b>

(See map depicted on slide 15 of the PowerPoint presentation)

**Caldwell Proposed ACI Expansion - 2**

**Purpose:**

Capture Purple Sage golf course, which is owned by the city, and the city well that is located on the school property north of the golf course.

This will also set a foundation for collaboratively planning this area with stakeholders and the County.

The City has already master planned for the delivery of services in the proposed ACI areas and beyond.

Utilities are expected to be extended within the next five (5) to ten (10) years with the development of the city’s north urban renewal area.

**Area of city impact potential Expansion / proposed comprehensive plan boundary reduction summary:**

	Existing Acres	Proposed Reduction	Proposed Expansion	Proposed Balance (Acres)
Comp Plan Boundaries	37,111.25	(5,578.89) Acres	0	31,532.36 acres
City Impact Area	30,169.12	0	3,950.97	34,120.09 acres

It does not look like there will be any overlap with what the City of Nampa has proposed for their expansion and what Caldwell is proposing for theirs, but this will be verified before a final consideration.

## Joint Powers Agreement and Coordination

### 2005:

Joint Powers Agreement was adopted

### 2015:

Nampa/Caldwell Area of City Impact Expansion (Resolution 202-15)

### 2020:

County accepted the City of Caldwell's 2040 Comprehensive Plan and Map.

### 2023-2024:

County is actively engaged in the City's Comprehensive Plan update process and sits on the Comprehensive Plan Stakeholder Committee

### Side Note:

\*County Development Services Director and City Planning Director communicate on a regular basis.

County and City planning teams (now that we are both fully staffed or close to) will be enhancing our coordination and communication efforts moving forward.

Discussion followed. Director Minshall said DSD staff will meet with municipalities and planning staff for quarterly meetings.

Councilman Chuck Staddick asked where the line will be drawn for agriculture, is it Wagner Road or Chicken Dinner Road? Years ago, there was an understanding that Farmway Road was the boundary for agriculture going west and his platform has been to preserve ag land where it makes sense, but he has dissatisfaction with the latest development (the Chickasaw Project) which is located off Homedale and Farmway roads. Had it been advertised properly by the city there would have been a lot of opposition to it. Commissioner Van Beek said most of the development occurs within the cities and the county developments are significantly less and there has to be collaboration on where growth is taking place. Councilman Staddick spoke of how lot splits/developments are not favorable to the farmer because it restricts their ability to apply chemicals and fertilizer and it affects their water usage. Councilman Chris Allgood said when the widening of Karcher Road completes the interest in that area will grow immensely and if they widen all the way to Farmway Road all the bare land will become more valuable and so having a plan in place on how to address that will be vital. Director Collins said their planning area goes all the way to Chicken Dinner Road, but they are proposing to bring it back to align to Wagner Road and they will no longer be planning on the 5,000 acres. If they are successful in getting the pink area on the map as part of their ACI expansion you would see lower densities out there because they would be adjacent to county land. They will look at single-family dwellings or larger lot developments. Commissioner Holton said the majority of the 5,000 acres the city plans to let back

are prime farm ground, very large fields with seed producing crops compared to the city's area #2 which is reasonably good farm ground, but nothing in comparison. He is worried about preservation of farm ground. Director Minshall said they will continue to do some analysis, take site visit tours, talk with Nampa and Middleton, and have their public works directors come back and share where the utilities are and provide more detail before any sort of presentation is brought for adoption.

**Other Updates:**

- Canyon County Campus Planning and Future Zoning District
- Caldwell Event Center District Subarea Master Plan

Director Minshall said the county has a strong interest in formalizing a zoning district, based on the collaborative conversation with public works and planning on what are the pedestrian amenities, how are people getting to and from things, parking, and expansion needs. We want to say here is a zoning district, there may be a larger comprehensive planning district, but we would only zone that when the county owns it. The Sheriff's administration building project will commence within the next five months and she thought that would be a good opportunity when county owns so much land in the area to collaborate on where we have shared visions and how we can utilize the facilities and make sure we're on the same page about what the future looks like.

Councilman Staddick said the city is concentrating on infill where they have parcels of 1-3 acres surrounded by subdivisions, and they are trying to concentrate on those first before going to Wagner Road so let's get that filled up first and worry about expanding past Wagoner Road in the future.

**Caldwell Events Center**

Subarea Master Plan -

- Vision, goals, and implementation strategies
- Overall site design, parking and public amenities
- Identify potential land uses and layout for lodging, restaurant, and entertainment venues;
- Identify adjacent supporting areas and land uses
- Make recommendations for public-private and public-public partnerships.
- Potential transit-oriented development around the event district.
- Recommendations for regulatory updates, policies and/or standards
- Identify potential funding sources.
  
- Improvements to the event center district have long been envisioned by community leaders in order to create more opportunities for events and entertainment outside of what is available in Downtown Caldwell.
  
- In addition, the city desires to help draw further investment into the event district and surrounding supporting areas.

- The Caldwell Event Center District is defined as the area shown in red, with supporting areas shown in orange, green and blue.
- The green has a potential for transit-oriented development, where the blue represents the College campus area.
- 6-month time frame
- Initial meeting with City staff to review the project schedule, scheduled meetings, and the process of data acquisition.
- Kick-off workshop with representatives from the City of Caldwell, Canyon County Fair, College of Idaho, Caldwell Rodeo, and other stakeholders as identified.
- Public participation events and website
- Regular stakeholder meetings / workshops
- Presentation to City Council on final master plan document.

Director Collins said with the comprehensive plan update it's a great time to do a specific area plan for the Caldwell Events Center to help know the visions and goals and give some ideas for overall site design, parking, and how it could be redone. Identify land uses, such as what should the Rite Aid property redevelop into? Should it be a restaurant, a hotel, or an entertainment venue. The city has received informal bids for the potential project.

*(See slides 22 and 23)*

Councilman Brad Doty asked Mayor Wagoner if there is an update on resolution #50-02 and whether it is still valid. Mayor Wagoner said even though the board has not been meeting formally it doesn't dissolve. The stakeholders will meet in a couple of weeks to solidify it and move it forward, and it's his understanding that just by not participating or not meeting does not dissolve it. It requires the stakeholders to make the decision to dissolve it. Councilman Doty wants to make sure if that's the direction we're going that they are involved with the planning. It sounds like there are some bids, but that board didn't say to do that although in his opinion it is probably a good idea. He said the board needs to be involved with whatever is taking place. Commissioner Van Beek said there is a good partnership, but the document lays out that whoever owns the property bears the cost of the maintenance and she wants to know who is doing that? Commissioner Holton said the meeting that's scheduled for 2 weeks from now will be a good time to explore that. Director Minshall said part of their consultant scope is to come up with some funding opportunities and that's where the discussion of who's going to participate where will happen. Councilman Doty said if we're going to follow Resolution #50-02, it sounds like the city has asked for bids to plan that master area already without the board being stood back up so he wants to make sure if we're going to follow #50-02 that we get that up and running quickly before we make any plans as to what we're going to do in this area. COO Greg Rast said there is Agreement No. 16-138 supersedes and abolishes the joint powers agreement and so it appears

the board is gone. He thinks the joint venture is still good but we need to re-evaluate where we're at on a really old agreement with some other agreements that have come since. Councilman Allgood wants to see the city council adopt a new resolution with the current stakeholders and abolish anything prior and have an agreement that matches what we're doing today because what we were doing back then is very different than where we are today. The events center does not support itself and the city subsidizes it to some extent and the goal is for it to be self-sustaining. He asked Director Collins if the comment that low-density residential means something different from the county to the city. Director Collins said the city has two different residential estate zoning categories that are single-family, but they are on larger lots. They anticipate on the edges you might transfer from where the Chickasaw project is, where it's low-density residential, you would transfer to some rural estates along the edges where the impact area meets the county. Director Minshall said through our ACI agreements it does allow higher density in county areas if you're going to be in the city ACI assuming services will get there. We have talked about creating a continuum that illustrated what agriculture means in some areas which could also mean some residential uses, the different versions of lower density residential or higher density residential. We want to introduce how we are planning together - both comprehensive planning and zoning ordinances and updates - at least these two areas of ACI and expansions. They will come back with more discussion on utilities and an overview of both the county zoning district and the subarea plan. Mayor Wagoner said we need to work together and make sure we are on the same page and do what's best for the community. No Board action was required or taken. The meeting concluded at 4:06 p.m. An audio recording is on file in the Commissioners' Office.

## MARCH 2024 TERM

CALDWELL, IDAHO    MARCH 13, 2024

### APPROVED CLAIMS

- The Board has approved claim 603742 in the amount of \$28,881.00

### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Taylor Peterson, Clerk IV (Civil Lead)
- Nereida Mireles, Clerk II

### MEETING TO DISCUSS OUT-OF-COUNTY MUNICIPAL SOLID WASTE

The Board met today at 2:10 p.m. to discuss out-of-county municipal solid waste. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Solid Waste Director David Loper, Landfill Operations Manager Daniel Pecunia, COO Greg Rast and Deputy Clerk Jenen Ross.

Director Loper explained that the landfill is regularly receiving customers and/or calls about taking out-of-county waste. And recently, IRWS, which is a private landfill between Boise and Mt. Home, had to temporarily close and CCSW is now receiving a lot of calls from those customers. Discussion ensued regarding Article 3, Section 02-03-07 of the Canyon County Solid Waste Disposal regulations which states that the landfill does not accept out-of-county waste, that the director has the discretion to accept up to 5-yards and anything above that amount would need to come to the Board for approval. Director Loper and Mr. Pecunia spoke about a recent exception outside of the ordinance guidelines they had to make and about how with the recent closure of IRWS there has been a request from Pacific Recycling about accepting waste generated from their metal shredder for a limited amount of time. Director Loper said in regard to taking out-of-county waste it would only be small amounts of household waste, it would not be commercial/industrial waste.

Commissioner Van Beek stated she will likely be more hardline on the policy as it the Board's responsibility to preserve the landfill into the future. Commissioner Holton expressed his concern with people repeatedly using Canyon County Landfill because it is more convenient and not taking their waste to the proper disposal location for the county in which they live.

The Board is supportive of the fee out-of-county waste being large enough encourage people to take their waste to the proper location. Director Loper said he will put some additional work into this in order to come up with a more structured policy and plans to work with Communications Specialist Chad Thompson for community outreach.

The meeting concluded at 2:37 p.m. and an audio recording is on file in the Commissioners' Office.

#### MEETING WITH HUMAN RESOURCE REGARDING CANYON COUNTY FAIR ASSISTANT DIRECTOR

The Board met today at 2:42 p.m. with Human Resources regarding a Canyon County Fair Assistant Director. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Fair Director Diana Sinner, Marketing and Sponsorship Coordinator Rebecca Coulter, HR Business Partner Jennifer Allen, COO Greg Rast and Deputy Clerk Jenen Ross.

Director Sinner explained that during her budget meetings there was discussion regarding succession planning and need for a full-time staffing structure. With the opening of The Center, expanded layout of the fairgrounds and sustained growth there is a need to have a secondary person to assist with operations. Today's resolution is to reclassify the Marketing and Sponsorship Coordinator position to a County Fair Assistant Director position as approved in the FY24 budget. Ms. Allen confirmed that HR has reviewed the job description and that the wage range falls within the salary grade for the position.

Commissioner Van Beek made a motion to sign the resolution adopting changes to the job title, job description, salary grade and FLSA status of one (1) position at the County Fair. The motion was seconded by Commissioner Brooks and carried unanimously (resolution no. 24-039).

The meeting concluded at 2:48 p.m. and an audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 3:00 p.m. to consider matters related to medical indigency. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Case Manager Jenn Odom and Deputy Clerk Jenen Ross. Ms. Odom presented the following cases to the Board for consideration:

**Case no. 2009-1137:** This applicant has fulfilled their obligation to the county and Indigent Services is requesting a lien release. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the lien release and issue a written decision within 30 days.

**Case no. 2024-21:** All eligibility criteria has been met for this case and Indigent Services is requesting approval for cremation. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to approve the case.

The meeting concluded at 3:01 p.m. and an audio recording is on file in the Commissioners' Office.

MARCH 2024 TERM

CALDWELL, IDAHO    MARCH 14, 2024

#### APPLICATION FOR APPROVAL TO ACCEPT OUTSIDE EMPLOYMENT FORM

The Board approved an application to accept outside employment for:

- Debbie Cabodi

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

The Board met today at 10:00 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Deputy P.A. Oscar Klaas, Facilities Director Rick Britton (left at 10:12 a.m.) and Deputy Clerk Jenen Ross. Deputy P.A. Zach Wesley joined the meeting at 10:37 a.m. The action item was considered as follows:



***Consider Addendum No.1 to Invitation for Bids for the Elevator Modernization Project:*** This addendum addresses questions that have been submitted. There were 7 questions submitted which have been answered by Director Britton and legal. Proposals for the project are due March 19<sup>th</sup>. At the request of Commissioner Van Beek, Director Britton reviewed the questions and answers supplied in the addendum. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign addendum no. 1 to the invitation for bids for the Elevator Modernization Project.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 10:13 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 Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek. Chief Deputy P.A. Carl Ericson and Deputy P.A. Oscar Klaas participated from 10:13 a.m. to 10:37 a.m. and Deputy P.A. Zach Wesley joined the meeting at 10:37 a.m. The Executive Session concluded at 11:18 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: REQUEST BY DARREN GOLDBERG/LGD VENTURES, LLC, FOR A CONDITIONAL REZONE FROM AN "A" (AGRICULTURAL) ZONE TO A "CR-R-R" (CONDITIONAL REZONE - RURAL RESIDENTIAL) ZONE; PRELIMINARY PLAT FOR LEWIS HEIGHTS SUBDIVISION

The Board met today at 1:30 p.m. to conduct a public hearing for Case No. RZ2021-0030 and SD2021-0018, in the matter of a request by Darren Goldberg, LGD Ventures, LLC, for a conditional rezone of parcel R30117 from an "A" (Agricultural) Zone to a "CR-R-R" (Conditional Rezone - Rural Residential) zone. Included with the conditional rezone is a development agreement. The request also includes a preliminary plat (with irrigation and drainage plan) for Lewis Heights Subdivision. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Principal Planner Michelle Barron, Deputy PA Zach Wesley, In Favor: Becky Yzaguirre, Terry Scanlan, Zane Cradic, Josh Leonard, and Darren Goldberg, In Opposition: Claudia Haynes, Jeannie Amen, Kim Yanecko, Ken Yanecko, Amy Weidner, Dawn Schwab, Holley Wechanowicz, Beverly Cavazos, Linda Kelso, Thomas Bratcher, Patty Martinez, Danny Martinez, Irene Leavell, Jimmy Leavell, Kerry Greenfield, Manuel Cavazos, Angela Bratcher, David Miller, Lesli Christofferson, Wesley Weidner, Sara Miller, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that in 2021 she was part of a previous Board that

heard this case, but it will not affect her decision in this case. Neither Commissioner Holton nor Commissioner Brooks had any disclosures to make.

DSD Principal Planner Michelle Barron gave the oral staff report. The applicant is requesting a rezone for 78.5 acres. The preliminary plat proposes 31 buildable lots and 6 common lots. If approved, a new hearing would have to be held to approve a development agreement to be in substantial conformance of the concept plan which is the preliminary plat for Lewis Heights. The property is located on the south side of Lewis Lane, approximately 1300 feet east of the intersection of Sky Ranch Road and Lewis Lane, Nampa, Idaho. The parcel is south of Lake Lowell. The original concept plan was for 34 buildable lots with individual wells, and the Lewis Heights preliminary plat. On April 4, 2022, the P&Z Commission recommended denial to the Board of Commissioners. The applicant opted to change the application and was scheduled to move forward with the Board. At the first P&Z Commission hearing, the applicant worked on an updated plan to include a public water system with a 31-buildable-lot concept plan. The applicant asked to remand the case back to the P&Z Commission so they would have an opportunity to see the information. At the November 16, 2022 hearing, the Board agreed that the applicant had a significant change and it needed to be heard by the P&Z Commission for the amended application. On December 21, 2023, the P&Z Commission recommended denial of the new plan.

The application was submitted under the 2020 comprehensive plan and the future land use designation for that plan is residential. The proposed conditional rezone aligns with 8 goals and 11 policies of the 2020 comprehensive plan. The soils are considered moderately suited for agriculture. Only 8.29% of the parcel is considered prime farmland if irrigated. The parcel is surrounded by residential site homesites even though much of the zoning is agriculture. The parcel to the south was more recently rezoned to rural residential. There are 20 subdivisions in the area with an average lot size of 3.58 acres. Within one mile of the site there have been 8 land use cases since 2016, most were rezones from agricultural to conditional/rural residential. Information was provided by the former County Engineer to help explain the recommendation to be served by a public potable water system. The concerns through testimony include unregulated drinking water quality, a largely unregulated well construction process, more preferential pathways for contaminants from at or near the surface to enter the aquifer, and subsurface wastewater disposal over an already degraded aquifer. The benefits of a public water system are that the Idaho Department of Water Resources (IDWR) appropriates the water and water quality standards are enforced, less holes in the ground equals less pathways for contaminants and less interaction with subsurface sewage disposal, and the wells are typically drilled to a greater depth than individual wells. Public roadways with right-of-way dedication will serve the properties within the subdivision. A community water system and individual septic systems are proposed.

The following people testified in support of the request:

**Becky Yzaguirre** testified Lewis Heights Subdivision is surrounded by development on all four sides making it a textbook example of where development should occur. The property has one existing irrigation well with irrigation groundwater rights. The Mora Canal splits 2.98 acres from the development, and although adjacent to the canal the property is uphill and has no surface water

rights. The irrigation supply is entirely from the onsite well. They are seeking approval of a preliminary plat and development agreement with a conditional rezone from agriculture to rural residential. The project will consist of 31 buildable lots, 9 common lots with a minimum lot size of 1.6 acres, a max of 2.79 acres and an average of 2.3 acres. The lot sizes are compatible with adjacent properties which average 2.2 acres. The development will feature a community well with a community fire suppression system with each home having in-home fire sprinklers and individual septic systems. The project will consist of two phases, the first phase will contain 14 lots and 5 common lots, and the second phase will consist of 17 lots and 4 common lots. Both phases will have access to Lewis Lane. The pressurized irrigation and fire suppression system and community well will be built in phase one. They have redesigned the plat to meet the requirements of the 2022 findings of fact and the changes included a community water system instead of individual wells and they added a fire suppression system for in-home sprinklers. For the common lots south of the canal they will sell that portion to the Taylor Jene property owners but until then the Lewis Heights HOA will maintain it as stated in the proposed condition and on the plat note. The preliminary plat is in full compliance with the rural residential development requirements as outlined in the 2020 comprehensive plan and the County's code. The development aligns with the comprehensive plan for rural residential development with a focus on compatibility. Unlike many other subdivisions in the area surrounded by farmland and facing compatibility issues their infill project is set among homes promoting organized, harmonious growth. This minimizes land use conflicts and conserves resources. The project is surrounded by development on all four sides creating a clustered development, avoiding sprawl, and protecting farmland. Ms. Yzaguirre said the opposition seeks to portray the area around the property as largely agricultural and historically rural in nature, yet the evidence tells a different story, one of which of steady development over the past decade shifting the character of the area from agricultural to residential. This transformation underscores a broader trend moving agriculture to a more residential feel and it shows the development has expanded and less active agriculture is in the area. This is an infill development as it is consistent with its current land use patterns and is essential for coherent growth. Landscaping will feature minimal drought resistant trees and shrubs primarily along Lewis Lane serving as a screen for the northern neighbors. A pathway along the Moral Canal will link the two cul de sacs for a nice walking loop. There will be six-foot safety fence along the canal and perimeter fencing around the property. They intend to set up a community fire suppression system on common lot no. 17 delivering 500 gallons per minute to hydrants across the development. Each home will be equipped with in-home sprinklers connected to the potable water service, and each home will have a septic system. The development will have a community water system with two new wells per DEQ requirements. Only one well will be active at a time with a second serving as a backup providing domestic water to each resident. The existing onsite well will be dedicated solely to fire and pressurized irrigation. The property soil composition is primarily 92% class IV soils as defined by the USDA which severely limits the potential. The soils impose significant restrictions on crop selections and require intensive management leading to higher costs and labor. The development is projected to reduce water usage by 20 million gallons annually. Traditionally, the site's 75 acres irrigated at 3 feet per acre consume 73 million gallons from April to October. Projected water use for 31 homes total only 53 million gallons annually accounting for both household and irrigation needs across 51 acres. This shift represents a significant conservation effort lowering the development's environmental footprint by reducing

the area's overall water consumption. The primary reason for the domestic wells south of Lake Lowell drying up during the peak summer months is a presence of high-capacity ag wells near the county subdivisions particularly those farther south of Lewis Heights. These deep agricultural wells operate around the clock drawing substantial water for crop irrigation. This activity creates a seasonal cone of depression that temporarily lowers the local water table, as a result shallow wells in the vicinity may run dry during the irrigation season. This scenario illustrates the impact of intensive agricultural groundwater usage in the area. Additionally, it's necessary for residents living close to these deep ag wells to consider the timing of their own well drilling when these large ag wells are at their peak usage to understand the potential water table fluctuations. In the fall of 2021, the IDWR began monitoring wells in the Deer Sky Ranch Subdivision after countless reports of wells going dry. Now they have accumulated two years of data from the location and the graph distinctively shows the timing of the cone of depression aligning with the hottest and driest months from July to October. Starting in November there is a noticeable replenishment of the water table which continues until it reaches its peak by the end April and this pattern repeats annually providing a clear understanding of the water table fluctuations in the area and wells drying up in the summer months. This pattern has been going on for decades in this area. The occurrence of the cone of depression from these large ag wells in the summer months is well understood as the developer of the Deer Sky Ranch Subdivision put a note on the plat stating homeowners are advised that large ag wells in the area may cause water tables to fluctuate and homeowners should take appropriate measures to compensate for this possible fluctuation with drilling their domestic wells. After reviewing the well logs for Deer Sky Ranch and nearby large agricultural operations, it's evident that the wells in Deer Sky Ranch average a depth of 400 feet versus nearby ag wells which commonly have depths of more than 600 feet. Many Deer Sky Ranch wells were drilled in the fall, winter, or spring when the groundwater levels were higher than during the summer. This oversight is leading to wells that are too shallow and temporarily drying up in the summer and early fall. This reflects an incompatibility with the long-term standing adjacent farms. Lewis Heights is situated amongst similar developments and will ensure that its water usage and infrastructure are in harmony with the surrounding area to prevent the water shortage issues faced by Deer Sky Ranch. Lewis Heights is a compatible development that adheres to the code and comprehensive plan while focusing on efficient resource use and enhanced water conservation measures.

Following her testimony, Ms. Yzaguirre responded to questions from Commissioner Van Beek.

**Terry Scanlan**, an engineer and hydrogeologist with HDR Engineering, gave testimony regarding the water supply and water rights. This property has an irrigation water right, a 1966 priority, for irrigation of 77 acres. It's the only water source that has been used for irrigation on this property and it's been used for over 50 years successfully. The well that's on the property has been there since 1978 and has persisted and continues to be productive. For domestic water they are proposing a community water system. A new water right will be needed to obtain approval of that, a process through the IDWR. The developer will have to apply for a water right permit and it will go through an administrative process. IDWR will make a decision to approve or deny based on the evidence and the statutory criteria they have to follow. IDWR has a duty to determine whether this subdivision is going to cause problems with other water users south of Lake Lowell.

Aquifer conditions: problems with wells south of Lake Lowell have been going on for the last several years and IDWR Western Regional Manager Nick Miller asked their hydrogeologist, Dennis Owsley, to investigate. He investigated in 2015 and it was updated in 2021. His report found that although seasonal fluctuations exist the overall trend of the aquifer levels in the area appear to be stable or rising on a long-term basis. This indicates the aquifer is being replenished by a volume equal to or greater than the current volume of water discharged on an annual basis. The well issues that have been brought forth to the department are likely a reflection of the low transmissivity nature of the aquifer in this area, well construction issues, and well hydraulic issues. Low transmissivity means these aren't highly productive aquifers for a given amount of water there is a lot of drawdown. It also means they are highly confined, it's a pressure response so that drawdown propagates over a long distance causing those large seasonal fluctuations, particularly further south towards dry lake where all of the irrigation is from ground water. Well construction issues: it means wells aren't drilled deep enough or they are drilled so that they don't maintain their productivity, they will sand in or plug up, and so those are issues that can be overcome with proper well construction. Lastly, is the well hydraulics, it means wells are interfering with each other - the cone of depression - from large agricultural wells causing shallow or domestic wells to seasonally dry up. Water is still there but it's deeper down. The Dennis Owsley memo shows 11 of the monitoring wells south of Lake Lowell and it shows further south toward the Snake River where lands are irrigated with high lift Snake River water, aquifer levels are rising a lot. Two wells on the southern end - in a fifteen-year period one went up 65 feet and the other came up 83 feet in response to the recharge that's been going on there for the last 50 years. Closer to the lake those increases aren't as great, in fact, near the lake the water levels are pretty stable on a year-to-year basis.

Following his testimony, Mr. Scanlan responded to questions from Commissioner Van Beek.

**Zane Cradic**, who is the civil engineer on the project, testified they have one existing irrigation well that will be used for fire suppression and pressure irrigation, and there will be two additional wells which are required by DEQ for the community system. Only one of those two wells is in use at any given time. When you have a community system DEQ requires a second well just in case something happens with the first well. They have been irrigating for the last 50 years and they are going to reduce that to 46 acres, therefore they have a net positive of water they are leaving in the aquifer that they are not pulling out every year. This subdivision is improving the aquifer level because they are not pulling out that water year over year.

**Josh Leonard** referenced an earlier question from Comm. Van Beek who questioned them coming back with five-acre lots, but Mr. Leonard cannot find that. Exhibit H is the signed findings and conclusions, and it does not mention either it for the conditional rezone or the subdivision. Commissioner Van Beek said she is looking at Exhibit E, attachment 1. Mr. Leonard said that document is the draft FCO's when the case was remanded back to the P&Z Commission, it is not the actual signed document. The signed documents from the P&Z Commission do not include that. Regarding the 1.5 irrigable acres, in Mr. Scanlan's report and subsequent letter he made clear that it's pretty unlikely that that 1.5 acres per lot would actually be irrigated. That is a maximum number, not a likely number. He reviewed the original P&Z Commission's findings and conclusions

where they found the applicant complied with all but one of these, and the one they said they did not comply with was character of the area; they felt the proposed plan would affect that negatively. On April 21, 2022, the P&Z Commission concluded that the proposed conditional rezone *may* have a negative effect and then they correctly note that the property is identified as residential on the County's future land use map. On January 4, 2024, they said it *will* have a negative impact, but they don't mention that the property is still within the area designated as residential on the future land use map. The reasons they give are: it will affect productive agriculture, including aerial spraying but that's incorrect because of the closeness of single-family residential in this area this plot of land cannot be sprayed aurally today. They mentioned a concern for agricultural vehicle traffic, but there is no evidence that it will negatively affect agricultural vehicle traffic which is on the road today. They discussed concerns about water availability and the impact of increased traffic, but he noted there were no concerns from the highway district about the increased traffic. This is not super dense single-family or multi-family residential, this is respectful development of 1.5 to 2.5 acre lots and it is in keeping with the area. It is surrounded on all 4 sides by existing single-family residences. It is not historically agricultural. It has been owned by a developer for 15 years. The character of the area has been moving to residential steadily for the past 20 years as reflected on the County's future land use map and comprehensive plan. Mr. Leonard wants to dispel the myth that this is "prime farmland." The property is not on the fringes of the area designated residential, it is close to the exact center of where it's designated residential by the County. There are no dairy farms within 2 miles, but there are a lot of gravel pits, and why are gravel pits in this area? It's not because it's prime farmland, it's because there is gravel there which does not make for prime soils. The City of Nampa has eased off on wanting to annex south of the lake, and in their initial comments to the County they mentioned it would be compatible with the proposed rezoning and associated development.

**Darren Goldberg** testified he is the managing member of LGD Ventures, the applicant and owner of the subject property. They are a small family business with roots in Idaho since the 1990's. He provided a history of the property and its farming operations. He purchase the land in November of 2005 and the land was fallow and not being farmed. Over the next three years they could not find a farmer to take on the land due to its difficult soil and grades so at that time they put the water into a water bank. The land continued to be fallow until 2011. Currently the irrigated property is 92% class IV soils which is defined by the USDA as having very severe limitations. While it is currently farmed it has gone in and out of cultivation over the years. The current farmer has fought to get suitable yields all the while using the maximum amount of water for the water right. He shifted crop rotations but still produced marginal yields of crops like sugar beets. In 2021 sugar beet yields on his farm were approximately 30 tons per acres while the average in Idaho is 40.5 per acre. Today he has found the only suitable crop to be silage corn. Current farm operations are difficult due to the property being surrounded on all four sides by homes. Aerial spraying is not allowed. While he understands the County's position of protecting agriculture, the development of this property does not impact that position, in fact it aligns with that position more than any other proposed development in the area by providing rural residential homes in a well-suited location, homes that will support farming operations south of Lake Lowell. We all want sustainable responsible developments that fall in line with the needs of the community and this

development provides that. They have no intentions of negatively impacting the nature of the area.

The following people testified in opposition to the request:

*Kim Yanecko asked if the Chairman was going to ask if there are any group representatives in the audience, but Commissioner Holton said the rules state those wishing to speak on behalf of a group need to indicate that on the sign-in sheet prior to the start of the hearing.*

**Claudia Haynes** offered testimony on behalf of the Canyon County Alliance for Responsible Growth which includes 65 families. Ms. Haynes wanted to provide a map and a list of the laws that she considers to be very important, and she said the map, which she recently obtained from Nick Miller from IDWR, has to do with wells in the area. Under Idaho law the Board has to accept the document. Commissioner Holton said the Board set a policy that you have the 20-day notice to submit any written testimony. He said she can describe it if she wants. Ms. Haynes wanted the Commissioners to have the evidence in front of them and she did not mean to quote the law disrespectfully. She was asked to look it up and the law says in a hearing proceeding the presentation of evidence in writing can be submitted. Commissioner Brooks asked if the information is a different map than what is included in the case packet. Ms. Haynes said she just received the information from Nick Miller who had responded to her request about how many applications there are south of Lake Lowell that are applying for water rights and the map he sent consolidates the area and at this time there are 69 applications being asked for directly south of Lake Lowell which affects her subdivision and all of the area south of the lake all the way to the Snake River. Ms. Haynes has not had a chance to share the information with the applicant. Commissioner Holton said that's the reason the Board has had made rules about submitting evidence at the last minute because it produces an unfair hearing and so the Board set a policy to have a 20-day period to lock it in so the applicant and the public can review the information. Ms. Haynes said she has presented to hearing bodies in Canyon County for 23 years and she was not aware of the new policy. She received the information from IDWR after the 20-day deadline. Commissioner Holton said he's not making a judgement call about the material, he is making judgement on the timeliness of the material. Ms. Haynes responded to questions from Commissioner Van Beek. Director Sabrina Minshall also responded to questions from Commissioner Van Beek and said DSD is very aware of the IDWR website but in terms of the relativity of how many applications, there are all sorts of different types of applications so it's apples and oranges.

**Kim Yanecko** testified that Commissioner Holton had said this area is the pit of no recharge, and it's unfortunate we do not have adequate data on this and she wanted him to know that tomorrow she will meet with Boise State University who was given a grant to do some water studies and potentially it could be covered to be able to do accurate aquifer levels during the summer months which is what we are lacking. She referenced a graph which said it takes 6 ½ months for the aquifer to recharge. Mr. Scanlan references the monitoring wells and he said they are stable or increasing but he fails to mention they are actually lower than the canal so they are not really pertinent to the area in which they are located. This is the only monitoring well that's

on the hill and somebody else commented that the wells would have to be pretty deep otherwise the shallow wells do not get property recharge. She said they have two community wells, one is at 460 feet and the other is at 530 feet and two summers ago she had no water coming from her tap. She referenced a map and mentioned it is what Claudia Haynes was trying to reference with the materials she wanted to submit, and if those water rights are granted that Ms. Haynes referred to, it will impact the entire area. It's an internal map prepared by IDWR as a reminder that the wells located within the green-shaded area will be impacted or could be impacted and no data has yet been provided from Noble Farms as had been requested by IDWR. Ms. Yanecko said multiple County departments have made inquiries, and Kate Dahl (a former DSD employee) indicated to a developer that there were problems south of Lake Lowell and referenced a Boise feasibility study. GIS employee Tony Almeida has asked IDWR and the Bureau of Reclamation about the water issues south of Lake Lowell. In an email Nick Miller from IDWR talks about areas of concern and this is one of them and she doesn't know if that information was shared with anybody else. She said Nick Miller testified during the Taylor Jene hearing before the previous Board and he said you could pump your well dry very easily because the well just doesn't produce enough water and it's a recharge issue. We have transmissivity issues in the area and there is lacking data on whether we have recharge available to the amount that's being drawn during the summer months. IDWR responded in a water right application and called it the SOUTH CANYON COUNTY AREA OF CONCERN. That is concerning to her, is there a report or did they actually identify this area as a problem? The applicant's representatives claim the homes will pull less from the groundwater for residential, but it does not recharge at the deeper aquifer levels, it will only be recharging at the shallow areas, and agriculture is only pulling part of the year not year-round and when they irrigate they provide more of a heavy recharge which is potentially going to reach the deeper aquifers. There is a letter in the file that says there will be 500 gallons per minute required on a hydrant. Because our recharge is so lacking there are no studies as to what that impact will be on a cone of depression, the size of that cone of depression, the width of the cone of depression, and how long it will take the aquifer to recharge and how much will that impact the surrounding wells. The monitoring well is 1.5 miles from the development and IDWR is indicating that is big enough for them to understand the concern. It's either going to be a really big cone of depression or they don't have adequate data for the area where we are specifically talking about. While the comprehensive plan says this area is okay for residential, there is a huge conflict with farming going on out there and is it right for us to add more conflict by increased residential traffic? There is a lack of infrastructure. The applicant is saying the people who drill new wells just need to be aware there are problems and so they are leaving an onus on an unsuspecting person as to when to drill that well. We do not have adequate data to protect the existing homeowners. We might be able to drill/build wells now that are great and will help those that are coming new but that is not helping those who are already there and there is a responsibility for the Board to consider that when it could potentially impact people. She said it has been testified that a half million dollars has already been spent on deepening wells, and re-drilling wells. There are gravel pits in the area, there is a lot of dry land and there are no monitoring wells because it couldn't be farmed, water wasn't adequate and so the next best use is a gravel pit, not a residential use.

**Amy Weidner** lives south of the subject property. She graduates in May with a Master's Degree in Agricultural Science, integrated resource management. Water and soil are resources. IDWR said



that the aquifer is already degraded. The right to farm law is about preservation of farmland. Traditional farming practices where you till the soil every year is a very degrading destructive process. She is learning about regenerative agriculture and how this type of farmland can be turned into extremely productive farmland through regenerative agricultural practices where you can repair the soil. She has prepared a plan she would like to present to the developer, and if the Board denies the case she wants to volunteer her time to help the developer produce a regenerative agricultural plan in order to be financially sound. She said these subdivisions promote city slickers who complain about agriculture, and it creates a cumulative effect of conflict and that is something the right to farm law covers. She wants to see the complaints resolved through regenerative agricultural practices and keeping farmland as it is and maintaining it through county government. She spoke of farmland in east Boise that was converted into subdivisions, and everything went dry. Agricultural land is not the problem, it's the subdivisions that come in and create conflict. Her property was produced in 2001 through a conditional use permit and all the documents talked about how bad the aquifer was, it was not about the wells; it was about the aquifer. They had a right to farm market disclosure and an acknowledgment on the plat as well as a right to farm restriction on the plat map, and deed restrictions on all 30 lots, and yet she has to meet with an attorney on Monday because people do not stop challenging agriculture. More subdivisions will create more conflict with people complaining about farming.

**Jeannie Amen** lives one mile south of the subject property. Her husband has been a crop duster for 40 years and they have owned their business since 2012. They lost over 300 acres, and it has cost them \$5,000 to \$30,000 a year in lost revenue just because of subdivisions. Canyon County has a footprint in the world market for seed crops which she is really proud of. They fly for farmers who are seed farmers and 67% of their flight time is at night, part of that is to avoid the pollinators, and to avoid joggers and cars. Two seasons ago they lost their well on July 31. The water was gone, the pump overheated and they had to replace it briefly but could only sustain the house in little bump increments on the pump until they could everything replaced. The farmers brought them water for 3 weeks. They apply at max rate, 10 gallons per acre, so it isn't that much water, but it could have put them out if the farmers hadn't been able to bring water. The roadways are a major concern for safety and for the farmers. The developments in the area have affected farmers adversely. There have been some major issues with the Lewis pivots to the west because of the travel up the hill. There is a lack of adequate infrastructure. She spoke with Nick Miller at IDWR about offering an online well reporting system to fill in the data that's missing because homeowners don't have any place to report their well problems and as far as IDWR is concerned it doesn't exist if they don't have it. There is no record of repairs or problems in the area due to a lack of information, so Mr. Miller is willing to offer that in a portal. Yesterday the legislature passed a law that will charge people with a misdemeanor for willingly turning in false complaints against ag operations. Their business has been spotlighted and shot at, things where the FBI had to get involved. Ms. Amen said we are looking at an ambulance district override levy which was \$10 per \$100,000 and it will bump to \$31 per \$100,000 in value. The Ambulance District Director Michael Stowell has said they are so far behind because of the influx of the number of houses, subdivisions, apartments that are coming in. Sky Ranch Road is ripped up into gravel and the big rollers are shaking her house. There are only two access points around this side of the lake, Highway 55 on the dam road and Highway 45 and Lake Shore, and the highway district is going to meet with ITD

about getting that fast-tracked so they can add a stoplight which is something Ms. Amen believes should occur more houses are added. If the developer requests 31 household acre new water rights that is the difference between potable water and non-potable water for irrigation. Is that going to be 15.5 acres that they're requesting new? There is a peninsula on the map that comes up from the south and she heard they may be purchasing that. If that was purchased and pulled out of this plat would that change the lot sizes, average sizes? Pilot safety was a huge concern on the days they lost water because her husband needs to have his head in the cockpit not wondering if they will have water. Water is a huge issue and it remains unanswered.

**Beverly Cavazos** lives on Deer Flat Road and she said the neighbors do not mean any disrespect to anyone in the room, they are fighting for their homes and it's a very emotional situation. The developers build homes and leave with tons of money in their pockets, but they do not leave any for repair and rejuvenation of the infrastructure. We don't have enough police; we have two-lane roads and there are areas where the roads cannot be widened so the amount of traffic that 30 homes bring in is estimated to be around 90 trips per day. The developer should be charged a fee for each home they put in to add to the infrastructure. She attended a meeting with IDWR and staff told them developers are saying they are going to irrigate a  $\frac{1}{4}$  acre or  $\frac{1}{2}$  acre of land up to five acre lots. IDWR has no authority to monitor that, and people can put in swimming pools, or irrigate five acres of grass if they want. It is unlimited use of the water once you get a water right. Because the area is noted as residential does not mean it's appropriate for homes. We all know there is a serious water issue. The water in her home fluctuates between morning, afternoon, and evening and adding more homes will not make the problem go away. The fire district is a volunteer district, and there was an application for fire coverage for a 100-home area at Farner Road and Lewis Lane and it was denied coverage by the fire district because it's a volunteer department and it takes them 17 minutes to respond to a fire. She questions if her fire district will be able to cover the developments that are proposed.

Commissioner Holton said he is interested in updated information from IDWR and he asked if the Board would consider a 30-day continuance and an open period for 20 days to submit new information and reconvene. Commissioner Brooks said he has a question for Mr. Scanlan. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to take a 5-minute recess. (The Board went off the record at 3:19 p.m. and went back on the record at 3:25 p.m.)

Josh Leonard said if the Board is going to continue the hearing to get information from IDWR the applicant wants to defer their rebuttal until after that information comes in so they can speak to it. Commissioner Brooks said he wants to revisit the water right issue that Terry Scanlan brought up and the applicant can decide after that if they want to address the different opinion on water data that is or is not in existence. He asked Mr. Scanlan to revisit his comments on the water right that the applicant would have to apply for if the Board were to approve the application. Commissioner Holton clarified that this will be a point of clarification for a Commissioner, it is not time for rebuttal.

Terry Scanlan said the property has had an existing water right for irrigation from groundwater for 77 acres. The water right has been exercised over the last 10 years for irrigating the property with two center pivot sprinklers. The property does not have a water right for in-home domestic use so the developer will have to apply for a new water right that will seek water for in-home domestic use, the potable use. The right will be to support the 300 gallons per day, per home, and it will be high enough to meet the peak hourly demand of the system which will likely be in the 50-75 gallon per minute range and the average day demand will probably be less than 10 gallons per minute. It will be an application for permit and if it's approved it can go forward, but if it's denied this will be over because they cannot develop a community well system without an approved water right.

Josh Leonard said that would also require the applicant to demonstrate a sufficient amount of water that's there before they can get a new water right for the property. The community well system was not what was originally proposed, the reason it was proposed was to mitigate the fears and concerns of there not being enough water. It's not typically a developer's first choice because it adds significant expense and maintenance, but it does provide more certainty with regard to the water levels.

Commissioner Brooks asked him to restate what the plan is for the use of the irrigation water right if the application were to be approved and they are not pumping to run two pivots. What is that water use going to be? Mr. Leonard said the use will be for watering lawns and gardens and for fire suppression.

There was discussion regarding the late exhibits, specifically the information referenced by the applicant which was part of prior records. Deputy PA Zach Wesley said that is acceptable as a demonstrative illustration, so maybe we don't accept it as a fact exhibit, but as a demonstrative presentation. Mr. Leonard said he has seen cases in which the court wants to see what the Board saw in the record and because that was presented in a visual form as well as being read in, they are going to want to see that and if the case were to go to court he would make a motion to augment to add it.

Commissioner Holton made a motion to add it as a demonstrative presentation of what they were verbally telling the Board. The motion was seconded by Commissioner Van Beek. Planner Barron said the applicant's PowerPoint presentation will be Exhibit #7, and Mr. Leonard's presentation will be Exhibit #8. Commissioner Holton made a motion to label it as Exhibit #7 and #8. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Holton said the Board needs to decide if it was compelled with the earlier evidence that there is new information that was not submitted in a timely fashion. His concern is to make it fair for everyone, the applicant included, that they have time to review the information if the Board is going to consider a method and means to include it. If not, we can exclude it and just go with the verbal testimony and move forward. He referenced the new information Claudia Haynes received from IDWR and said in his opinion the information is without prejudice, it's just the information the state has collected and put into a report. Commissioner Brooks asked if he wants to accept it just as part of her public testimony? Commissioner Holton said yes, but to do that he would like a continuance to give the public and the applicant time to look at it and continue the hearing for 30

days. He is not comfortable accepting the information today and going into deliberation. Commissioner Brooks said he doesn't feel it's necessary to delay this for one document. Commissioner Van Beek said it still seems unclear what the position is for some of those water resources. Looking at the written testimony, which was a verbatim transcript of the audio testimony, it's difficult to know where to land on that because they conflict. Deputy PA Wesley said if the Board is considering a delay it may be worthwhile to give the applicant a few minutes to look at it now since their professional staff may be able to say whether they need time to look at it and rebut. They could get a copy of it before we continue. Commissioner Brooks believes this will be null and void if IDWR does not find a water permit is acceptable so he would be interested in knowing if that could just be a condition of approval. He doesn't believe we need a 30-day continuance for information the Board could just condition for approval that the applicant has to obtain approval from IDWR for a water right. Commissioner Van Beek said she we are trying to help mitigate for water and infrastructure and we are supposed to locate in the goals and policies areas where that can coexist but there is no teeth in the right to farm act and it doesn't exclude complaining and farmers having to stop operations. She said we have more damning evidence against the water than we do for it. Discussion ensued regarding whether the Board had enough information to proceed with the hearing today. Commissioner Holton made a motion to proceed with rebuttal testimony. The motion was seconded by Commissioner Brooks and carried unanimously.

Rebuttal testimony was as follows:

Josh Leonard said Commissioner Van Beek made a comment that the Board is trying to put something together and ensure these uses can coexist out there; but that has already happened. A prior Board already decided these uses can coexist in that area when it identified this area as residential on the future land use. That's what everybody relies on, what's written down. Otherwise it's a case-by-case basis without standards and in this instance the standard there is residential. You have to assume the prior Board knew that agriculture existed around this area, although not necessarily on this exact parcel. It is important to call out the lot sizes and how they reflect against either immediately adjacent lot sizes or those that are within a stone's throw of the subject property. Within the notification distance of 600 feet, the median parcel size is 2.16 acres. This is not prime farm ground, it is gravel, soils are not prime, and it is on slight uphill without surface irrigation. It has to pump from a well to make it as productive as it is. It is tough to say the character of the area is agricultural; it is rural, but agriculture is the secondary use to residential in this area. He reviewed highlights from Terry Scanlan's updated report based on the community well arrangement to mitigate the concerns of neighbors: even with individual wells for homes in the area, the subdivision will not have an adverse impact on local groundwater conditions. Residential development at Lewis Heights will not increase groundwater use at the property. Water level monitoring in the area shows no annual declines, although water levels in the vicinity of Lewis Heights may fluctuate on a seasonal basis they are stable in the long-term with no annual declines since the 1970's. There will be no net impact on local groundwater conditions and Lewis Heights will not have a negative impact on local groundwater conditions. To Mr. Leonard's knowledge none of the homes in the area have fire suppression, or at least it wasn't required as a condition of construction. The project adds fire suppression which not only benefits the

applicant's homes, but those that are around it. The opposition admitted earlier that the soils on the property would need to be fixed to make the property agriculturally viable, and in this instance the developer has chosen rather than investing the money required to make it agriculturally viable, to develop it. He spoke about the balance of property rights. The applicant's rights are natural rights and everyone else's rights are created by statute or by ordinance. The person who owns the property has a greater right over their property. The natural rights are greater and supersede those of the adjacent property owners. There are statutory rights the adjacent landowners have and one of those is that the property won't be a nuisance to them and that they are able to enjoy the use of their own property. Here, the neighbors are asking the Board to give their statutory rights greater weight than those of the applicant who owns the subject property. This proposal meets all of the required findings and conclusions. This property is generally consistent with the comprehensive plan which labels this a residential, and it is more appropriate than the current zoning designation because it's labeled as residential on the future land use map and it makes sense that a residential use would be compatible with existing residential uses.

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony with the possibility it will have to be reopened. Commissioner Holton said he wants a continuance so he can study what he's heard and try to connect it to what he has in the packet and then meet with legal to start formulating some findings and conditions. Director Minshall said if after deliberation the Board is interested in approving the application, a recommendation is to set it for hearing to come back with some specific direction or specific discussion on conditions or the development agreement. If the Board wants to deny the case they can beef up some of the findings and come back at a later date. If it wants to consider a development agreement or conditions we should do that at another hearing. Deputy PA Wesley proposes that he and staff work with the developer to get a proposed draft development agreement that can be posted on the website before the next hearing so there can be public comment on the potential conditions. Commissioner Brooks said he wants to scrap the FCO's the P&Z Commission sent to the Board because he thinks there is a legal liability if the Board was to go along with them. There are at least two draft FCO's, and there may be a third because this case has been going on for so long where the FCO's prepared by staff were much more well developed and went through all 8 criteria and he would be more comfortable with those and either saying he agrees or disagrees with each one of them. He is ready to make a decision today. Commissioner Van Beek wants the help of legal and staff to help craft the FCO's. The Board was given a poor set of findings and they failed at some level to provide something that is defensible for either approving or denying the application. She wants more time to craft FCO's. Director Minshall said on page 285 of the report is the staff's recommended draft FCO's for the P&Z Commission in December of 2023 (*Exhibit A under the P&Z staff report addendum*). Staff just needs to know the Board's general decision and which of the criteria are affirmative or negative and then they can bring it back for discussion. Commissioner Brooks said he would be in favor of using those FCO's if the Board continues to a decision today. Commissioner Holton said if the Board wants to approve the request and using those older FCO's we would need to have an updated development agreement as part of the package and that's not in completeness. Planner Barron said on that set of the draft P&Z Commission FCO's there is an attachment "A" that has proposed conditions of a development agreement and she just needs to make sure that it was still

noticed as having a development agreement. Commissioner Van Beek said one of the documents says that it will not conform to the Nampa Highway District so how did we get from not conforming to having it conform? Director Minshall said the highway district's last writing said it would have to comply with their standards and conditions for both approaches and it would be a public road system. Commissioner Brooks said it should be enumerated that we are aware that this is a no-go unless IDWR gives a new water right. Deputy PA Zach Wesley said the version of the development agreement predates the idea of the community well so we'll need to add those community conditions including the IDWR approval requirement. Commissioner Holton said this is a change in direction from the P&Z Commission's decision and the Board feels unsupported in their FCO's and so we are going to ask to staff and legal to draft the FCO's and the development agreement over what we have heard and then we will reconvene. Director Minshall said it was noticed was a potential development agreement and if we set it to a date certain we might not need to re-notice the hearing. If the Board does that it could also table the discussion of the preliminary plat to that same day because that wasn't included because the P&Z Commission denied the plat because there was no rezone so both need to be tabled to a date certain. Commissioner Holton made a motion to continue the hearing to May 1, 2024 at 1:30 p.m. and assign staff and legal to draft the FCO's with the development agreement, and to continue the preliminary plat as well as the zone change. The motion was seconded by Commissioner Brooks and carried unanimously. The hearing concluded at 4:11 p.m. An audio recording is on file in the Commissioners' Office.

## MARCH 2024 TERM

CALDWELL, IDAHO    MARCH 15, 2024

No meetings were held this day.

### APPROVED CLAIMS

- The Board has approved claim 603775 in the amount of \$2,087.36

### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Jenen Ross, documenting removal of specialty pay (no salary change)
- Parker Smith, add CERT team pay
- Tomas Gomez, add CERT team pay
- Cody James Ghighina, add CERT pay
- Cory Ray Kondeff, add CERT team pay
- Nicholas Talbot, remove CERT team pay
- Eric Eskek, equity adjustment
- Amanda Hedrick, transfer back to dispatch
- Mallory J. Loeb, Deputy Coroner new hire

#### APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- Raising Our Bar to be used 4/13/24 and 4/27/24

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- State Street Auto Sales in the amount of \$35,214.00 for Fleet/CCSO (PO #5952)
- Park Place Technologies in the amount of \$5207.88 for the Information Technology department (PO #5983)
- Dell in the amount of \$13,291.20 for the Information Technology department (PO #5982)
- Hess Construction in the amount of \$12,100.00 for the Facilities department (PO #5933)

#### MARCH 2024 TERM

CALDWELL, IDAHO    MARCH 18, 2024

*There were no meetings scheduled for today.*

#### MARCH 2024 TERM

CALDWELL, IDAHO    MARCH 19, 2024

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Craft Lounge to be used 3/28/24.

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Rebecca Coulter, Promotion to Fair Assistant Director
- Jeremy Daniel Hawkins, Deputy Sheriff, Inmate Control

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

The Board met today at 9:30 a.m. for a meeting with County attorneys for a legal staff update and to consider action items: Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley, Deputy P.A. Laura Keys, Clerk Rick Hogaboam (left at 9:42 a.m.), Facilities Director Rick Britton (left at 9:33 a.m.), DSD Director Sabrina

Minshall, Elections Office Manager Haley Hicks (left at 9:42 a.m.), JoDee Arnold (left at 9:42 a.m.), Representative from Young Elevator (left at 9:33 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Open Bids for Elevator Modernization Project:*** One bid was received on March 18, 2024 at 9:55 a.m. from Young Elevator. The bid materials will be forwarded to Director Britton for review.

***Consider Declaration and Notice of Sole Source Procurement for ballot printing units from Hart InterCivic, Inc:*** Clerk Hogaboam explained that the Verity print technology with Hart is the only technology they are aware of that is capable of using the unique identifiers which is elections intention to use. It's a wholistic system that integrates into many of the assets already used by the elections office. A couple months ago the idea was to acquire more of the Duo units but at this time they would like to move to the print-on-demand options. This initial purchase would be for 20 units in order to see how they operate. Print-on-demand will allow for paper ballots to be hand marked at the polling location. They anticipate having 47 polling locations so not every precinct would have these units but they would put them in the higher volume precincts where they could be put to good use. This will not do away with the Duo units, they will still be deployed as planned but now print-on-demand will be available at 20 of the busiest precincts; they will also be used at the two early voting locations. Clerk Hogaboam spoke more to the benefits of these units including the ability to print absentee ballots, reduced cost compared to the Duo units and that they are isolated units with no connectivity. Commissioner Van Beek made a motion to sign the declaration and notice of sole source procurement to take comment on the record on April 9<sup>th</sup> at 3:00 p.m. in the Commissioners' meeting room. The motion was seconded by Commissioner Brooks and carried unanimously.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:43 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 Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley, Deputy P.A. Laura Keys, DSD Director Sabrina Minshall and COO Greg Rast. Director Minshall left the meeting at 10:11 a.m. The Executive Session concluded at 10:24 a.m. with no decision being called for in open session.

The meeting concluded at 10:24 a.m. and an audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MEETING TO CONSIDER FCOS, DEVELOPMENT AGREEMENT AND ORDINANCE FOR MARK JOHNS, CASE NO. CR2023-0001



The Board met today at 10:30 a.m. to consider the FCOs, development agreement and ordinance for Mark Johns, case no. CR2023-0001. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Zach Wesley, DSD Director Sabrina Minshall, DSD Associate Planner Madelyn Vander Veen, DSD Office Manager Jennifer Almeida, GIS Supervisor Tony Almeida, Alan Almeida, Keri Smith, Connie Aebischer and Deputy Clerk Jenen Ross.

Director Minshall feels that due diligence has been done on this file and the documents are ready for Board signatures. Mr. Wesley explained that this case come thru the planning and zoning commission initially as a denial and was then properly noticed as a conditional rezone for the Board hearing. The Board's decision was to overturn the planning and zoning commission's recommendation and approve the application. In regard to the question as to whether a second hearing was required under LLUPA, Mr. Wesley said there is a bit of disagreement and is subject to interpretation of the law. He has spoken with their attorneys who recommend a second hearing but administratively their directors don't hold a lot of additional hearings. In the research he's done they've discovered that Canyon County may be an outlier in the practice of conducting second hearings and the more common approach is to not have a second hearing unless there is a comprehensive plan change. In the time that Mr. Wesley has worked for the county, the administration of a 2<sup>nd</sup> hearing has been sporadic. On cases like this where it went from denial at P&Z to approval by the BOCC the county has not consistently held second hearings, many times the FCOs have just been signed. Second hearings would mainly be held on larger cases or if it moved to a denial, and was often at the request of the developer or the applicant to determine conditions if it's an approval. His understanding is that there is some legislation working its way thru to strike this section of the code in order to clear up any confusion. On this particular case, it is his opinion that it would be typical of the county's practice to not have a second hearing which would be defensible in court.

In response to a question from Commissioner Van Beek, Director Minshall reiterated that having a second hearing has not always been consistent so getting some consistency will be helpful. She said Canyon County is one of the few jurisdictions that conducts second hearings even if inconsistently. In this specific case, the proposed conditions – if approved – were in all the documents and discussed in the last hearing. The only nuance to that in terms of policy is that the Board wasn't really overturning P&Z, it's not a decision, it's just a recommendation.

Commissioner Brooks stated he is in favor of moving forward and signing this, he believes that the state statute is pretty clear and there is no comprehensive plan amendment in this case.

Commissioner Holton stated that this was an uncontested hearing, no one showed in opposition and the proposal is to split the property in half in his opinion. He doesn't see the purpose a second hearing would serve.

Commissioner Brooks made a motion to approve and sign the FCOs, development agreement (agreement no. 24-025) and ordinance (ordinance no. 24-001) for Mark Johns, case no. CR2023-0001. The motion was seconded by Commissioner Van Beek and carried unanimously.

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

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 10:47 a.m. to consider matters related to medical indigency. Present were: Commissioners Leslie Van Beek and Brad Holton, Case Manager Kellie George, COO Greg Rast and Deputy Clerk Jenen Ross. Ms. George presented the following cases for consideration:

Case no. 2015-1386: The obligation to the county has been satisfied and release of liens is being requested. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the release of liens and issue a written decision within 30 days.

Case no. 2024-22: This case meets the eligibility criteria for cremation and upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to approve the case.

The meeting concluded at 10:49 a.m. and an audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY ZION VENTURES, LLC, FOR A CONDITIONAL REZONE FROM AN "A" (AGRICULTURAL) ZONE TO A "CR-C-2" ZONE, CASE NO. CR2023-0008

The Board met today at 1:33 p.m. to conduct a public hearing in the matter of a request by Zion Ventures, LLC, for a conditional rezone of a 30.42-acre parcel from an "A" (Agricultural) zone to a "CR-C-2" Zone, Case No. CR2023-0008. The request includes a development agreement limiting the use of an outdoor storage facility for recreational vehicles, campers, boats, trailers, and trucks. The subject property is located at 19933 Midland Blvd., in Caldwell. Present were: Commissioners Brad Holton, Leslie Van Beek and Zach Brooks, DSD Director Sabrina Minshall, DSD Planning Supervisor Carl Anderson, DSD Principal Planner Dan Lister, Andrea Chester, Kevin Chester, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that she has property located in proximity to this request but it should not affect her ability to make a reasoned decision. Neither Commissioners Brooks nor Holton had any disclosures or declarations to make. The applicant was not present for today's hearing. Andrea Chester and Kevin Chester were in opposition to the request but did not offer testimony. DSD Principal Planner Dan Lister gave the oral staff report. The applicant purchased the property in 2021 and it has available lot split. There is an existing dwelling on the parcel that will be used for a caretaker's office until it's removed for more storage stalls. The development agreement provided will restrict the use to ministorage, RV storage, and a caretaker unit. The property is located within the City of Caldwell impact area and the average lot size within the vicinity is 20.57 acres. The character of the area is predominately agricultural and the parcel and surrounding area still has agricultural uses with best suited soils and are considered prime farmland. Within a one-mile radius there are 22 subdivisions with a total of 1,146 lots which is a .29 acre average lot size. All subdivisions, with the exception of one, is located within the City of Caldwell. The parcel is zoned agricultural, and the properties to the north, west

and northeast are zoned M-1 and C-1. In 2003 a conditional use permit was approved for an outdoor storage facility, about 1,500 feet east of the subject property. The 2030 comprehensive plan designates the property as commercial, and the City of Caldwell designates it as highway corridor which includes land that is suitable for a blend of highway-oriented commercial uses, business parks, limited light-industrial uses, educational offices, and high-density residential use. The proposal will not connect to any water or sanitary services. The City of Caldwell's services are 3,000 feet west of the property. The Caldwell Fire District supports the request subject to conditions and they sent a letter addressing fire hydrants on site, which would require city services. The request will take access off Midland Blvd., a principal arterial. Canyon Highway District No. 4 will require an approach permit at time of development, and they may require a traffic impact study. The Idaho Transportation Department has no concerns. The phased approach of the use will align with the widening of Highway 20-26 scheduled to begin in 2024. The Canyon Soil Conservation District recommends denial due to the area still being in prime farmland. The City of Caldwell recommends denial. The parcel is surrounded by city jurisdiction on all three sides and therefore they request the parcel be annexed into the city. If not, they request it be denied as the requested use is not allowed in the highway corridor designation and may impact future planned mix use development. The City of Nampa sent a letter supporting future plans by the cities in that location. The applicant does not want to annex, and city services are not available. They agreed to conditions that would require them to annex if there is redevelopment of the property, or if water or sanitary services are ever required for that use. On December 21, 2023, the Planning and Zoning Commission recommended the Board deny the conditional rezone request finding that the change is premature and should remain in agricultural use until the city of Caldwell and highway improvements are available. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to close public testimony. Commissioner Van Beek supports the recommendation by the P&Z Commission and said the City of Caldwell has asked us not to block their path to providing infrastructure to the requested development that is active in this area. This area has had tremendous growth and she believes the request will have an impact on the area. When Caldwell decides what the highest and best use for the ground is, it should include city services like the other parcels around it. She is opposed to this development as it is inconsistent with what is planned for the area by Caldwell. Commissioner Holton supports the draft FCO's. Commissioner Brooks said he concurs with the comments made by Commissioners Holton and Van Beek, and said there will be a lot of traffic off a two-lane road. It is prime agricultural ground surrounded by other city agricultural ground and the absence of a particular group or people associated with extra concern for the protection of that ground not being here and providing feedback is noted because it seems like even though 5% of the growth is in the County the cities get a free pass at chewing up the best ground. He concurs with the P&Z Commission's recommended denial. Commissioner Holton said it's not the highest use for the property and it's a current use of high production agricultural ground. This proposal is not the right choice right now, but perhaps at a distant point in the future. Commissioner Van Beek made a motion to deny the request based on the FCO's, with the addition of reasons for denial on item no. 5 due to insufficient water, sewer, and irrigation, and item no. 6 that the streets will be impacted and it's an insufficient intersection and roadway to handle the volume of anticipated traffic. The motion was seconded by

Commissioner Brooks and carried unanimously. The FCO's will be brought back at a later date. The hearing concluded at 2:02 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2024 TERM  
CALDWELL, IDAHO MARCH 20, 2024

#### APPROVED CLAIMS

- The Board has approved claims 604148 to 604186 in the amount of \$79,121.26
- The Board has approved claims 604187 to 604221 in the amount of \$33,619.00
- The Board has approved claims 603743 to 603774 in the amount of \$42,858.77
- The Board has approved claim 603776 in the amount of \$35,214.00

#### APPROVED MARCH 22, 2024 PAYROLL

- The Board approved the March 22, 2024 payroll in the amount of \$2,285,560.17

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Kendall Ford in the amount of \$38,000.00 for the Fleet department (PO #5953)

#### PUBLIC MEETING FOR DSD STAFF TO REVIEW AN ORDINANCE OF CANYON COUNTY, IDAHO, AMENDING CHAPTER 1, ARTICLE 17: LAND USE/LAND DIVISION HEARING PROCEDURES; OF CANYON COUNTY CODE OF ORDINANCES; AND SEVERABILITY CLAUSES; AND AN EFFECTIVE DATE

The Board met today at 9:32 a.m. for a public meeting for DSD staff to review an ordinance of Canyon County, Idaho, amending chapter 1, article 17: land use/land division hearing procedures; of Canyon County code of ordinances; and severability clauses; and an effective date. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Zach Wesley, DSD Director Sabrina Minshall, Assistant DSD Director Jay Gibbons, Planning Supervisor Carl Anderson, COO Greg Rast, Keri Smith, Kim Yanecko, Claudia Haynes, George Crookham, David Delihant, Pam Wagoner, JoDee Arnold, Ron Amaral, Wayne Rundell, Gerri Smith, Ann Delgado, John Hoadley and other interested community members, Erin Banks-Rusby with the Idaho Press and Deputy Clerk Jenen Ross.

Director Minshall explained the red-line version of the ordinance is now available for public review and there is a written public comment period that is currently up on the website. Following the comment period, comments will be reviewed and any necessary revisions will be made. In about a month, the ordinance will be brought back to the Board for consideration of adoption or changes.

She said that about a year ago conversations started with this Board on adjustments that could be made to processes in order to keep things streamlined and ensuring cases are continuing to move thru the hearing process. She spoke about some of the ways they've worked to assure transparency and accessibility of information by posting both P&Z and BOCC hearing information to the website where the hearing packet with exhibits and comment and/or exhibit submission deadlines can be found. Some of the changes they've made are to the timelines and trying to find the right balance in order to prepare the hearing packets and allow time for review. Often in hearings at both P&Z and before the Board, there would be verbal testimony but a packet of information would also be submitted which did not allow time for it to be properly reviewed.

Mr. Wesley reviewed the document with the Board as follows:

- ***Section 01-17-05: Acceptance of Application for Hearing***

The goal is to ensure the application is complete and that it is the same between both P&Z and the BOCC. This section provides the ordinance basis for the staff to conduct a review and confirm the application is complete; if the application is not complete it allows for DSD staff to notify the applicant of missing information and if they don't provide the information within 90-days the Director can make the decision on whether or not the application can proceed or if it needs to be denied. Provides timelines and an appeal period.

- ***Section 01-17-07: Exhibits Presented at Hearing***

This addresses the 20-day timeline. LLUPA requires that the Board or P&Z have a public hearing before approving or denying an application. For a special use or conditional use permit, the P&Z Commission is the governing body and the decision can be appealed to the Board of County Commissioners; for a comprehensive plan update or a rezone/conditional rezone the P&Z Commission is the initial body who will make a recommendation to the Board of County Commissioners and the Board holds a second public hearing on every rezone or comprehensive plan amendment case. LLUPA requires a Board to adopt a public hearing procedure which includes testimony time allotment, who will start, rebuttal time allotment and any other items which are part of the normal hearing procedure. Anything submitted prior to the 20-day deadline will automatically be part of the record and included in the hearing packet and part of the final written record and be available in advance for the hearing body to review. There are no guidelines in LLUPA regarding these timelines but a survey has been done by DSD/legal and it appears this varies by jurisdiction.

- ***Section 01-17-09: Conduct of the Hearing***

This section provides the hearing order – appellant, neutral, then opposition testimony, followed by rebuttal by the applicant. The current ordinance states that the staff report will be presented first and this revision will allow for the staff report to be presented at a time that is the discretion of the hearing body. Additionally, section 2 states that any presentations shall be provided no later than 20-days prior to the hearing.

- ***Section 01-17-11: The Record***

This section is where a lot of the change has occurred, it has a lot of carryover from the prior section about the staff report automatically becoming part of the record, all verbal testimony becoming part

of the record and now has a built in a remand procedure; this was lacking in the ordinance. The purpose is to ensure that the planning and zoning commission or the director has all of the information that is in the final application to review before the Board receives it. The Board would have a recommendation that is tied to what the application and not something that is completely different or is a new project and no major changes have been made to the request. This would allow the Board, prior to taking any public testimony, to remand an application for appeal back to the initial hearing body. That remand can be done if the record is incomplete, if the application has had substantial additions, amendments or modifications from the application presented to the initial hearing body or if procedural steps that are required were not followed. This will also allow the board to set the terms of the remand; the Board can be specific in what they would like the initial hearing body to rehear and ask for a recommendation on a specific portion. All the evidence would be part of the record and new findings would need to be issued. Following the hearing, the Board will have the discretion to close the record, leave the record open or continue the hearing.

Director Minshall said there have been just a couple spelling corrections made to the document and that it can be found on the Commissioners' agenda page of the website and on the DSD land use hearing page. In this draft version, the underlined portion is the new information and the strikethrough is the current version. A review of the timeline was provided as follows, written public comment will begin at the conclusion of today's meeting and will be accepted thru April 10<sup>th</sup> at 5:00 p.m. Comments can be emailed to Director Minshall or sent via USPS to DSD at her attention. On April 18<sup>th</sup> the Board will conduct another meeting (not hearing) to review and consider the ordinance.

The meeting concluded at 10:30 a.m. and an audio recording is on file in the Commissioners' Office.

### COMMUNITY INPUT MEETING

The Board met at 6:00 p.m. for a community input meeting where the public was invited to present comments and ask questions of the Board. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Clerk Rick Hogaboam, COO Greg Rast, Communications Specialist Chad Thompson, Ambulance District Director Michael Stowell, DSD Director Sabrina Minshall, Assistant DSD Director Jay Gibbons, Keri Smith, Linda Steele, Wayne Rundall, John Hoadley, George Crookham, Connie Lou Aebischer, David Delihant, Steve Burton, Claudia Haynes, Anne Delgado, Linda Watts, Jacqui True, Theresa Denham, Chris Jagers, Erin Banks Rusby from the Idaho Press, Amy Weidner, Kim Yanecko, Ron Amarel, Pam Wagoner, Larry Olmsted, Hubert Osborne, Debi Yeager, Michelle Navarro, Loni Parry, Robin Carr, Joseph Sullivan, Marty Denham, Angela Kehrer, Gerri Smith, Marty Denham, Cheryl Palange, Steve Palange, Sherry Jetton, Josh Jetton, Shae Reberry, Beth Carico, other interested citizens, and Deputy Clerk Monica Reeves. The following people offered comments:

**Keri Smith**, the owner of Treasure Valley Planning Idaho, spoke about the ordinance the Board has been working on much of which is related to Idaho Code, Section 67-6534 regarding the adoption of hearing procedures. The governing board shall, by ordinance or resolution, adopt procedures for the conduct of public hearings. Public hearings are the opportunity for the public to be heard and so this is one of those statements where you shall have these procedures specifically related to the conduct at the hearing. At a minimum such hearing procedures shall provide an opportunity for all affected persons to present and rebut evidence, and it's very easy as a decisionmaker to allow the public an opportunity to provide evidence at a hearing. Developers have a year plus to put together their application packets, but the community has a very limited amount of time and oftentimes they are confused by the process. She said If the Board gets overwhelmed with information during the hearing they can continue it to a later date and allow time for staff to evaluate the information provided. It allows for due process and for the public to have a voice and to provide evidence in which the Board makes decisions on.

**Wayne Rundall** lives in the Sunnyslope area and spoke about the amendments to the public hearing procedures. He appreciates the Board's frustration at encountering testimony at the last moment but said the change to limit public evidence to 20 days prior to the hearing has several unintended consequences. Many people do not have the ability to continuously monitor the County's website in order to find hearings that may have an impact on them or their neighborhoods, and notifications placed in the newspaper will inform only a small number of residents and it's not geographically targeted. Public records request often take longer than one week when it involves the Sheriff's Office or other agencies such as the Idaho Dept. of Water Resources, Southwest District Health, and Canyon Highway District and while the intent is to post road signs and submit hearing notices to the newspaper within five days of the hearing being scheduled he thinks the law allows for road signage to be posted as little as 7 days prior to a hearing and it allows for newspaper notification to be placed 15 days prior. County residents are generally informed of potential impactful hearings through word of mouth further delaying their ability to accumulate and submit evidence for or against. He said the County has made strides enabling residents to review application details through the websites, however, they have to navigate a complicated process with little direction or guidance. He recommends the following:

- The County should use the PulsePoint app to notify residents of upcoming hearings.
- The deadline of 20 days prior to an administrative hearing is required, but maybe we could change the 41-day process to a 61-day process and give those 20 days back to the residents to collect their information.
- Allow for brief exhibits that are specific to providing evidence related to hearing criteria such as photographs or PowerPoint presentations within 3 days of the hearing and at the hearing you can identify whether it's applicable or appropriate to accept.
- Ensure all policies, procedures, and ordinances reflect that the notices, road signage, and newspaper submissions are performed within the 5 days of the hearing being scheduled.

**John Hoadley**, who lives west of Caldwell, spoke about the cause and effects of how the seed industry looks at land use applications and said all aspects of the negative effects should be

considered. He appreciates wanting to streamline the process but said the proposed ordinance amendments discussed this morning are concerning as it pertains to what evidence is disregarded.

**George Crookham** owns several properties throughout the County, and he would like the Board to be more respectful of their constituents and the democratic process, but this is not what was witnessed at the ordinance meeting this morning nor in previous hearings. He said pontificating that constituents are people being misled and misinformed by entities is disrespectful of their will, their intelligence, and their right to voice their opinion in any manner even if it's in a form letter format. Stating that the Board will not be swayed by a unified group with common concerns regardless of the number of comments received is undemocratic and it's as if the Board is functioning in the vacuum of confirmation bias by only listening to what meets its bias and perspective. Confirmation bias is a debilitating mindset, it does not serve the constituents and it destroys public trust. Mr. Crookham asked the Board to hold more public hearings and meetings which will help build trust and transparency. He questioned why so few meetings occur on Mondays and Fridays.

**Connie Lou Aebischer** lives west of Caldwell and said her background in helping write policies for nonprofit humanitarian organizations across the globe she recognizes the need to weigh words carefully. Although people may have the best intentions and integrity, there will be another DSD Director and there will be new Commissioners and not all of them will have the same level of integrity that those in the room possess. She personally witnessed 5 different directors in her 9 years with the Development Services Department and she witnessed a wide variety of integrity and lack thereof in the directors during her time in the department. We must not create a situation where someone can be swayed to abuse their power following the ordinances and policies that are being created right now in regards to the ordinance changes posted on the website. For instance, the language in 01-17-19(1) has the potential to become a weapon used to sway a hearing to one side and to abuse the power given to the elected officials. We must look at the words we choose very carefully and not set up someone to have the opportunity to abuse that power of the office with the ordinance. She appreciates the Board taking public input because we all come from a variety of different backgrounds and we see things from different perspectives, and working together we can make a positive change for the betterment of Canyon County. The language proposed in 01-17-19(1) as it reads greatly limits freedom of speech as it gives total control of what is said and by whom to the Commissioners as they deem necessary. What is the criteria for choosing to limit testimony? How will criteria be applied to both the applicant and to the opposition so that it is equitable and not perceived as bias?

**David Delihant** lives in Wilder and is new to the area and is still learning how the processes and system operate. He asked Commissioner Holton if he intends to run for the office of Mayor of Greenleaf again? Commissioner Brooks said any questions that are asked tonight will be answered and posted on the 2C Communications page of the website, and the Board will send an email to everyone who provided their email address tonight and let them know the answers have been posted that way we won't get into a back-and-forth dialogue tonight.



**Steve Burton** lives in the northeast corner of Canyon County, and he is glad to hear there will be answers to the questions that have been asked. He referenced the email he sent to the Board which contained several questions, and he thanked the Board and the Clerk's Office for posting the adopted budget. He asked if there will be public notification for this year's budget? Will the meeting dates be posted, and can citizens get advance notice to attend the meetings? He wants to make sure the August budget meeting will be a public hearing and that constituents will have time to provide input. He said there is a big increase in the budget for ARPA funds and said people have different opinions on whether we should be using COVID funds, and he asked why we are "diving" into those federal funds now? He would like the details on the \$26 million Sheriff's administration building project. He would also like information on the need for and the duties of a risk and safety manager. Mr. Burton is concerned about the fund balance, the reserve. A couple years ago the Board elected to use some of that reserve and decrease the request for funding and it made the constituents happy because there was an abundance in reserve, and it was dropped to 45%. Where are we going with the new proposed budget, what percentage are we going to be? He is comfortable with 30%-35%, but with this new request are we going up to 70%-75%? He is not sure the constituents are going to understand how we are going to go to a 30% increase in the next fiscal year. Mr. Burton suggests the Board drop the 2024 request down to \$43.5 million and that would keep us at the same percentage we currently have but it would still increase the funds. What will happen with the reserve when you do that?

**Claudia Haynes** lives in the southern portion of the County and her comments were about the hearing procedures. She said many times the Chairman asks the applicant if they have a representative who will speak on their behalf, but he does not ask if the opposition has a group representative. Sometimes there are multiple groups at a land use hearing so she would like the Chairman to ask if there is a representative for the opposition and to consider allotting time to more than one representative when they can prove they are representing a group of people. There are laws that are in place before the new hearing procedures ordinance will take effect and she wants to know if the Board is going to follow the existing laws that pertain to submitting evidence if it is just 1-2 pages? At a recent land use hearing she tried to submit a one-page document from a state agency after the submission deadline had passed and she was confused as to when she could submit it and was surprised at the way she was treated when trying to submit the document.

**Anne Delgado** lives in the Sunnyslope area, and she thanked the Commissioners for their time and service. She is concerned about the outdated public notification distance beyond 300-600 feet of impact because it limits residents beyond that distance for public hearing notifications of new developments. If they are new to the area people will not know what impact has been made until the development has been built or an approval process is in place. A good example of this was during the amphitheater proposal where there was limitation in how people in the rural areas were notified. She spoke about safety issues with the property posting signs where it's difficult for people to stop and get a flyer due to the underdeveloped two-lane roads with increased heavy traffic. She likes the plans to improve the County's website but said it's time to include the ability to push out information via an automated process for text notifications, emails, and postcards to better serve all Canyon County residents by improving communication about hearings and the

ongoing changes. Links could be included in texts or emails to make it easy for the public to navigate back to the landing page for hearings information, therefore allowing more two-way communication. It could also be included as part of the 41-day process and the day 1 through day 5 that's in the public hearing application process. Canyon County could improve its transparency with communication to its citizens to continue to build trust with the public and use technology as a tool so the public can be informed about required timelines so they can be prepared for the hearings.

**Theresa Denham** lives in Middleton and is concerned about the way in which the impact areas and the agricultural areas have been handled. She doesn't think people recognize the economic value and stability agriculture brings to the region. In October of 2021 she became aware the County was working on a comprehensive plan for 2030 and she spoke to a Commissioner and some planners about the need for more time and input. The County heard from thousands of people, 86% of them want agriculture and they want an agricultural lifestyle. There was a lot of input from the Farm Trust, citizens, and other stakeholders and the 2030 comprehensive plan was finally ratified in October of 2021. She is looking at policies that are being put in place either through legislative policies at the direction of the some of the members here, and she wants to know how the implementation is coming along and if we are moving forward towards the 2030 plan as it was ratified. Because of the problems she has seen over the past 6 months with the County's hearing processes and failure to recognize the plan, she wrote RS 31130 which was a plan that would allow impact area residents to have more control as far as voting. They could vote for the city councils that are controlling within the area of impact and this plan went through the attorney general and it was proven that it was constitutional. One of the Commissioners wrote a request to Senator Lakey's office stating the RS was unconstitutional and was bad for the people without speaking to Ms. Denham or others despite invitations to do so and she finds that unacceptable.

**Chris Jagers** lives northeast of Middleton and is concerned with the timeline and process for filing land use applications in the Development Services Department. According to DSD, there are 144 active public hearing cases, and his is one of them. He submitted a completed application at the beginning of the public hearing process implemented by DSD and they worked through the concerns staff had and began the process to modify the request to something that was agreeable to staff and his case has sat for nearly one year. His representative was informed that it's likely his application will continue to sit unreviewed for another 4-5 months. It is his understanding that DSD is processing conditional use permit applications with priority over small applications like his rezone request where he has one parcel but would like to have two.

**Amy Weidner** lives south of Lake Lowell, an area she said Commissioner Holton has referred to as the "pit of no recharge" where there are water problems, and an area where Commissioner Brooks did not choose to buy a home because of the water problems. She heard a disturbing quote by Commissioner Van Beek who said, "If you can't read it into the record then it doesn't belong in the record." Ms. Weidner said sometimes during hearings, you have newly acquired information from different agencies that may require a map or a graph that a layperson cannot explain or interpret in words in 3 minutes. Not everyone has the ability to speak at public meetings and not everyone understands the processes. They are citizens and they matter and everything they do matters,

and their resident voices should hold more weight than developers. Not everyone is able to attend hearings in the afternoons, so she cautioned the Board not to reduce the ability for people to submit information. She agrees with the comments made by Theresa Denham regarding the 2030 comprehensive plan and the preservation of agriculture. She believes the area is being destroyed by development, and is concerned about the response times of law enforcement in the area due to the Sheriff's Office being severely understaffed.

**Kim Yanecko** lives south of Lake Lowell and she wanted to discuss the property postings that have not yet been considered under the new ordinance. The public hearing application process does not state when the site posting will occur so the residents are not able to plan ahead to know when to let people watch the posting. There is an assumption that people will see the sign immediately and/or will drive by the property, but in rural areas people try to get to better roadways that connect to major highways so they are not going inland and are missing the property postings. People may not understand the timeline to present evidence or provide written testimony because they do not understand the convoluted process. If they need to get information it can take 3-10 days to fulfill a response to a public records request and once received it takes time to review and potentially prepare response. Ms. Yanecko represents a group of 120+ people called The Posse and they knew a hearing was coming so they put 200 flyers in mailboxes in the area and held the meeting with 50 people in attendance and most were not aware of the posting until she talked about it at the meeting because they do not travel that area. Mailed notifications should go beyond 600 feet and when there is spot zoning that's occurring and the County needs to consider everybody in the HOAs. Not everyone can attend hearings in-person and not everyone is comfortable giving oral testimony. At this morning's meeting one of the Commissioners commented about not liking form letters but she said people are not informed on the process and so why should they have to reinvent the wheel? In her case, people asked her to put together some information and if they agree with it they will either add to it or they will sign it. People agreed with the information she presented and they presented it to the Board. She asked the Board not to discredit that because she took the time to do the investigation and provided the information to the public so they could be informed. The public is here as advocates, not as adversaries.

**Ron Amarel** with R & L Consulting is in the vegetable seed business and he supports agriculture. After this morning's meeting on the proposed ordinance, a Commissioner talked about the duplication of emails. If his neighbor has a concern and he agrees with their concern there is no reason for him to reinvent the wheel, he would forward it on. You can have one letter or many, and he hopes many means more to the Board. He recognizes there can be misunderstandings but he wants the comment from this morning addressed. Mr. Amarel asked if the Board is thinking about the open meeting law strategy, and he said there could be better communication from the Board. Additionally, the Board should utilize the 5 days a week for meetings, instead of 3 days week. He said the rules for providing information to the Board need to be very clear.

**Pam Wagoner** lives in north Caldwell and she serves on the board of the Middleton School District and her comments were about property taxes. Last year in the spirit of property tax relief our legislative body created a tax relief program and that was to help school districts as well, and

school districts are limited in how they can receive their funds. She appreciates the efforts to be transparent but questioned why taxpayers were given a 30% increase on their tax bill when nobody was going to notice because they got property tax relief from the state? She encouraged the Board to consider the property taxpayers of Canyon County this next year. She agrees with Steve Burton's comments about the budget, maybe not \$16 million dollars' worth. She said there has been some concern about the Prosecuting Attorney and said according to Idaho Code, Section 31-2607, he would be considered the advisor of the County Commissioners and it has come to her attention that the Board is choosing to use outside legal counsel which costs taxpayers more money. She invited the Board to use the elected official that the taxpayers chose. Commissioner Van Beek said the rules of this evening's meeting asked people not to discuss elected officials. Mrs. Wagoner said she wants the Board to use tax dollars used more wisely.

**Larry Olmsted** lives in south Nampa and he said the Board has a really difficult job and appreciates that they have made themselves available. He is aware of some of the things the Board has worked on such as the compensation system, staffing, and doing a deep dive on the budget and he thanked them for doing a professional job. He wants the Board to work on impact fees. For five years the Board has said they working on impact fees, but we are further away then we have ever been and it's a mess. He has heard that in the last five years we have lost \$12 million because we haven't had impact fees, and he's heard we are losing \$3 million this year. Taxpayers are having to pay for the people who are coming in when they are the ones who should be paying impact fees. Impact fees help development pay for itself.

**Hubert Osborne** lives in Nampa and he sits on the City of Nampa's impact fee committee and he said there has been a discrepancy in the way fees have been collected. The people outside the city limits are paying a lesser amount than people inside the city limits and this is not what any of us asked for and it was not what was passed by the Nampa City Council. There has been a buck passing. The fire district impact fee for Nampa residents who live in the adopted fire district is \$1,631, up from \$1,567 as of July 1, 2023. This does not cover industrial but similar rate raises apply and that was from \$560, which is what the fire districts outside city limits are paying. This is unfair and he requests an immediate amendment to county code to allow what has been passed by the Nampa Impact Fee Committee and the Nampa City Council and what they thought was being assessed. He said a DSD employee told him until there is an ordinance update requested or applied for the fees are as shown in the County ordinance, which is 3-4 years old. It would be simple to amend the ordinance.

**Loni Parry** lives in Caldwell and he believes the Board has done a great job. He pushed very hard to get a new jail built, and he pushed for the protection of agricultural areas, and he has pushed for public transit. He is very concerned that we keep pushing forward because these are things we need badly. Additionally, he supports impact fees.

**Robin Carr** lives in Middleton and her comments addressed the need for an animal shelter that includes all the companion animals and not just dogs. A private nonprofit can only do some much and they are just taking the dogs, but we need a shelter for dogs and cats. Currently people have nowhere to take a cat.

**Gerri Smith** lives in Sunnyslope and she has been following the plan to update/streamline the hearing process and she would think state law allowing testimony and evidence in whatever form would be something the Board would support rather than limit. Why make it more difficult for constituents to participate? At this morning's meeting a Commissioner said they do not want a surprise on a USB flash drive, but Ms. Smith said she doubts people come to hearings not wanting to give pertinent information. She spoke of the challenges citizens face in trying to get information about land use hearings and said the County's notification system is flawed with mailed notifications not providing enough notice for people to gather information. She is concerned that DSD closes on certain days and citizens have to make appointments to see staff. She thanked DSD staff because they tried to help the citizens. She is disappointed in two of the three Commissioners who she believes have chastised and criticized her for having sat through meetings. How else are citizens supposed to know what the Board is doing if they don't attend meetings? Senior citizens do not use the internet because it's not easy for them and it's discrimination if the only source of information is a website. The 20-day timeline is not enough time for citizens to gather and present information. Her prayer is the Board will work with the 2030 comprehensive plan and protect these places so that constituents don't have to come to public hearings all the time.

**Marty Denham** said he finds that people are running from something or running to something, but in the case of Canyon County what he finds is people are running from "megalopolises" that are crime-ridden, crowded, and overtaxed and they are coming here to the beauty and wonder of this County. He said 86% of the County loves the rural areas and they want it to stay as-is and he agrees with comments made tonight about preserving the comprehensive plan. We are in danger of losing what we have, it's special and it is important and it is why so many came people here and it's his opinion there are certain city managers with their own agendas and they "cook up" developer agreements that the public cannot see. They'll spend 2 years on something but the citizens only get 2 weeks' notice to submit testimony and that is not fair. It leads to enclaves and hostile annexation and spot zoning and the next thing you know, especially with Senator Lakey's recent bill, developers drive away with a profit from building houses and the residents get stuck with bond measures and increased taxes. With the "cooked up" developer agreements they bypass state code, Title 67-6805, the procurement by cities for public works, but he has witnessed developer agreements cooking up traffic lights, roads, thoroughfares, lift stations, etc., in quid pro quo status in violation of Title 67 and those things skate through the planning and zoning commissions and city councils, but he hopes they do not escape the Board's attention because that's not following the law. He said property rights is a cult religion, you cannot do whatever you want, and the Board can say no and he's asking them to do that and to honor the comprehensive plan. Mr. Denham believes hearing notices are wholly and completely inadequate and the notification area should be expanded beyond 600 feet and include the whole community because it affects roads, sewer, and schools.

**Cheryl Palange** offered comments about the challenges with the notification process and the need to expand the notification area beyond 600 feet. She lives across the street from a proposed development but did not receive a hearing notice by mail. She asked for one and received it 8 days before the hearing. Newspaper subscriptions have declined from 60 million in the 2000s to

20 million, no one reads the newspaper anymore. Hopefully the County's communications specialist can help find a way to communicate in a way where people access the information versus having to pull the information because she doesn't have time to monitor websites. Regarding the road signs, the one near her house is in a 55 mph zone on a two-lane road and she doesn't feel safe stopping to pick up a flyer. The County should do something electronic that's consistent with 2024 and not 1940. It should be fair and balanced - giving both sides a chance to speak both sides a chance to speak. She witnessed at recent hearings at the P&Z Commission that the applicant had support from staff and it was like they were being cheered on and their presentations were being displayed on the monitors, but none of that was applicable to the anyone in the opposition and they could not get any visual support, they had to do it themselves as regular citizens. She would have liked the ability to send a PowerPoint and have the same courtesy extended to her.

**Sherry Jetton** lives in Wilder and she said changing the deadline for people to submit comments will impact the community. When Pickett Auction went in the sign was posted after the letters were supposed to be submitted and the only way you could be heard was in person, which interferes with most people's work schedules. She asked the Board to consider this before making it harder for the community by changing the ordinance.

**Shae Reberry** is a resident of Ada County and was asked to speak tonight in the absence of two Canyon County residents regarding the future of animals in Canyon County. She is in rescue and is an administrator of multiple Facebook groups involving getting animals home in a timely fashion if an owner isn't found quickly. She is a fourth generation Idahoan and has been involved in animal rescues for 10 years and she agrees with the comments offered by Robin Carr. We need a new shelter that functions like a shelter and not a rescue. She has worked with many people at West Valley Humane Society and unfortunately, it's not working. Animals are being stolen and rehomed pretty quickly after being found and that's because people do not have faith in the shelter in Canyon County. Her weekends are busy on Facebook trying to impede dogs disappearing because Nampa, Caldwell, and Canyon County animal control aren't on. Occasionally, somebody is on call but there is nowhere for the animals to go on the weekends because the shelter is closed on Sunday and are only open part of the day on Saturday. The system with the current shelter has been broken since COVID started and they closed their doors to the public so it's very difficult to get animals in there. Cats are seemingly not welcome unless you are an owner surrendering your cat. Birds, chickens, pigs, and reptiles are found in Canyon County and they all need a place to go. Ms. Reberry works closely with some rescues and said they are inundated with animals they cannot take; people expect rescues to hold the strays and they can't do it so we need a new shelter.

Following the comments, Commissioner Van Beek thanked everyone for being here and she spoke about how the community should be able to touch local government. No Board action was required or taken. Responses to tonight's questions will be posted on the County's website. The meeting concluded at 7:13 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2024 TERM

CALDWELL, IDAHO MARCH 21, 2024

#### FILE IN MINUTES

The Board filed the Treasurer's monthly report for February 2024 in today's minutes.

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$16,104.64 for the Information Technology department

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Norma Trujillo, documenting removal of specialty pay (no salary change)
- Brandon Black, documenting removal of specialty pay (no salary change)
- Jenna Raino, PT Interpretive Specialist
- Mark Stradley, PT Interpretive Specialist
- Keiarin Lawrence, PT Interpretive Specialist

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

The Board met today at 9:40 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley, Cpt. Ray Talbot (left at 9:45 a.m.), Cpl. Darin Freiburghaus (left at 9:45 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing E-Payment Services Agreement with Point & Pay, LLC.***: Cpt. Talbot explained that this service has been used for 10+ years but with this updated agreement Point & Pay will provide new card readers at no cost, it brings the DMV closer to compliance with ITD standards on how credit card payments are processed, allows for the fee to be waived on charges under \$10, a dedicated technical support person and assurances on their network stability. Today's agreement will extend the contract by 3 years. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the e-payment services agreement with Point & Pay, LLC (agreement no. 24-026).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:46 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 Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley and COO Greg Rast. The Executive Session concluded at 10:09 a.m. with no decision being called for in open session. The meeting concluded at 10:09 a.m. and an audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### MARCH 2024 TERM

CALDWELL, IDAHO    MARCH 22, 2024

*No meetings were held this day.*

#### MARCH 2024 TERM

CALDWELL, IDAHO    MARCH 25, 2024

#### APPROVED CLAIMS

- The Board has approved claims 603854 to 603886 in the amount of \$24,886.14
- The Board has approved claims 603932 to 603985 in the amount of \$52,849.11
- The Board has approved claims 604026 to 604072 in the amount of \$18,424.81
- The Board has approved claims 603986 to 604025 in the amount of \$47,877.32
- The Board has approved claims 603777 to 603809 in the amount of \$15,686.06
- The Board has approved claims 603810 to 603853 in the amount of \$93,071.09
- The Board has approved claims 603887 to 603931 in the amount of \$288,189.19
- The Board has approved claims 604073 to 604119 in the amount of \$557,866.25
- The Board has approved claims 604120 to 604147 in the amount of \$64,543.44

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Richard Friddle, documenting removal of specialty pay (incorporated into base pay)
- Chet Teats, documenting removal of specialty pay (incorporated into base pay)
- Leon Baguley, documenting removal of specialty pay (incorporated into base pay)
- Randy Hagler, hazardous waste screener/heavy equipment operator (rehire)



- Lea Durfee, Enterprise fund employee adjustment
- Eric Eskew, Enterprise fund employee adjustment
- John Vietti, Enterprise fund employee adjustment
- Homero DeLos Reyes, Enterprise fund employee adjustment
- Jaycob Rush, Remove CERT pay
- Shawn Parker, CCSO transfer
- Nicholas Talbot, CCSO transfer
- Tanner Beiker, CCSO transfer
- Maddie Bryce Cathelyn, Emergency Communications Officer, new hire
- JoLynn Thweatt, Assessor GIS Analyst
- Lucy Lanning, temporary assignment to elections thru 5/31/24
- Mike Cowan, documenting removal of specialty pay (incorporated into base pay)
- Kevin Sorensen, documenting removal of specialty pay (incorporated into base pay)
- Darryl Speiser, documenting removal of specialty pay (incorporated into base pay)
- Cassandra Bertram, documenting removal of specialty pay (incorporated into base pay)
- Victoria Hampton, documenting removal of specialty pay (incorporated into base pay)
- Amber Smith, documenting removal of specialty pay (incorporated into base pay)
- Erin Bullard, documenting removal of specialty pay (incorporated into base pay)
- James West, documenting removal of specialty pay (incorporated into base pay)
- Emily Garcia, Deputy Public Defender I, Rehire
- Melissa Tucker, Banking and Finance Manager, new hire

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Sun Belt in the amount of \$9850.00 for the Facilities department (PO #5932)
- Dell in the amount of \$8911.27 for the Information Technology department (PO #5984)
- Hanson Janitorial in the amount of \$16,608.00 for the Sheriff's Office (PO #5838)

#### TREASURE VALLEY PARTNERSHIP MEETING

Canyon County hosted this month's Treasure Valley Partnership luncheon meeting. Although a Board majority attended and participated, this was not a Commissioner meeting. There were no motions, action items or Board direction entertained or given.

MARCH 2024 TERM

CALDWELL, IDAHO    MARCH 26, 2024

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

The Board met today at 9:30 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Deputy P.A. Oscar Klaas, Deputy P.A. Alex Klempel, Deputy P.A. Laura Keys, Facilities Director Rick Britton (left at 9:35 a.m.), Interim HR Director Rich Soto, Solid Waste Director David Loper (left at 9:42 a.m.), Landfill Operations Manager Daniel Pecunia (left at 9:42 a.m.), Sr. Administrative Specialist Debbie Jenks (left at 9:42 a.m.), COO Greg Rast, Hubert Osborne (left at 9:46 a.m.) and Deputy Clerk Jenen Ross.

***Consider Bid Award Notification for Elevator Modernization Project:*** Last week one bid was received for this project from Young Elevator. Included in the bid were alternative options, one of which is a battery lowering device at an additional cost of \$3000 per elevator. In the event of a power outage, the device will lower the car to the first floor for safe evacuation. Mr. Klaas will draft a revised letter to reflect the addition of *Alternate #1* from the bid. Commissioner Brooks made a motion to approve and sign the bid award for the elevator modernization project as presented with the addition of alternate #1. Commissioner Holton noted that the Board is approving this but the documents will be brought back to be signed administratively. The motion was seconded by Commissioner Van Beek and carried unanimously. A copy of the letter is on file with this day's minutes.

***Public Hearing to Receive Public Comment Regarding the Increase of Tipping Fees at the Pickles Butte Sanitary Landfill:*** No written comments were received nor did anyone attend the hearing to offer comments. The new fees will be implemented at the start of FY25 (October 1, 2024). Legal will draft a resolution for consideration at a future legal staff meeting.

Commissioner Holton asked about an issue in Parma regarding ag exemption definition. Mr. Ericson said Mr. Wesley met with DSD recently and is working to get advice back to them on how it should be handled.

Commissioner Holton also asked about a billing that was received from a constituent for a floodplain issue that has now been resolved. He believes payment for this claim should come from the tort fund. Zach Wesley is also involved in this and legal will find an answer for the Board.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:46 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 Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into

Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Carl Ericson, Deputy P.A. Oscar Klaas, Deputy P.A. Alex Klempel, Deputy P.A. Laura Keys, Interim HR Director Rich Soto and COO Greg Rast. The Executive Session concluded at 10:21 a.m. with no decision being called for in open session.

The meeting concluded at 10:21 a.m. and an audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### WEED AND PEST DISCUSSION - OWL BOX MAINTENANCE DISCUSSION

The Board met today at 10:32 a.m. with Weed and Pest to discuss owl box maintenance. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Facilities Director Rick Britton, Weed and Pest Superintendent Cory Flatt, Office Manager Becky Kearsley and Deputy Clerk Jenen Ross. Director Britton provided a history of the informal agreement that has been in place with BSU to since 2018. The county partnered with BSU to clean out of the owl boxes for their research purposes and Canyon County has been reimbursing mileage for this service. In 2018 an agreement was presented to BSU to formalize this partnership but at that time the school refused to sign and nothing further happened. Director Britton provided several suggestions in order to maintain the owl boxes as owls are very beneficial in the control of gophers and is looking for Board direction. The Board is in favor of discontinuing mileage reimbursement to BSU and asked Director Britton to contact the school about what level of participation they'd like to have in the maintenance of the boxes. Mr. Britton said he would reach out to his contact and come back to the Board with some additional information.

The meeting concluded at 10:47 a.m. and an audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING TO CONSIDER A REQUEST BY ROBERT AND JEANNE KELLY FOR APPROVAL OF A PRELIMINARY PLAT AND IRRIGATION & DRAINAGE PLAN FOR KELLY RIDGE SUBDIVISION, CASE NO. SD2020-0023

The Board met today at 1:35 p.m. to conduct a public hearing in the matter of a request by Robert and Jeanne Kelly for approval a preliminary plat and irrigation and drainage plan for Kelly Ridge Subdivision, Case No. SD2020-0023. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Principal Planner Michelle Barron, Planning Supervisor Carl Anderson, Deputy PA Zach Wesley, Bob Kelly, Dustin Hayes, other interested citizens, and Deputy Clerk Monica Reeves. DSD Principal Planner Michelle Barron gave the oral staff report. The development consists of 9 residential lots and 1 private road lot in a single-family residential zone. The subject property, Parcel No. 38157011, is located on the south side of Purple Sage Road, approximately 680 ft. west of the intersection of Freezeout Road and Purple Sage Road in Caldwell and is approximately 18.95 acres. The property is located within Middleton's area of city impact. The

Planning and Zoning Commission recommended approval with conditions of approval on January 4, 2024. The County Engineer has reviewed the preliminary plat. Originally submitted without engineered plans for irrigation or drainage the application was placed on hold until those were completed. Pressurized irrigation plans were approved by the County engineer on November 20, 2023. The development will be accessed via a new private lane, All Seasons Lane. There was a review of agency comments. Rod Stiller, who lives nearby, was the only person who commented with concerns regarding drainage. Planner Barron reviewed the standards of review for a subdivision plat, as well as the conclusions of law. There are 10 proposed conditions of approval.

The following people testified in support of the preliminary plat:

Bob Kelly was present to answer questions of the Board. Commissioner Holton asked about his experience working with the Black Canyon Irrigation District, and Mr. Kelly replied that it was a great relationship and he has met the district's requirements.

Dustin Hayes represents Bob Kelly and was available to answer questions. In response to a question about a retention area, Mr. Hayes said they are only proposing roadway construction drawings along with the final plat. Since the lots will be built out in the future they will have it through a homeowners association or an agreement that the homeowners will be required to retain the water on each lot.

Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to close public testimony. Commissioner Holton stated he is in concurrence with what the P&Z Commission found in their determinations. Commissioner Van Beek concurs. Commissioner Brooks is in favor of the request, and he asked if the Board wants to keep Condition No. 8. He does not want to be the enforcer for other agencies. Planner Barron said that is the standard language used and it's administered through the fire district. Deputy PA Zach Wesley said fire districts have their own independent authority to regulate fire access and water flow portion and while this is different language than we used a couple years ago, we are narrowing it down so it is a question of the fire administrator and the fire code and not just the blanket authority of the fire district. Commissioner Brooks said he can go along with that. Commissioner Van Beek said the fire code was weaponized at some level so it's just clarification with what's in state code. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously based on the findings of fact and the conclusions of Law, to approve Case No. SD2020-0023 for the preliminary plat and the irrigation plan for Kelly Ridge Subdivision subject to the conditions of approval as enumerated. The signed FCO's are on file with this day's minute entry. The hearing concluded at 1:54 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2024 TERM  
CALDWELL, IDAHO    MARCH 27, 2024

No meetings were held today.

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- Legends Sports Pub & Grill to be used 4/27/24
- Legends Sports Pub & Grill to be used 4/13/24

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for

- Jacob Petras, Deputy Sheriff received intermediate detention certificate
- Michael Turner, Deputy Sheriff received intermediate certificate

#### MARCH 2024 TERM

CALDWELL, IDAHO     MARCH 28, 2024

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase order:

- Insight Public Sector in the amount of \$63,470.72 for the Information Technology department (PO #5986)

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

The Board met today at 9:33 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson (left at 10:20 a.m.), Deputy P.A. Oscar Klaas (left at 10:20 a.m.), Director of Juvenile Probation Elda Catalano (left at 9:35 a.m.), Assistant Director Juvenile Probation Jose Orozco (left at 9:35 a.m.), COO Greg Rast (left at 10:08 a.m.), Larry Olmstead, Hubert Osborn, Glen Rimbey and other interested citizens (left at 10:08 a.m.), Interim HR Director Rich Soto (arrived at 9:41 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider Canyon County Agreement with DocuSign for Juvenile Probation:*** Legal has reviewed this renewal agreement with has no substantive changes and has no issue with it. Director Catalano explained this service is used frequently by both her department and the juvenile detention center. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the agreement with DocuSign for Juvenile Probation (agreement no. 24-027).

***Fire impact fee issues/questions:*** Mr. Ericson said he knows from Mr. Wesley that there had been discussion with Director Minshall and Mr. Hogaboam about getting the committee back up and running but at this point that status is still unknown. Mr. Hogaboam was assigned as the impact fee committee coordinator but since being appointed as Clerk, Mr. Ericson is not sure who the coordinator is now. Mr. Ericson spoke to some of the history he knows about this and discussion

ensued regarding the ability to have just one committee assembled to evaluate impact fees for the four areas able to assess them (jail, Sheriff, Coroner and parks), what the role of the committee is regarding the impact fees, and how committee members can be selected. Additionally, Mr. Rast noted it would need to be determined where funding could come from in order to hire an outside agency to assist with this kind of engagement. Commissioner Van Beek asked if Canyon county can use what is already in place at the City of Nampa in lieu of having its own committee. At the invitation of the Board, Glen Rimbey, Larry Olmstead and Hubert Osborn offered their comments on impact fees. Mr. Ericson said they will work to review the ordinance and have some additional information at the legal staff meeting on Tuesday.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 10:08 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 Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Carl Ericson, Deputy P.A. Oscar Klaas and Interim HR Director Rich Soto. Mr. Ericson and Mr. Klaas left at 10:20 a.m. The Executive Session concluded at 10:43 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 A RESOLUTION ADOPTING THE JOB TITLE, JOB DESCRIPTION AND SALARY GRADE OF ONE POSITION IN THE DEVELOPMENT SERVICES DEPARTMENT

The Board met today at 10:44 a.m. to consider a resolution adopting the job title, job description and salary grade of one position in the Development Services department. Present were: Commissioners Brad Holton, Leslie Van Beek and Zach Brooks, DSD Director Sabrina Minshall, Assistant DSD Director Jay Gibbons, HR Business Partner Jennifer Allen and Deputy Clerk Jenen Ross.

Director Minshall explained this request is to change one Associate Engineer position to an Associate Planner position as this fills the more immediate need although she feels in the future an Associate Engineer will still be necessary. This will be a cost savings as the Associate Engineer position is a grade higher than an Associate Planner position. HR has reviewed and have no issues with this change. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to adopt the changes to the job title, job description and salary grade of one position in the Development Services department from one Associate Engineer at a salary grade of 15 to one Associate Planner at a salary grade of 14 representing a positive budgetary impact of \$11,894 with this change (see resolution no. 24-040).

The meeting concluded at 10:53 a.m. and an audio recording is on file in the Commissioners' Office.

#### MONTHLY MEETING WITH THE ADMINISTRATIVE DISTRICT JUDGE AND TRIAL COURT ADMINISTRATOR

The Board met today at 1:31 p.m. with the Administrative District Judge and Trial Court Administrator. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, ADJ Davis VanderVelde, Interim TCA Benita Miller, Deputy TCA Laura Kiehl, COO Greg Rast and Deputy Clerk Jenen Ross.

This week the judicial marshals conducted *run, hide, fight training* for court employees except judges; training for judges will come at a later time.

Ms. Miller confirmed with Mr. Rast and the Board that the TCA would be included in budget scheduling.

Mr. Rast informed Judge VanderVelde that there is movement regarding campus security involving the Sheriff's Office that will soon include the judge.

Commissioner Van Beek asked about making *run, hide, fight training* mandatory.

The meeting concluded at 1:38 p.m. and an audio recording is on file in the Commissioners' Office.

MARCH 2024 TERM  
CALDWELL, IDAHO    MARCH 29, 2024

No meetings were held this day.

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Anna Gray, HR Business Partner (Promotion to fill vacancy due to resignation)

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

THE MINUTES OF THE FISCAL TERM OF MARCH 2024 WERE READ AND APPROVED AND FOUND TO BE A PROPER RECORD OF THE PROCEEDINGS OF THE BOARD OF CANYON COUNTY COMMISSIONERS, CANYON COUNTY IDAHO.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

CANYON COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Commissioner Leslie Van Beek

\_\_\_\_\_  
Commissioner Brad Holton

\_\_\_\_\_  
Commissioner Zach Brooks

ATTEST: RICK HOGABOAM, CLERK

By: \_\_\_\_\_, Deputy Clerk