

APPROVED MAY 3, 2024 PAYROLL

- The Board approved the May 3, 2024 payroll in the amount of \$2,443,366.19

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for:

- Christopher Wilcox, Deputy Prosecuting Attorney I - Limited License
- Addisen Pennington, Temporary Legal Support for Prosecutor's Office
- Brenda Pennington, Sr. Administrative Specialist for Human Resources
- G. Austin Hayes, Jr., Limited Licensed Intern for Prosecutor's Office (Temporary)
- Kaitlyn Belt, Limited Licensed Intern for Prosecutor's Office (Temporary)
- Brogan Howard, Limited Licensed Intern for Prosecutor's Office (Temporary)

APPROVE ALCOHOLIC BEVERAGE LICENSE RENEWALS

The Board approved the following alcoholic beverage licenses for renewal:

- The Chicago Connection, LLC dba Chicago Connection
- Evra, Inc., dba Casa Mexico
- Nampa Aerie #2103, Fraternal Order of Eagles dba 2103 Aerie
- Maria Sarmiento dba Alondra's Store
- Prefunk Beer Bar II, LLC dba Prefunk Beer Bar II

(Resolution No. 24-079)

Meeting with Assessor's Office to consider various new and renewing property tax exemptions under codes: 63-602P, 602W, 602D, 602B, 602C, 602E, 602GG, and 50-2014

The Board met today at 9:30 a.m. with the Assessor's Office to consider various new and renewing property tax exemptions under codes: 63-602P, 602W, 602D, 602P, 602B, 602C, 602E, 602GG, and 50-2014. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Assessor's Office Business Manager Jennifer Loutzenhiser, Administrative Analyst Helena Thompson, Appraiser Supervisor Holly Hopkins and Deputy Clerk Jenen Ross.

63-602P – pollution control

This exemption is designed for equipment that cut down on pollution. This year there is just over \$95M in equipment used for this purpose to be exempted. A copy of the spreadsheet detailing the equipment is on file with this day's minutes. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to approve the exemptions.

63-602B – Religious

Parcel no. 18987000 0 First Presbyterian Church

The Assessor's Office is recommending approval and upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to grant the exemption

63-602B – Religious and 63-602C - Charitable

Parcel nos. 01443000 0, 01442000 0, 01647000 0, 01447010 0 Aspen and Christopher Morrow

The Morrow's applied under both codes but we're postmarked April 16th which misses the April 15th deadline. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to deny all of the applications.

63-602GG – Low Income Housing

Parcel no. 11762000 0 Nampa Christian Housing

The Assessor's Office is recommending denial as they don't meet the criteria set forth in the guidelines. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to deny the exemption.

63-602B - Religious

Parcel no. 78392000 0 - First United Methodist Church

This application was dropped off on April 18th which is past the April 15th deadline. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to deny the exemption.

63-302C – Charitable

Parcels nos. 12709000 0 and 34327538 0 - Gateway Crossing Apartments and Neighborhood Housing Services Inc. dba Neighborworks

The Assessor's Office is recommending denial as they don't meet the criteria set forth in the guidelines. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to deny the exemptions.

63-602C and 63-602GG – Charitable and Low-Income Housing

Parcel nos. 08577010 0, 12985525 0, 14301000 0, 15438000 0 - Leap Charities Inc.

The Assessor's Office is recommending denial as they don't meet the criteria set forth in the guidelines. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to deny the exemptions.

63-602W – Site Improvements Associated with Land

This exemption code applies to owner/developers until a home is built and sold. The following applications were received:

- Passero Ridge LLC owned by BHEG for Passero Ridge No. 1 (approx. 45 parcels) Passero Ridge No. 2 (approx. 29 parcels) and Passero Ridge No. 3 (approx. 24 parcels)

The Assessor's Office recommends approval and upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to grant the exemptions.

- Toll SW LLC for Pradera Subdivision (approx. 54 parcels)

The Assessor's Office recommends approval and upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to grant the exemption.

The meeting concluded at 9:56 a.m. and an audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER SIGNING ORDINANCE, ORDINANCE SUMMARY, AND RESOLUTION REGARDING THE NAMPA AREA OF CITY IMPACT MAP EXPANSION, CASE NO. OR2023-0002, APPROVED BY THE BOCC ON DECEMBER 19, 2023

The Board met today at 10:30 a.m. to consider signing an ordinance, ordinance summary, and a resolution regarding the Nampa Area of City Impact Map Expansion, Case No. OR2023-0002, approved by the BOCC on December 19, 2023. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Principal Planner Dan Lister, DSD Planning Supervisor Carl Anderson, COO Greg Rast, Deputy PA Zach Wesley, DSD Assistant Director Jay Gibbons, and Deputy Clerk Monica Reeves. Dan Lister provided a background and history of the impact area expansion. On December 19, 2023, the Board signed the FCO's approving the map expansion. The documents being considered today are the last step in the process. Commissioner Van Beek made comments regarding the impact area process, and Commissioner Holton spoke of the City of Nampa's and Canyon County's efforts to have planned and coordinated growth. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve the ordinance, ordinance summary, and the resolution regarding the Nampa Area of City Impact Map Expansion, Case No. OR2023-0002, approved by the Board on December 19, 2023. (See Resolution No. 24-078, and Ordinance No. 24-005.) The meeting concluded at 10:43 a.m. An audio recording 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 1:36 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 Planner Michelle Barron, DSD Planning Supervisor Carl Anderson, Deputy PA Zach Wesley, Claudia Haynes, Kim Yanecko, Amy Weidner, other interested citizens, and Deputy Clerk Monica Reeves. Today's hearing was continued from March 14, 2024, when the Board directed DSD staff and Legal to draft updated Findings of Fact, Conclusions of Law, and Order (FCO's) with the development agreement. DSD Planner Michelle Barron gave a summary of the case history. Deputy PA Zach Wesley said

staff updated the FCO's based on the discussion from the last hearing, and they want to make sure the proposed development agreement conditions and the FCO's fit with the Board's discussion.

The Board reviewed the findings of fact and conclusions of law and deliberated on the eight points of criteria. There were follow-up questions for staff.

Planner Barron was given a late exhibit from Kim Yanecko which included communication with the Idaho Department of Water Resources in 2020. The Board discussed whether to accept the exhibit. Deputy PA Wesley said testimony was closed at the previous hearing and there was no expectation there would be additional exhibits accepted. The intent of the continuation was for deliberation on the FCO's and the development agreement and so there is basis to deny admission of the exhibit as being untimely, not in time for the Board to review it and still have its deliberation today and so we could accept it and mark it for the file and note on the record that it was accepted untimely and not considered. The Board declined to accept the exhibit.

Following deliberation, the Board agreed with the findings of fact and conclusions of law prepared by staff approving the conditional rezone subject to the conditions of the development agreement. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to approve Case No. RZ2021-0030, a conditional rezone from an "A" (Agricultural) zone to "CR-R-R" (Conditional Rezone Rural Residential) for Parcel R30117 subject to the conditions of the development agreement as discussed.

Deputy PA Wesley said they will obtain the developer's signature on the development agreement and bring the FCO's back later that incorporate today's deliberation into the written comments.

The Board reviewed the FCO's for the Lewis Heights Subdivision preliminary plat. Commissioner Brooks does not like the language in Condition No. 8 which states "The plat shall comply with the International Fire Code as administered through Upper Deer Flat Fire District." He does not want the County inserting itself in a fire district matter. Planner Barron said it's the language that has been discussed before and it brings it back to the International Fire Code, which is a requirement, it's just administered through the local fire district. Commissioner Van Beek said there is some concern and she does not want staff to feel uncomfortable issuing a certificate of occupancy that fails to meet a state standard. It needs to stay. Commissioner Brooks said he will go along with it now, if the requirement is out there that they must comply with this then that needs to be on the fire district not the County. He does not want the County to be the enforcement arm for the fire district. Commissioner Holton sees the language as a protectant for those who will build in the development.

The Board agrees with the FCO's for the Lewis Heights Subdivision, including the standards of review and conditions of approval no. 1-9. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to approve the preliminary plat with the irrigation and drainage plan for Lewis Heights Subdivision, Case No. SD2021-0018. The Board will finalize the approval documents in the coming weeks. The hearing is closed until the

Board meets again to review the FCO's. The hearing concluded at 2:32 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2024 TERM

CALDWELL, IDAHO MAY 2, 2024

APPROVED CLAIMS

- The Board has approved claims 605293 to 605323 in the amount of \$22,901.27
- The Board has approved claims 605247 to 605292 in the amount of \$16,720.44
- The Board has approved claims 605155 to 605202 in the amount of \$226,114.43
- The Board has approved claims 605203 to 605246 in the amount of \$99,128.22
- The Board has approved claims 605324 to 605351 in the amount of \$53,933.65

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for:

- Estefany Alvarez, Sr. Administrative Specialist (moving from 295 division to 294 division)
- Nataly Cogic, Deputy Sheriff – Inmate Control 51003

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- J.C. Wallace Construction LLC in the amount of \$41,028.20 for the Facilities department

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- Proletariat to be used on 6/8/24
- Loose Screw Beer Co. to be used on 5/4/24

APPROVED ALCOHOLIC BEVERAGE LICENSE

The Board approved the following alcoholic beverage licenses for renewal:

- Salinas Foods LLC dba Yita's Family Restaurant King Legend Hall
- Fiesta of Nampa Inc. dba Fiesta Guadalajara
- Fiesta's Arts Inc. dba Fiesta Guadalajara
- The Bank Bar, LLC dba The Bank Bar

Resolution nos. 24-081 and 24-082

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

The Board met today at 9:31 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. Zach Wesley, Deputy P.A. Alex Klempel (left at 9:42 a.m.), Deputy P.A. Laura Keys, Lt. Russell Donnelly (left at 9:35 a.m.), Facilities Director Rick Britton (left at 9:34 a.m.), Assistant DSD Director Jay Gibbon (arrived at 9:50 a.m.), DSD Director Sabrina Minshall (arrived at 10:01 a.m.), COO Greg Rast (arrived at 9:44 a.m.), Clerk Rick Hogaboam (arrived at 10:29 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider Addendum to IFB for Fire Prevention Project: The pre-bid conference was held last week but no questions have been received. Director Britton added maps indicating areas that have already been completed vs. areas that still need to be completed. Approximately \$250K has been budgeted for this project which will be done in phases over the span of several years and budgets. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the addendum to the IFB for the Fire Prevention project.

Consider a Resolution Authorizing the Retirement of CCSO K9 Millie: Lt. Donnelly said Millie is a 9-year-old golden lab who has served in the jail for several years. Millie will be retired to the care of her current handler. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution authorizing the retirement of CCSO K9 Millie (resolution no. 24-080).

The Board recessed from 9:36 a.m. to 9:42 a.m.

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 and Deputy P.A. Laura Keys. The Executive Session concluded at 10:30 a.m. with no decision being called for in open session.

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

MEETING WITH FACILITIES DIRECTOR AND BENITON CONSTRUCTION REGARDING FINAL GUARANTEED MAXIMUM PRICE FOR THE NEW ELECTIONS BLDG.

The Board met today at 10:37 a.m. with the Facilities Director and Beniton Construction regarding the final guaranteed maximum price for the new elections building. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Treasurer Tracie Lloyd, Clerk Rick Hogaboam, Assessor Brian Stender, Treasurer Tracie Lloyd, Chief Deputy Treasurer Jennifer Watters, Sr. System Analyst Steve Onofrei, COO Greg Rast, Facilities Director Rick Britton and Deputy Clerk Jenen Ross.

There has been some miscommunication regarding this meeting and the need for an associated action item. Director Britton indicated that Beniton Construction will be here today at 4:15 p.m. for a presentation and for the action item of considering the final guaranteed maximum price for the Elections building. The Board continued this meeting to 4:15 p.m. today.

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

MEETING FOR PRESENTATION BY HUMMEL AND OKLAND REGARDING CCSO ADMIN BLDG.

The Board met today at 11:00 a.m. for a presentation by Hummell and Okland regarding the CCSO administration building. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Sheriff Kieran Donahue (arrived at 11:02 a.m.), Chief Deputy Sheriff Doug Hart, Treasurer Tracie Lloyd, Chief Deputy Treasurer Jennifer Watters, Clerk Rick Hogaboam, Assessor Brian Stender, Lt. Martin Flores, Lt. Doug Gateley, CCSO PIO Joe Decker, Facilities Director Rick Britton, Sr. Systems Analyst Steve Onofrei, COO Greg Rast, Scott w/Okland, Jeff Parks w/Hummel, Brian Coleman w/Hummel and Bill Valdez w/KMB Representative from Hummell and Okland and Deputy Clerk Jenen Ross.

Chief Hart explained they wanted to take this opportunity to introduce the Board to the builder and architects for the new CCSO administration building and give a presentation on the design highlighting how it will benefit the county and showing how it will account for the next 20-30 of growth. The previous design had gone over budget but they'd like to show the Board the revised design.

A PowerPoint presentation was given by Hummel Architects, KMB Architects and Okland.

- A history of the project was reviewed
 - Initial conversations with the Sheriff's Office took place in October.
 - At the end of January, the first pricing was submitted. However, the initial design and cost came in over budget and revisions would be needed.

- The original design (schematic design 1.0) was 120,000 sq. ft. and 4 stories at a cost of \$36,161,073. The revised design is approximately 83,500 sq. ft. and 3 stories. Even with the revised design, by evaluation the priorities and needs, they were still able to maintain the 20-year future growth by maximizing multiuse spaces and high utilization per square feet.
- Slides were reviewed showing a depiction of design elements and how the building will sit on the site.
- A review of the blueprint of the building indicating use of each space, highlighting areas of special interest that CCSO feel will be more beneficial and constructive vs. what is currently being used.
- Review of the design schedule
 - Project began in October 2023 and anticipated completion is February 2026
- Pricing for the revised building plan (schematic no. 2)
 - \$28,452,276 for an 83,439 sq. ft. building with approximately \$27,000,000 coming from ARPA funds

Further discussion ensued regarding locking in the guaranteed maximum price, marketing strategy and the benefits of being able to open up additional space for other county use by the Sheriff's Office vacating the courthouse space.

A copy of the PowerPoint presentation is on file with this day's minutes.

The meeting concluded at 12:01 p.m. and an audio recording is on file in the Commissioners' Office.

PUBLIC HEARING: SHORT PLAT FOR KIMBER RIDGE SUBDIVISION #3, CASE NO. SD2022-0057

The Board met today at 1:32 p.m. to conduct a public hearing in the matter of a request by Jerry Uptmor for approval of a short plat for Kimber Ridge Subdivision #3, a two-lot subdivision, Case No. SD2022-0057. Present were: Commissioners Brad Holton and Zach Brooks, DSD Planning Supervisor Carl Anderson, DSD Principal Planner Dan Lister, Jerry Uptmor, Bobby Harris, Diana Hoffman, Cheryl Keithley, and Deputy Clerk Monica Reeves. DSD Principal Planner Dan Lister gave the oral staff report. This is a replat of Lot 14 within Kimber Ridge Subdivision #2 which is a 4.05-acre lot. The result would create two lots. In 2018 48.6 acres was rezoned to a rural residential zone. In 2020, the preliminary plat for Kimber Ridge Subdivision was approved for 14 lots with two phases. In March of 2021 Kimber Ridge Subdivision #1 was approved with 5 lots, and in 2022 Kimber Ridge Subdivision #2 was approved with 9 lots. On February 1, 2024, the Planning and Zoning Commission recommended approval of the subdivision subject to the following conditions of approval:

1. All subdivision improvements (public roads, shared access, irrigation, and drainage swales/basins) and amenities shall be bonded or completed prior to the Board of County Commissioner's signature on the final plat.

2. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained and protected. The development shall comply with Black Canyon Irrigation District requirements (Attachment B & D). Evidence of approval shall be a letter from Black Canyon Irrigation District. Evidence shall be submitted prior to the Board signing the final plat.

3. Finish grades at subdivision boundaries shall match existing finish grades. Stormwater runoff shall be maintained on the subject property (Attachment B).

4. The development shall comply with Southwest District Health (SWDH) requirements. Evidence shall be SWDH's signature on the final plat.

5. The development shall comply with the requirements of the Notus-Parma Highway District (Attachment C). Evidence shall be Notus-Parma Highway District's signature on the final plat.

6. The shared 60' wide access easement shall have a recorded road user's maintenance agreement in accordance with CCZO Section 07-10-03(1)B3. The agreement with the instrument number shall be added as a plat note on the final plat.

Staff recommends approval of the preliminary plat.

The following people testified in support of the request:

Jerry Uptmor testified he has carefully followed the guidelines set forth by Canyon County for this lot split. There were complaints about extra traffic with one house as well as concerns that others in the subdivision would split their lot, but he said they cannot do that because their lots are smaller than four acres. The rural residential zone allows for two residences so everybody in the subdivision could have two houses on their lot if they choose do so. He said there were concerns about schools being overcapacity, but the nearby school is under capacity because Canyon County is planning ahead for the growth that is happening. It is a headache to deal with the construction work that's going on but eventually that will be taken care of. It's a dead-end road so there is no through traffic. SWDH and Keller & Associates have approved the final plat. The Notus Parma Highway District has approved it, but their next meeting isn't until May 14 so he has to wait until then to obtain their signature. Following his testimony, Mr. Uptmor responded to questions from the Board.

The following people testified in opposition to the request:

Diana Hoffman testified that she believes Mr. Uptmor was not truthful during his testimony. In a previous meeting he stated that other lots anticipate being split and that's where he got the idea and now he is saying that's not an option. She is a lifelong Canyon County resident and is

concerned how the continued development of Kimber Ridge #3 impedes on her family's and her neighbors' right to life, liberty, and the pursuit of happiness. The CC&Rs for Kimber Ridge Subdivision do not allow for multiple dwellings on the properties, but Kimber Ridge #3 does not have CC&Rs so somebody can place a trailer house on their property which will negatively affect her property value. The back part of the property that Mr. Uptmor wants to split already has approval for nearly 200 homes with individual wells. (The Stadium Subdivision.) Middleton Schools are extremely overcrowded. There is a letter from JUB Engineers which states the proposed driveway spacing for Lot 1 and 2 does not meet the minimum standards. DEQ recommends verifying there is adequate water to serve this project prior to approval, but she has not seen that approval. The present and future needs of the area should be addressed to make sure there is adequate, safe, and sustainable drinking water. This is an agricultural area and it is concerning that land is continuing to be divided into smaller pieces.

Cheryl Keithley testified she is a lifelong Middleton resident who is concerned with the changes in the neighborhood and she said it's not just construction crews who speed in the area, it's homeowners and their guests as well. In 2015 when she and her husband were looking to be the third house in the subdivision they were told there would not be another subdivision or road opened up there because the Silver Sage plans had fallen through. When Dennis Jones moved to the area it was supposed to be for his house and a couple of homes for his children, but then he wanted to add a few more homes. Due to traffic concerns she has asked for stop signs, extra signage, and speed bumps but the requests have not been approved. The County is supposed to promote the values and ensure quality of life for present and future generations, but the homes in the subdivision have made huge impact on her family.

Jerry Uptmor offered rebuttal testimony and said the speed limit through the subdivision is 20 mph and he abides by it. The neighbors' biggest complaint is traffic and fear for their children, but the traffic is not from the residents, it's from the construction crews which will eventually go away. Four houses have been built so far and they are large upscale homes that generate minimal traffic. His lots will be two acres which is bigger than most lots in the neighboring subdivision. If there is a subdivision behind his property that will have 200 houses, his one extra house will not cause a problem. There is one other lot that Dennis Jones owns and it's over four acres so it can be split, but other than that no other lots can be split. The developer of Silver Sage Subdivision had plotted for phase 2 on the subdivision Mr. Uptmor lives in and it was divided into 22 lots but the owner ran into financial difficulty so he took the 48 acres and put it back to an agricultural designation and that is when Dennis Jones picked up the property. Instead of 22 lots, Mr. Jones made 14 lots. The amount of traffic going through the neighbors' subdivision will be minimal once his is complete.

Upon the motion of Commissioner Brooks and the second by Commissioner Holton, the Board voted unanimously to close public testimony. In response to questions from Commissioner Holton, Principal Planner Lister reported on the background of the case where the rezone of the 48.6 acre parcel was approved without conditions. Commissioner Holton acknowledged the concerns about the road and traffic impacts but said the case was decided by a previous land use decision. The Board reviewed the findings of fact, the conclusions of law, and the conditions of

approval. There was discussion regarding boiler plat language regarding the compliance with requirements of the Black Canyon Irrigation District. Upon the motion of Commissioner Brooks and the second by Commissioner Holton, the Board voted unanimously to approve the preliminary plat for Kimber Ridge Subdivision #3 subject to the conditions of approval. The final plat will be brought back at a later date. The hearing concluded at 2:30 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER ACTION ITEM OF APPOINTING MEMBERS TO THE CANYON COUNTY IMPACT FEE ADVISORY COMMITTEE

The Board met today at 4:01 p.m. to consider an action items of appointing members to the Canyon County Impact Fee Advisory Committee. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Zach Wesley, Larry Olmsted and Glen Rimbey and Deputy Clerk Jenen Ross.

Mr. Wesley briefly reviewed the requirements for the committee as follows - it must be comprised of at least 5 members which reside within the district (in this case, the entire county), a minimum of 2 must be active in the business of development, building or real estate, and none of the members can be government employees. Seven members will be appointed today, each with two-year terms concluding on May 2, 2026. Once the committee is established, the bylaws could be drafted for review and adoption. The members being appointed are Alan Mills, Desiree Egusquiza-Hess, Larry Olmsted, Glen Rimbey, Michael Wilson, Tara Wensel and Steward Hyndman. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution appointing members to the Canyon County Impact Fee Advisory Committee (resolution no. 24-083).

The meeting concluded at 4:12 p.m. and an audio recording is on file in the Commissioners' Office.

MEETING WITH FACILITIES DIRECTOR AND BENITON CONSTRUCTION REGARDING FINAL GUARANTEED MAXIMUM PRICE FOR THE NEW ELECTIONS BUILDING

The Board met today at 4:18 p.m. for a meeting with the Facilities Director and Beniton Construction regarding the final guaranteed maximum price for the new Elections building. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, Deputy PA Oscar Klaas, Facilities Director Rick Britton, Brandon Grote with Beniton Construction, Assessor Brian Stender, Treasurer Tracie Lloyd, Senior Systems Analyst Steve Onofrei, and Deputy Clerk Monica Reeves. Deputy PA Klaas said this is an amendment to the agreement that was signed earlier and it closes it out for a guaranteed maximum price of \$3,624,580. Director Britton said there are some construction soft costs that are the County's responsibility that are added on to the \$3.6M amount. Brandon Grote with Beniton Construction reviewed the GMP summary report which is a breakdown of the project and notes a total project cost of \$3,768,580. There were follow-up questions from the Board on the contingency amount. The groundbreaking

ceremony will be held on May 8, 2024 at 9:30 a.m., with the earthwork to follow a few days after. Final project completion is expected to be mid-December. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve the final guaranteed maximum price contract for the new Elections Building Project with Beniton Construction as presented. (Agreement No. 24-039.) The meeting concluded at 4:26 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2024 TERM

CALDWELL, IDAHO MAY 3, 2024

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved employee status change form for:

- Michael Turner, Deputy Sheriff (Waterways)

MAY 2024 TERM

CALDWELL, IDAHO MAY 6, 2024

APPROVED ALCOHOLIC BEVERAGE LICENSES

The Board approved the following alcoholic beverage licenses for renewal:

- Caldwell Treasure Valley Rodeo, Inc., dba Caldwell Night Rodeo
- IOU Sushi II, LLC dba IOU Sushi II
- JP Thailand Express, LLC db JP Thailand Express
- Bon Appetit Management Co. dba McCain Pub
- Bi-Mart Corp dba Bi-Mart #614

Resolution no. 24-085

APPROVED ALCOHOLIC BEVERAGE LICENSE

The Board approved the following alcoholic beverage licenses for renewal:

- Kolbeh LLC dba Kolbeh Bar & Grill
- Brick 29 LLC dba Brick 29
- Indian Creek Steakhouse LLC dba Indian Creek Steakhouse
- Cook's Two Hole Inc. dba Cook's Two Hole Bar
- 2C Wine Down LLC dba 2C Wine Down
- Carniceria Mi Tierra Inc. dba Carniceria Mi Tierra

Resolution no. 24-086

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$7221.76 for the Information Technology department (PO #6001)
- Dell in the amount of \$6975.04 for the Information Technology department (PO #6002)
- Dell in the amount of \$11,202.46 for the Information Technology department (PO #6003)
- Manage Engine – ZoHo in the amount of \$8010.00 for the Information Technology department (PO #6004)

PUBLIC HEARING: REQUEST BY SHAWN AND RAE LYNN KELLEY FOR A CONDITIONAL REZONE FROM AN “A” (AGRICULTURAL) ZONE TO A “CR-R-1” (CONDITIONAL REZONE – SINGLE FAMILY RESIDENTIAL), CASE NO. CR2022-0033

The Board met today at 1:33 p.m. to conduct a public hearing in the matter of a request by Shawn and Rae Lynn Kelley for a conditional rezone from an “A” (Agricultural) zone to a “CR-R-1” (Conditional Rezone – Single Family Residential), Case No. CR2022-0033. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Planner Dan Lister, DSD Planning Supervisor Carl Anderson, Rae Lynn Kelley, Shawn Kelley, and Deputy Clerk Monica Reeves. DSD Principal Planner Dan Lister gave the oral staff report. The applicants are requesting a conditional rezone of parcel R38194010A from an “A” (Agricultural) zone to a “CR-R-1” (Conditional Rezone – Single Family Residential). The request includes a development agreement limiting development to three buildable lots. The 4.12-acre parcel is located at 24720 Harvey Road in Caldwell. Mr. Lister gave a report on the history of the property. It used to be one original parcel and in 2022 the north half was divided and rezoned to an R-1 zone and through the administrative land division process it split the property into three lots. The applicants are asking for the same thing today and they want it rezoned to create three lots. Because all of the administrative land division splits have been taken they would have to go through the platting process. Planner Lister summarized the eight (8) hearing criteria that must be evaluated. The area is designated for residential and the application was filed under the 2020 comprehensive plan. The area is also designated as residential under the 2030 comprehensive plan. The property is located within the City of Middleton impact area where they also designate it as residential. He summarized the land divisions and developments that have occurred in the area. There 36 subdivisions within a one-mile radius with an average lot size of 1.62 acres. The area consists of a mix of agricultural and residential zonings. The parcel has Class 3 moderately suited soils. There are three feedlots in the area, and the closest one is north of Purple Sage Road. The parcel is located in a nitrate priority area and a nutrient pathogen study will be required at the time of platting. The property is served by an irrigation well which is located north of the lateral on the other property that was split off. The Black Canyon Irrigation District has identified some concerns with as they have irrigation rights through the Drake Subdivision HOA and so BCID is requesting the applicant to work with them to work through that issue at the time of platting. If the groundwater well is going to be used the applicants will need a crossing agreement from BCID.

Staff has added a condition to the development agreement to make sure they identify what water delivery use they will have for those lots. The property has legal access and it will be served a private road. The request allows three lots; there will be two houses in addition to the existing house. A traffic impact study is not required. Two additional lots are not anticipated to create an impact to essential services. The City of Middleton has requested a utility easement and pre-annexation agreement. On February 1, 2024, the Planning and Zoning Commission recommended approval of the request subject to the development agreement conditions. The P&Z Commission did not see a nexus for a pre-annexation agreement at this time.

The following people testified in support of the request:

Shawn Kelley testified that they have an agreement with Drake Subdivision and they have a letter for the pressurized irrigation. A new plat layout has been submitted to staff with everything that was requested from the first of items that needed to be completed. Planner Lister said the letter is for the preliminary plat portion of the application, not today's application.

Rae Lynn Kelley did not testify, however, she indicated she agrees with the testimony offered by Shawn Kelley.

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. The Board reviewed the P&Z Commission's hearing of the case and reviewed their findings of the conditional rezone criteria. This is a straightforward case and both the 2020 and the 2030 comprehensive plans are in agreement that this is a residential area. Following the Board's deliberation, Commissioner Brooks made a motion to approve Case No. CR2022-0033, a conditional rezone of Parcel R38194010A from an "A" zone to a "CR-R-1" zone subject to the conditions of the development agreement contained herein. (Agreement No. 24-040, and Ordinance No. 24-006.) Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to adjourn. The hearing concluded at 1:58 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2024 TERM
CALDWELL, IDAHO MAY 7, 2024

APPROVED CLAIMS

- The Board has approved claims 605352 to 605394 in the amount of \$461,266.07
- The Board has approved claims 605395 to 605435 in the amount of \$76,462.85
- The Board has approved claims 605504 to 605550 in the amount of \$224,181.60
- The Board has approved claims 605551 to 605597 in the amount of \$61,617.66
- The Board has approved claim 605598 in the amount of \$147.50

- The Board has approved claims 605599 to 605600 in the amount of \$27,671.74

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Right! Systems, Inc. in the amount of \$29,718.00 for the Information Technology Department (PO #6006)
- Right! Systems, Inc. in the amount of \$11,815.00 for the Information Technology Department (PO #6005)

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Mike Ketterling, Programmer Analyst II (IT new hire)
- Matthew Tarpley, Programmer Analyst I (IT new hire)

FILE IN MINUTES

The Board filed in minutes the following documents:

- Treasurer's monthly report for March 2024
- Treasurer's quarterly report for January – March 2024
- Sheriff's uncollectible delinquent personal property taxes for 2023

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

Note for the record: As properly noticed the Board met today at 9:31 a.m. for a legal staff update. 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 Brooks made a motion to go into Executive Session at 9:33 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 Holton. Commissioner Holton took a roll call vote where he along with Commissioner Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Deputy P.A. Zach Wesley, DSD Director Sabrina Minshall and COO Greg Rast. The Executive Session concluded at 10:04 a.m. with no decision being called for in open session.

MEETING TO CONSIDER SIGNING LEGAL NOTICE OF ENTERING INTO PERSONAL SERVICES CONTRACT WITH ABIGAIL MOREHOUSE OF MOREHOUSE LAW

The Board met today at 10:39 a.m. to consider signing a legal notice of entering into personal services contract with Abigail Morehouse of Morehouse Law. Present were: Commissioners Brad Holton and Zach Brooks, COO Greg Rast and Deputy Clerk Jenen Ross. The agreement with Abigail Morehouse was signed on April 30th and with the potential of a personal services contract exceeding \$10,000 in a year a legal notice must be published. Upon the motion of Commissioner Brooks and second by Commissioner Holton the Board voted unanimously to sign the legal notice of entering into personal services contract with Abigail Morehouse of Morehouse Law.

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

MAY 2024 TERM
CALDWELL, IDAHO MAY 8, 2024

There were no meetings held this day.

MAY 2024 TERM
CALDWELL, IDAHO MAY 9, 2024

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Bob Brooks Computer Sales in the amount of \$4,752.00 for the Elections Office (PO #6014)

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for:

- Cortney Bravo, Customer Service Specialist - Assessor's Motor Vehicle Dept. (Part-time to fulltime)

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- Van Lith Ranch to be used 5/12/24, 6/5/24, 6/12/24, and 6/19/24

APPROVED ALCOHOLIC BEVERAGE LICENSE RENEWALS

The Board approved the following alcoholic beverage licenses for renewal:

- Maverik, Inc., dba Maverik #298, #430, #551, #595, #661, #178, #522, #287,
- Swirl Wine Shop and Lounge, LLC dba Swirl Wine Shop and Lounge
- Linda S. Barr dba Pete's Tavern
- McNabb's Vape Lounge, LLC dba McNabb's Vape Lounge
- Blazin Wings, Inc., dba Buffalo Wild Wings #592
- Dan's Ferry Service, LLC dba Dan's Ferry Service
- Precept Brands, LLC dba Ste. Chapelle Winery/Sawtooth Winery
- La Michoacana Mexican Restaurant, LLC dba La Michoacana
- Caldwell Hospitality Group, LLC dba Best Western Inn & Suites
- Jalapeno's Bar & Grill, LLC dba Jalapeno's Bar & Grill
- East Cleveland Beverage & Tackle, LLC dba East Cleveland Beverage
- Kickback Bar, Inc., dba Kickback Bar
- La Ranchera Nampa, Inc., dba La Ranchera-Nampa
- Casa Anejo, LLC dba Casa Anejo
- Jak*s Place, Inc., dba Jak*s Place Neighborhood Grill

(Resolution No. 24-087)

APPROVED ALCOHOLIC BEVERAGE LICENSE RENEWALS

The Board approved the following alcoholic beverage licenses for renewal:

- Ovations Food Services LP dba OVG Hospitality (311 3rd Street South, Nampa)
- Ovations Food Services LP dba OVG Hospitality (16200 Idaho Center Blvd., Nampa)
- Garbonzo's Pizza, Inc., dba Garbonzo's Pizza
- Cloudcroft, Inc., dba River Bend Golf Course

(Resolution No. 24-089)

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE AND CONSIDER ACTION ITEMS: OPENING BIDS FOR FIRE PREVENTION PROJECT; AND CONSIDER RESOLUTION DECLARING CERTAIN PROPERTY AS NOT NECESSARY FOR COUNTY USE AND FOR THE EXCHANGE OF COUNTY PROPERTY

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 Brad Holton, Zach Brooks, and Leslie Van Beek, Chief Civil Deputy PA Carl Ericson, Deputy PA Alex Klempel, Deputy PA Oscar Klaas, Facilities Director Rick Britton, Emergency Manager Christine Wendelsdorf, Lt. Brian Crawforth, Captain Ray Talbot, DSD Director Sabrina Minshall, Alex Terrazas from Delta Fire Systems, and Deputy Clerk Monica Reeves. The items were considered as follows:

Opening Bids for Fire Prevention Project:

The only bid received was from Delta Fire Systems whose address is 2355 E. Commercial St., Suite 100, Meridian, ID 83642. The sealed bid was received on May 9, 2024 at 8:58 a.m. The total bid amount is \$838,305. Director Britton said this project is broken into three phases and depending on the FY2025 budget, it will be included in the facilities budget for the next phase. The amount takes into consideration inflation and supply costs. Commissioner Van Beek said this follows the plan Director Britton presented in the FY2024 budget process. Delta Fire Systems has an ongoing working relationship with installation of fire system on the County campus.

Consider Resolution Declaring Certain Property as Not Necessary for County Use and for the Exchange of County Property:

Deputy PA Alex Klempel said the Board recently approved a gun trade resolution for rifles and this one is for pistols, and it is the standard gun trade resolution structure. Lt. Brian Crawford has a quote from Oregon Rifleworks that itemizes the different values of the 150 Glock 17s which have a trade-in value of \$38,000 which will help CCSO reduce costs to finish getting the optics and lights for detention staff. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to declaring Certain Property as Not Necessary for County Use and for the Exchange of County Property as presented with an approximate value of \$38,000 on the itemized weapons. (Resolution No. 24-088.)

As part of the legal staff update there was discussion regarding homebuilding sites that are located in unincorporated Canyon County and are not part of a fire district, and the requirement by state code to be able to meet the international fire code. Deputy PA Klaas said there was a letter from the state fire marshal citing a statute from 1970 that says the Sheriff shall be the assistant in doing that and so the PA's Office is working with Emergency Manager Christine Wendelsdorf to let the fire marshal know that while the Sheriff's Office is very good at a lot of things, fire protection is not one of them and we have to find an alternative to have that accomplished. The immediate issue is there is a homesite that falls in this category and Director Minshall is working to find a solution with that property, but there is a larger issue that deals with how the County wants to handle the 180 parcels that may be affected by this going forward. It is premature to bring it to the Board at this stage. Director Minshall said this issue arose because it's a parcel under five acres; parcels over five acres are exempt from the international fire code. DSD accepted their building permit application and as part of the compliance review, they found a road users maintenance agreement is needed because they are accessing off a private road and shared driveway. Unless directed otherwise, DSD will issue a building permit on the property in question, while waiting for broader conversations to occur with the fire districts and the Sheriff's Office. Emergency Manager Wendelsdorf agrees with issuing this person's building permit because he got caught in the crosshairs and holding his building permit is not going to benefit anybody. She agrees that additional conversations need to occur. Commissioner Van Beek had follow-up questions regarding inspections and enforcement and further discussion ensued. Commissioner Brooks said he is in favor of the actions taken this far and the direction we are headed and he looks forward to further discussions. Commissioner Holton said in his opinion the original parcel holder

who split off the 1.8 acres knew what they were doing and when they sold it to this person who is now seeking a building permit. There are 180 parcels outside of fire districts and with House Bill 389 he doubts the districts will take on one more account because they are already in a losing battle funding-wise with what they have. He wants to be clear that the County is left with no liability. Chief Civil Deputy PA Carl Ericson said the tort claims act has exemptions and general broad immunities from liability that would probably apply here. Commissioner Holton appreciates Director Minshall defaulting to the direction of trying to enable this person to go forward, but said we need to be careful on how we proceed. Emergency Manager Wendelsdorf said fire departments are willing to work with the County on how these situations whether outside of fire districts or inside of fire districts are handled and to make sure they are in compliance because ultimately, it's about life safety of the occupants and the first responders. The meeting concluded at 10:09 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ASSESSOR TO DISCUSS FINANCIAL STATUS OF THE DMV

The Board met today at 10:32 a.m. with the County Assessor to discuss financial status of the DMV. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Assessor Brian Stender, Motor Vehicle Supervisor Kimbra Asqueta, and Deputy Clerk Monica Reeves. Clerk Rick Hogaboam arrived at 11:08 a.m. Assessor Stender said with ITD taking over the easier transactions of renewing by mail and online renewals, the DMV is no longer able to share the cost of operation on those transactions. There have been challenges with the renewal stickers not showing up so the customers come to the DMV to follow up on ITD issues. He presented stats for FY2022, FY2023 and FY2024 on the average customers served and walk-in customers served. In April of FY2022 there were 51,800 served; last year there were 51,970 served; and this year they have served 52,400. They anticipated fewer transactions but the number are still climbing so he is not looking to eliminate positions. He reviewed the financial forecasted profit/loss analysis noting that with their projections they are at \$1.62M in revenue and \$1.68M in expenses so they are potentially looking at losing \$60,000 at the DMV this fiscal year. The DMV is set up to fund itself, and as they get closer to August and September they will see if they need to adjust the DMV fees to make sure they are covering costs. He has 24 fulltime positions, 1 part-time position, and a fulltime 5-month temporary position, which is now vacant. The part-time position is open but they may not fill it. One of his employees assisted during the election season and that person has now taken a fulltime position in the Elections Office at a higher salary. The DMV positions are not entry level and they are very challenging so he plans to discuss with the Board in the future the issue of paying the DMV positions a competitive wage with other County positions. There was a review of the stats on the in-office registration renewal counts, revenue, titles processed, title revenue, title admin fee counts, and title admin fee revenue. In the legislative session for 2023 they were hoping to get a \$6 title admin fee, but ultimately, they had to change to where the Board set the local title admin fee which has helped substantially to fund the office. Transactions are taking longer to complete because they are more difficult, but the system is slower and a lot of people are coming to the DMV to solve the online issues they are having with ITD. Commissioner Holton wants those numbers tracked. Discussion ensued about the increasing fees, and the costs the taxpayers are covering. DMV Supervisor Kimbra Asqueta said the state asks the DMV to subsidize their services

but they receive zero revenue for the services they provide to Idaho Parks and Recreation by issuing the restricted use plates for ATV's, UTV's and dirt bikes as well as issuing the parks passports. They have asked the parks and recreation department to raise their vendor fees, and there have been discussions with the state tax commission about giving the DMV a better percentage but there is nothing coming back. Of the \$1 fee per transaction they do receive, it - the \$1 amount - has not changed since 1984. The DMV team is collecting \$500,000-\$700,000 in vehicle title fees and receives only \$3,000 to do all the processing. They used to collect \$150,000 to \$200,000 and now it's substantially lower. There was discussion regarding the state mandated services the County has to provide without funding. Commissioner Brooks asked Assessor Stender to provide a list of services they provide with little to no monetary return so he can discuss it with Speaker Mike Moyle. No Board action was required or taken. The meeting concluded at 11:11 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING: LURRE LN LLC, REPRESENTED BY ALAN MILLS, IS REQUESTING A REZONE FROM AN "A" (AGRICULTURAL) ZONE TO AN "M-1" ZONE (LIGHT INDUSTRIAL), CASE NO. RZ2023-0001

The Board met today at 1:30 p.m. to conduct a public hearing in the matter of a request by Lurre Ln, LLC, represented by Alan Mills, is requesting a rezone of approximately 27.16 acres from an "A" (Agricultural) zone to an "M-1" zone (Light Industrial), Case No. RZ2023-0001. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Principal Planner Dan Lister, DSD Planning Supervisor Carl Anderson, DSD Assistant Director Jay Gibbons, DSD Planner Doug Exton, Constituent Services Director Aaron Williams, Alan Mills, Mike Greiner, Bobby Jordan, David DeBlask, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Holton declared he is legally elected as a Mayor of the City of Greenleaf and as a Canyon County Commissioner and the subject property falls within the City of Greenleaf's area of impact but he does not have any conflict of interest, which is financial gain, from any manner of the decision that is before him today. He has no problem declaring he can look at this case without prejudice and look at the facts and testimony presented. He travels Highway 19/Simplot Boulevard daily and he passes by the property many times a week. Chairman Holton then read a condensed version of the hearing testimony guidelines and procedures. DSD Associate Planner Dan Lister gave the oral staff report. The applicant, Lurre Ln LLC, represented by Alan Mills, is requesting a rezone of approximately 27.16 acres from an "A" (Agricultural) zone to an "M-1" zone (Light Industrial). The subject property is located at 18840 Simplot Road also known as parcel number R36386. The parcel is original and has a dwelling on the property that was built in 1944. He reviewed the hearing criteria; the zoning in the immediate vicinity and surrounding area; and soils information. The property is in agricultural use at this moment and approximately 16 acres are considered prime farmland and the rest are not considered prime farmland. The 2030 Canyon County Comprehensive Plan designates the future land use as industrial which is commensurate with the Greenleaf Area of City Impact. The area is currently zoned agricultural and the average lot size in the area is 19.2 acres. There is a 40-acre parcel to the north owned by Lurre Construction that is zoned M-1; to the east there is another 40-acre property that was divided and rezoned to M-1; to the south is Gayle Manufacturing that is zoned M-1, as well as other businesses with similar uses.

The surrounding property predominately is zoned M-1 along Simplot Blvd., with sporadic agricultural zones. There was a review of previous land use decisions in the area, as well as public comments and agency comments. A traffic impact study will be required at the time of development. On February 15, 2024, the Planning and Zoning Commission recommended approval of the request. Following his report, Planner Lister responded to questions from the Board.

The following people testified in favor of the request:

Alan Mills testified in favor of the request and thanked staff for the comprehensive analysis. He said the request is the very definition of in-fill and if approved there will be a property tax benefit to the public and the County and an improvement in the employment opportunities. Companies are looking to locate in Canyon County and having property properly zoned and ready for potential users is a must if we are to compete for these opportunities. A good share of what is shown on the zoning map as industrial is owned by the Simplot Company and will never be available to the public for other uses. Following his testimony, Mr. Mills responded to questions from the Board. Mike Greiner testified that he concurs with Alan Mills' testimony and the staff report. He has been either close with or part of the Lurre Construction Company 30+ years.

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Holton said he does not disagree with the P&Z Commission findings. The property was used as agriculture but hasn't been for a long time and this is definitely an M-1 zone fill-in that seems logical to approve the request. Commissioner Brooks concurs with the P&Z Commission's recommendation. Commissioner Van Beek said staff made the case that this request falls in line with what is occurring in the area and it has the unanimous recommendation for approval from the P&Z Commission. The Board agrees with the conditional rezone criteria. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to approve Case No. RZ2023-0001, a rezone of parcel R36386 from an agricultural zone to an M-1 zone (Light Industrial). Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve the ordinance directing amendments to the Canyon County Zoning Map for Lurre Construction, Lurre Ln, LLC, a zoning map amendment for Case No. RZ2023-0001. (No. 24-007). Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to adjourn. The hearing concluded at 2:06 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2024 TERM
CALDWELL, IDAHO MAY 10, 2024

There were no meetings held this day.

APPROVED CLAIMS

- The Board has approved claims 605436 to 605455 in the amount of \$16,670.00
- The Board has approved claims 605456 to 605503 in the amount of \$108,845.21
- The Board has approved claim 605601 in the amount of \$964.07
- The Board has approved claims 605602 to 605603 in the amount of \$655.50

MAY 2024 TERM

CALDWELL, IDAHO MAY 13, 2024

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for:

- Jennifer McCall Williams, Emergency Communications, GIS Intern

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Dell in the amount of \$12,113.20 for the Information Technology Department (PO #6007)
- Right Systems, Inc., in the amount of \$5,865.00 for the Information Technology Department (PO #6008)

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- Legends Sports Pub & Grill to be used 6/1/24, 6/2/24, 6/8/24, 6/15/24, 6/21/24, 6/22/24, 6/27/24, 6/28/24, 6/29/24, and 7/13/24
- Tricycle, LLC to be used 6/2/24
- County Line Wine Co., to be used 5/25/24, 5/26/24, 6/1/24, 6/8/24, 6/20/24, 7/1/24, 7/6/24, 8/25/24, 9/14/24, 9/21/24, 9/27/24, 10/5/24, 10/12/24, and 10/19/24

APPROVED ALCOHOLIC BEVERAGE LICENSE RENEWALS

The Board approved the following alcoholic beverage licenses for renewal:

- Mi Tierra, Inc., dba Mi Tierra
- Flying Pie Pizzeria 2, LLC dba Flying Pie Pizzeria
- Mother Earth Brew Co., LLC dba Mother Earth Micro Brews
- Salon Columbia Event Center, LLC dba Salon Columbia Event Center
- Caldwell Housing Authority dba Farmway Store

- Macabi, Inc., dba Acapulco Mexican Restaurant

(Resolution No. 24-090)

APPROVED ALCOHOLIC BEVERAGE LICENSE RENEWALS

The Board approved the following alcoholic beverage licenses for renewal:

- Target Corporation dba Target Store T-2206
- Walgreen Co., dba Walgreens #12483, #11541, #10672, #07276, #05648,
- Eva Contreras De Cuevas dba Tacos El Centro
- Winco Foods, LLC dba Winco Foods #144 and #11
- Garden City Bar, LLC dba 1918 Lounge
- Gallegos Meat Market 2, LLC dba Gallegos Meat Market #2
- Paleteria Y Neveria I Linda Michoacana dba Paleteria Y Neveria Mi Linda Michoacana Ice Cream, LLC
- El Patron 2, LLC dba El Patron Event Center
- 4T Sports Bar, LLC dba 4T Sports Bar

(Resolution No. 24-091)

ACTION ITEM: CONSIDER RESOLUTION AND ADOPTING CHANGES TO TWO JOB DESCRIPTIONS FOR ATTORNEYS IN THE PROSECUTING ATTORNEY'S OFFICE AND SALARY ADJUSTMENTS

The Board met today at 3:30 p.m. to consider a resolution adopting changes to two job descriptions for attorneys in the Prosecuting Attorney's Office, and salary adjustments. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, PA Office Manager Melinda Longoria, Chief Criminal Deputy PA Doug Robertson, Chief Civil Deputy PA Carl Ericson, COO Greg Rast, HR Benefits Analyst Bosco Baldwin, HR Generalist Demi Etheridge, HR Director Rich Soto, Clerk Rick Hogaboam, and Deputy Clerk Monica Reeves. Doug Robertson gave a PowerPoint presentation on job description and wage adjustments, which is on file with this day's minute entry. The objective is to bring the CCPA into compliance so that all job descriptions, position control numbers (PCNs), and job titles matchup and by doing so they are hoping to retain employees and attract qualified applicants. Turnover has been terrible, mostly due to the flux that has existed regarding compensation and the compensation plan, but they are hoping the adjustments will provide a roadmap that employees can rely on, and that it will allow the Office to bring better prosecution services to the constituents.

Current Challenges:

- Job descriptions have not been updated since 2014.
- PCNs are not always tied to position, job description, or pay grade.

- Compensation levels based on “relevant experience” but no attorney-specific parameters.
- Little or no flexibility for merit-based advancement.
- Current job descriptions do not match the realities of employee experience.
- Majority of CCPA deputy prosecutors currently fall below, or outside of, the County’s compensation plan. 25 of the 36 deputy prosecutors need adjustments in some form to come into compliance.

Time is the PA’s Greatest Commodity:

- Our number one investment in our employees is time.
 - It takes a long time to become a fully qualified and capable prosecuting attorney.
 - At a minimum it takes a new deputy prosecutor six months to get to the point they can handle a magistrate caseload without close supervision and assistance.
 - It takes roughly two years before a deputy prosecutor is prepared to begin felony casework.
 - It takes roughly four years before a deputy prosecutor is fully qualified to handle a felony caseload without significant assistance, supervision, or guidance.

Losing Employees is Expensive:

- A brand new deputy prosecutor takes a lot of training in that first six months to get them to basic competency:
 - They have to learn vast amounts of criminal law and procedure.
 - They have to learn to navigate the court system and manage 500+ cases at a time
 - They have to learn our case management software, internal policies and procedures, and courtroom performance.
 - It takes a lot of dedicated resources to adequately train and prepare attorneys during their first few years of employment.
 - Professional fees
 - Association Dues
 - Mandatory CLE training
 - Time

Turnover:

- Since 2019 (the last five years), 27 criminal deputy prosecutors have voluntarily left their employment with Canyon County (75%+ turnover).
 - On average, those employees had 2.75 years of experience.
 - 19 of those employees left Canyon County for other public sector employment.

- 9 of those 19 went to the Idaho Attorney General's Office (5 of the last 8 people who left went to the AG's office).
 - 8 left for private practice and/or left the practice of law altogether.
- The Idaho AG is our number one competitor for employees.
 - By contrast, they lost 2 employees to Ada County (one went to their civil division), 1 to Boise City (civil division), 1 to the U.S. Attorney's Office, 1 to Owyhee County (as the elected PA), 1 to the Public Defender's Office.
- Salary is always identified as either the primary reason or a significant contributing factor for the departure.

We are Paying to Train Other Agencies' Employees:

- The numbers demonstrate that we lose the greatest number of employees within that 2-5 year time period.
 - Logically, this makes sense. The deputy prosecutor is now nearly fully trained, has acquired marketable skills, and has tried a significant number of cases to a jury, which makes them highly sought after. They can leverage that training and experience into a higher paying job.
 - A recent departure is a prime example of the problem. Deputy PA who started as an intern with our office, then spent an additional two years as full-time employee. This employee advanced rapidly, moving onto a felony caseload and then recently onto a specialty caseload. This employee was paid around \$70k/yr. This employee left for the AG's office, doing a very similar job, and is being paid over \$90k/yr. If properly placed in the Comp plan, that attorney's salary would be around \$85k, which is much more competitive.
 - We lose almost no one after 10 years. In the last five years, the longest-term employee who voluntarily left had 7 years with our office. The next highest was 5.5 years.
- It's no wonder that the AG's Office is hiring employees with at least 2 years of experience and paying them \$90k/yr. because we are paying to train those people!

Job Descriptions:

- Haven't been updated since 2014.
- The new job descriptions are a much more accurate reflection of job duties within the PA's office.
- Potential Salary Grade Increases based on relevant experience as well as job duties/capabilities.
- DPA Attorney IV reserved for a select few of the most experienced and highly skilled attorneys.

- Because time is our number 1 commodity, we recognize that not all experience is created equal.
 - Under the current job descriptions, “licensed time” is the only time that is recognized. There is no distinction between an attorney who has worked for 10 years as a prosecutor at CCPA and an attorney who did 10 years of contract review, or even worse someone who has been licensed for 10 years but was not working in the legal field.
 - This has led to some unfortunate disparities in the past.
 - HR has fixed this problem on his end, but CCPA needs parameters to go by.
- Under our new proposal, “qualifying years” are calculated as follows:
 - Time with CCPA is credited at 100%.
 - Time as a prosecutor with an outside agency is credited at 75-90% depending on prior experience.
 - Time working as an attorney but not as a prosecutor is credited at 50-75%.
 - Time as a licensed attorney but not working in a legal field is credited at 25-50%.
 - This time is not without value, as there are ongoing educational requirements to maintain a license.

This will incentivize loyalty to the office and avoid the situation where an attorney goes out into private practice to make more money and then comes back after acquiring additional years of licensure and coming back to a salary equal to someone who has stayed with the office their whole career.

- Advancement between salary grades is determined by a combination of time and skill:
 - Attorney I
 - 0-2 years
 - Misdemeanor caseload
- Attorney II
 - 2-5 years (minimum)
 - Misdemeanor/felony
- Attorney III
 - 5-10 years (minimum)
 - Felony caseload
 - Demonstrated the ability to be essentially self-sufficient
- Attorney IV
 - 10+ years (minimum)
 - Exceptionally skilled
 - No deficiencies in any area

Breakdown Once Changes are Approved:

- Attorney I
 - 10

- Attorney II
 - 13
- Attorney III
 - 9
- Attorney IV
 - 5

As can be seen, we are bottom heavy. This is a result of high turnover. The bulk of our attorneys should be in the II and III categories. We are hopeful that bringing CCPA into compliance will assist in retention.

Budgetary Impact:

- For the remainder of FY24
 - \$68,049
 - CCPA is 7% below A-side budget up to this point of FY 24
 - Roughly \$350,000
- For FY25
 - Increase of \$160,000
 - About a 3% increase
- Total budgetary impact for FY24 and FY25 less than A-side budget savings from FY24 right now.

Chief Robertson said it's very frustrating to lose good employees because they cannot pay them what they deserve under the compensation plan and ultimately it has a negative impact on the County. We are facing unprecedented times with an uptick in gang violence and fentanyl-related deaths, and we need good qualified experienced people to handle these challenges. Commissioner Van Beek said she is aware that some of the negotiations started last August with requests for information, and in 2019 she recognized deficiencies with policy in the employee handbook, and with job descriptions and she has no idea why that information didn't come forward. She has objected to mid-year salary increases and said we need transparency for the decisions that are made in the budget process. Commissioner Holton spoke about how he appreciates and relies upon the Chief Operating Officer position and the HR staff who have worked on the documentation. COO Rast the packet is complete and includes a memo, the fiscal impact, the resolution and supporting documentation. He worked with HR and performed a comparison between Canyon County and Ada County on the criminal side, and a comparison with the PA's Office and the Public Defender's Department. There are 26 PCN changes in the packet, 20 of them have a salary adjustment impact. The proposed adjustments with all salaries total \$143,000 and with five months left of the fiscal year it is approximately \$68,000. The job descriptions are solid. He spoke about the job description difference between the criminal side and civil side because the years of experience are a little different. Chief Civil Deputy PA Carl Ericson said on the civil side they typically do not hire new people out of law school; they are hiring people who usually already have civil experience with a public entity and in doing that you cannot just progress people with

the same broad ladder effect of going up with jobs. Civil attorneys handle as many of the same types of issues as possible and the range of things is so broad that it doesn't follow the same track as the criminal side. He explained how the civil attorneys will go from three general categories in the old job descriptions to four. Two have spent their entire career in civil work and have been Attorney IV's for some time, and there are others who have not spent their entire career here. They have the same type of sliding scale as the criminal side. COO Rast said in his discussions with the PA's Office about the changes he suggested it be done to the whole attorneys and on the civil side there is one adjustment from an Attorney II to an Attorney III based on the new job description of years of experience. If the recommended changes are approved the positions will still qualify for compensation in FY2025. Bosco Baldwin said they have been working with Chief Robertson and Chief Ericson on trying to get this put together because the job descriptions are difficult to figure out. If you were to look at their roster prior to these changes you would see a lot of underfills because they are trying to use what they had their availability and make that system work. Once the recommended changes go through it should be a lot easier to compare. This is reasonable and they compared it against Ada County and after the changes go into play the average for those different levels - I, II, III, and IV - are spot on. We are slightly lower than Ada County, and we are not the AG's Office, but we'd have to decide as a group if we want to be the highest paid in the Treasure Valley. Commissioner Van Beek said salary is one component, others are job advancement, satisfaction, leadership and culture, and we look at what other contributing factors there are to help retain employees otherwise it's a wage war we cannot win. Chief Robertson said there are things in the job that are very difficult, and it takes a toll and there are people who leave the practice of law after being a prosecutor because they have seen enough and do not want to do it anymore and so regardless of what we do we will never have a 98% retention rate regardless of what we pay people because the job is a lot. They have restricted how case assignment/management is done so that those who are handling the most severe types of crimes have a little bit of a lighter caseload. He has instituted a rotation so there aren't people doing the specialty violent crime-type caseloads for long periods of time. He changed how they do training; they have morale events in the office, and they have good camaraderie. The primary concern is not about culture or the job. House prices are through the roof and people can barely afford to live so the Office is trying to address all the problems they can, and they are making great progress on a lot of fronts but on this issue, he does not have the authority to make the adjustment. There was discussion about the types of counseling services and resources available to employees and making sure people are aware of the resources. Idaho State Bar has very good resources available to attorneys. Their exit interviews show salary is the primary factor for people leaving, and so if we can be more competitive with other public agencies they will be able to retain people longer and through retention the increased skills they have additional responsibilities. Commissioner Van Beek believes the exit interviews should be done by HR so that that person leaving doesn't give token answers to the in-house person doing the interview. Chief Robertson said the person doing the exit interview needs to have a detailed knowledge of what the person's job is so they understand what kind of questions to ask because it's specialized. Commissioner Van Beek had questions about years of experience related to paygrade. Mr. Baldwin said it used to be tied to when they passed the bar exam they would use a matrix tied to that, but we eliminated that a year ago and now it's true experience as an attorney. HR will look at the experience coming in and apply it to equity levels for others in the same position to ensure the person coming in isn't paid

more than the person who has more experience. It is very fair the way the PA has applied it; they have a higher credit to Canyon County experience and then it comes down based on similar experience, etc. Commissioner Holton said this is information he has been asking for. Commissioner Van Beek wants to have a discussion in Executive Session regarding her questions about promotions in different paygrades related to a performance issue/personnel matter, which was held as follows:

EXECUTIVE SESSION – PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 2:23 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) discuss a personnel matter, and records exempt from public disclosure. The motion was seconded by Commissioner Brooks. A roll call vote was taken on the motion with Commissioners Holton, Van Beek, and Brooks voting 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, PA Office Manager Melinda Longoria, Chief Criminal Deputy PA Doug Robertson, Chief Civil Deputy PA Carl Ericson, COO Greg Rast, HR Compensation/Benefits Manager Bosco Baldwin, HR Generalist Demi Etheridge, HR Director Rich Soto, and Clerk Rick Hogaboam. The Executive Session concluded at 4:30 p.m. While in open session Commissioner Holton said there were no decisions reached or business being brought forward from the Executive Session, but the public meeting will continue.

Commissioner Van Beek said she appreciates the presentation by the PA's office and the work that's gone into the analytics and the evaluation, and she supports what has been presented with the salary impact that's been enumerated, no fiscal impact for 2024. Commissioner Brooks supports it as well. Commissioner Holton said it has been tumultuous and it is unfortunate that it got personal at times, but we finally have all the information that was necessary to make the determination. He made a motion to approve changes to two job descriptions, promotion of 21 Deputy Prosecutor Attorneys which includes changes to their titles, grade/salary ranges and 17 of their salaries; 9 Deputy Prosecuting Attorney position control number level changes; one title change from Investigator to DPA; and 2 DPA salary adjustments only in the Criminal and Civil Divisions of the Prosecuting Attorney's Office. Commissioner Van Beek said she heard there are 25 criminal positions that will be affected by a job change, some don't have a salary impact, but most do, and 1 civil position for a total of 26. The motion was seconded by Commissioner Brooks. And carried unanimously. (Resolution No. 24-092.) The meeting concluded at 4:38 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2024 TERM
CALDWELL, IDAHO MAY 14, 2024

APPROVED CLAIMS

- The Board has approved the April jury claim in the amount of \$3,562.65

- The Board has approved claim 605604 in the amount of \$518.01

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Dalton Kelley, DPA I – Criminal, PCN/title change and salary adjustment
- Marsha Larson, DPA II – Criminal, promotion
- Scott Vermeer, DPA II – Criminal, promotion
- Scott Patrick Miller, DPA II – Criminal, promotion
- Ancel Schoberg, DPA I – Criminal, salary adjustment
- Alexander Gourley, DPA I – Criminal, salary adjustment
- Kendall Landfair, DPA I – Criminal, PCN change only from 445 to 448
- Laura Keys, DPA III – Civil, promotion
- William Clark, DPA I – Criminal, PCN change only from 558 to 331
- Kelsey Manweiler, DPA I – Criminal, PCN change only from 546 to 446
- Angela Callanan, DPA I – Criminal, PCN change only from 447 to 974
- Peter Donovan, DPA II – Criminal, promotion
- Trenton McRae, DPA II – Criminal, promotion
- Karson Vitto, DPA II – Criminal, promotion
- Delia Hanes, DPA II – Criminal, promotion
- Kyra Venecia - DPA II – Criminal, promotion
- James Haws, DPA II – Criminal, promotion
- Ruth Coose, DPA III – Criminal, promotion
- Matthew Dyal, DPA III – Criminal, promotion
- Janice Beller, DPA III – Criminal, promotion
- Stephanie Morse, DPA III – Criminal, promotion
- Andrew Haws, DPA III – Criminal, promotion
- Robert Baird-Levine, DPA III – Criminal, promotion
- Enrique Gutierrez, DPA III – Criminal, promotion
- Theodore Lagerwall, DPA IV – Criminal, promotion
- Shari Dodge, DPA IV – Criminal, promotion
- Virginia Bond, DPA I – Criminal, promotion
- Gregory Swanson, DPA IV – Criminal, promotion
- Martha Voss, DPA III – Criminal, promotion
- Eleonora Somoza, DPA IV – Criminal, promotion

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

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, Deputy P.A. Oscar Klaas, EOM Christine Wendelsdorf (left at 9:35 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross. The action item was considered as follows:

Meeting to consider signing 2021 Grant Adjustment Notice from The Idaho Office Of Emergency Management: Ms. Wendelsdorf explained this is a request for an extension of the 2021 SHSP grant award; there is approximately \$4000 remaining in grant funds. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the 2021 Grant Adjustment Notice from The Idaho Office Of Emergency Management (see agreement no. 24-041).

Discussion ensued regarding general updates including a document related to Timber Creek Recycling/Landfill transfer station, the towing ordinance and the Crookham issue.

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

FY2025 BUDGET WORKSHOP FOR SOUTHWEST DISTRICT HEALTH

The Board met today at 10:35 a.m. for the FY2025 budget workshop for Southwest District Health. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Clerk Rick Hogaboam (left at 11:48 a.m.), Auditing Supervisor Sarah Winslow (left at 11:48 a.m.), Nikki Zogg, Troy Cunningham, Don Lee and Daniel Adams with Southwest District Health, COO Greg Rast and Deputy Clerk Jenen Ross. The following were reviewed with the Board:

- Fiscal year 2023 Impact Report
- FY25 budget presentation
 - Letter of transmittal
 - District profile
 - Financial Information including a summary for the district, the youth crisis center and the adult crisis center
- FY25 budget request \$2,416,404

Director Zogg addressed Commissioner Holton's questions regarding land use issues specific to septic systems and drain fields and emergency response planning.

Mr. Adams spoke to some of the efforts he's been working on within the community.

The meeting concluded at 11:51 a.m. and an audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - APPEAL BY DESTINY PLATT OF THE DIRECTOR'S DECISION DENYING A REQUEST TO MODIFY TWO (2) CONDITIONS FROM CASE NO. AD2021-0060 AND RD2021-0021, CASE NO. AD2021-0060 APL (AD2023-0060 MOD)

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of an appeal by Destiny Platt, represented by Darin Taylor, of the Director's decision denying the request to modify two conditions from Case No. AD2021-0060 and RD2021-0021, Case No. AD2021-0060APL (AD2021-0060 MOD). Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Assistant Director Jay Gibbons, Deputy PA Zach Wesley, Destiny Platt, Steven Platt, Darin Taylor, Gary Stark, Trevor Lantz, Sarah Van Curen, Paul Thomas, Kohl Hall, Mike Johnson, other interested persons, and Deputy Clerk Monica Reeves.

DSD Director Sabrina Minshall gave the oral staff report consisting of the case history, timeline, access, agency comments, and public comments. Destiny Platt is appealing the Director's decision on Case AD201-0060MOD to modify the approved access for Parcel R38437011 from Indecision Lane to utilize a 25-foot County easement off of Goodson Road, which was the result of a 1978 contract between the U.S. Bureau of Reclamation and Canyon County. On August 3, 2021, Edward Goodson received approval for an administration land division for Parcel R38437 that created four parcels, three with building permits and one agricultural-only parcel. On November 26, 2023, Destiny Platt/Goodson Family Trust requested modifications of two conditions from AD2021-0060 and RD2021-0021 to:

- Remove condition no. 7 which states "Crossing agreement with Black Canyon Irrigation District (BCID) must be in place prior to the issuance of any building permit(s)" with a request to replace it with "a crossing agreement must be in place prior at time building permits applied for." Or, "Crossing agreement must be in place prior to the issuance of building permit(s) to parcel #4 as cited on record of survey for Goodson Family Trust." *(Today's appeal is not going to address this condition because subsequent to the denial, the applicant submitted a partial withdrawal to not address this condition. The Bureau of Reclamation gave the crossing permit with BCID's approval.)*
- The applicant is also requesting to change the ingress/egress from the approved access per case no. RD2021-002 which utilized a proposed private road, "Indecision Lane" and the approved 28' easement reduction for a portion of the access. The applicant is requesting to replace this requirement with an alternate access for parcel 3 (R38437011) utilizing "Goodson Road," but it's actually the County 25-foot easement for a public road that comes off Goodson Road (that is Canyon County agreement with the Bureau of Reclamation).

The subject property is located approximately 658 ft. south of Goodson Road.

The following people testified in support of the appeal:

Destiny Platt testified the appeal is regarding access to her 10-acre parcel off of Goodson Road. She is not appealing the crossing agreement wording modification that was on the public hearing notice because she already has a crossing agreement in place that has been accepted by all parties involved. She addressed the open county road that is 662 feet in length for a total of .38 acres as referenced in the 1978 contract between the Bureau of Reclamation and Canyon County. The road was in existence long before 1978 as a judgement that was issued in 1960 that specifies the property owners it affects; it does not reference the land between Goodson Road and the private property owners. This is later addressed by the 1978 contract for an open county road. DSD has had difficulty in understanding what to call the 662 feet off Goodson but she has found clarification in state code, Title 40 regarding width, maintenance, and jurisdiction of roads. Ms. Platt believes the Director's decision was based on incorrect facts that were provided to DSD from BCID via email dated June 28, 2021. The terms of the 1978 contract are clear, nowhere does it state the County must exercise use to keep it existing. The surrounding landowners have continuously used it and maintained it seeking no compensation from the County. If Canyon County wants her to sign an agreement stating she will not seek compensation from the County regarding the maintenance of the open county road she will be happy to do so. Her use of the road will not put Canyon County under any additional liability that it is not already currently under as it has always served by residential and agricultural purposes. She addressed the legality of access to her parcel. She purchased the property in August of 2021 and her only legal access comes off Goodson Road, not Indecision Lane. She believes DSD misinterpreted the cited survey and easements that were referenced when finalizing the administration decision AD2021-0060. The 28-foot ingress/egress Farmwell maintenance easement states it only benefits 1.97 acres which is far from fitting her parcel's description of 10 acres. The survey from July 27, 2021 clearly states to see sheet 2 in regards to parcel no. 3. Sheet 2 states the 25-foot open county road right-of-way contract and specifies the 28-foot Farmwell maintenance easement. However, DSD took sheet 1 of the survey and labeled it with a line from Indecision Lane to Farmwell as a 28-foot ingress/egress easement. Removing the maintenance easement wording leaving it open for misinterpretation as an easement that benefitted her 10-acre parcel. Ms. Platt has provided proof of her existing and only legal access to her property and the lack thereof off of Indecision Lane, hence her request for an amendment to correct the oversight. She and her husband purchased a manufactured home in March of 2023 and she has been in constant communications with DSD regarding both access points ever since. The manufactured home company has been storing their home throughout this process but they cannot continue to do so. The majority of her 10-acre parcel is in field and irrigated by a pivot leaving them no room to store it on their property as they do not wish to impact the agricultural aspect in which her parcel serves. The only place to store the home is where it will be placed on a foundation as the site was strategically picked on a corner of fallow ground on a slope and out of the way of the pivot. The access to Goodson Road is not only open and existing but the most common-sense solution to the issue at hand. She asked the Board to recognize what has always been and to recognize the existing open county road located off Goodson Road and reverse the denial so she may have access and an address from Goodson Road.

Darin Taylor offered testimony on behalf of the applicant. The issue in this case appears to be whether the County has authority under the 1978 contract to allow use of the road right-of-way easement by some users but not others. He read language from the contract into the record. The county was granted a road described as the west 25 feet of the north ½ of the NW ¼ of the NE ½ of Section 24, Township 5 North, Range 4 West, Boise Meridian, Canyon County, Idaho. The tract of land contains 0.38 acres and is subject to all existing easements and rights-of-way. Since the County did not and does not own or have an interest in real or personal property within miles of the county road, there is no reason for the grant to have been limited to use only by County employees or for County purposes. The grant's reasonable interpretation and interference is that the road was to be open and used to access parcel adjacent to the south end of the county road, the applicant's parcel. There are no terms or conditions in the 1978 contract limiting the road to residential users or ag users or the then-existing residential and ag users. The County has sole jurisdiction over the road subject only to the terms and conditions of the contract. It can be concluded it is an open county road. The applicant asked for a change access from Hop Road via Indecision Lane to Goodson Road via the open county road. DSD denied the request but did not articulate a reason why or cite County code or a single state or federal law or regulation. No one has been prohibited by the County from using the open county road and the right-of-way except the applicant. Denying Ms. Platt access using the open county road denies her the same benefit other properties using the road enjoy. They request the Board approve the request and modify the administrative decision to change from Goodson Road via Indecision Lane to the open county road from Goodson Road. Following Mr. Taylor's testimony, he responded to questions from the Board. There were also questions for Director Minshall regarding road standards, rights-of-ways, and driveways.

Gary Stark testified that he lives by Indecision Lane. Google Maps show Indecision Lane and the proposed route to the Platt property versus coming off Goodson Road and it's one mile or more to go off of Indecision Lane to get to this property. It doesn't seem logical for an emergency vehicle to travel a mile with several turns getting around another residence to try to find the Platt home in the event of an emergency. The logical route is to come off Goodson Road if that if at all possible because it's only 600 feet to the proposed property.

Commissioner Van Beek declared that she is familiar with Gary Stark's land use decision on his property where the Board granted an agricultural haying operation to continue and we limited the ability to build on his property to a corner so the bulk could continue.

Trevor Lantz gave testimony regarding the history of the property and said the intended use for the lane was for agricultural use for cattle. His grandfather initially sold this property to his sister and some of the background to that is it stems to the use of when it was Mr. Lantz's great grandfather's property where the original use was a homestead in 1904 on the other side of Goodson Road and that lane existed for his cattle use. The usage has changed a lot but for the most part it does intersect with Indecision Lane and comes off a private lane. It cannot be used for any other purpose because it intersects with an irrigation ditch. There is no other purpose for it at this time other than agricultural and residential which it is also currently being use for.

Paul Thomas testified about the Goodson Family Trust and the way they look at this property. When it was originally split by his father-in-law they wanted the building lots in area that would be the least impactful to the farming operation. The Goodson Family Trust will eventually be transferred to his wife and it is her intention to leave it in agriculture. Indecision Lane was intended to be an access for their heirs if they ever wanted to develop for residential use. Currently it serves as access to one other parcel for residential and agriculture.

Mike Johnson owns property to the south of the subject property and testified the section has been used as the sole access point. It functions as a driveway and for the agricultural use. The harmony of how it works between the cars and owners is easily managed and the road surface has stood the test of time so far. He supports the Platts placement of a home and using the logical access.

Rebuttal comments were offered by Destiny Platt. She said Orton Engineering submitted a letter listing multiple options the County could look at in possibly granting this access point off of Goodson Road. Recognize the contract easement in accordance with the agreement, and consider the easement to be the driveway to grant the allowance for the road to reside in the 25-foot easement which is 3 feet smaller and allowed by code.

DSD Director Minshall said Darin Taylor had comments regarding a driveway easement being a different width than a private driveway. The private road and driveway ordinance was adopted by the County in 2016 and it says driveways serving two or more properties and all private roads shall be located within a recorded perpetual easement having a minimum width of 60 feet for the right-of-way for a public street for the purposes of ingress/egress. The easement with width reduction may be reduced to width not less than 28 feet. She reviewed the criteria regarding surface width. Indecision Lane is 60 feet; it was the private driveway that comes off of Indecision that heads toward Goodson and has had the variance down to 28 feet and it's not been completely improved. It would need an all-weather driving surface of 12 feet. There were follow-up questions from the Board.

Commissioner Brooks asked if the Board can condition it and allow it at 25 feet? Deputy PA Wesley referred to the agreement with the Bureau of Reclamation it's called a county road that we agreed to maintain in 1978 and we made a lot of commitments to the Bureau of Reclamation for that road so it is limited to 25 feet and is subject to any other previously acquired rights by third parties and we are agreeing to maintain the road for the life of it. We are subject to all of the expenses that would be incurred with the road. If our construction of it interferes with the Bureau's operations we are liable to make a payment to them for any additional costs they would incur because of our use. The agreement has conditions and we have the permanence issue which is the Bureau can cancel the agreement if we are not complying with the term and conditions. Could we go lower than 25 feet? Not under the ordinance on a private road or the driveway requirements - those are all set at the minimums but potentially it could be called a county road and they are taking access off the county road which is only 25 feet. There was further discussion between the Board and staff.

Destiny Platt spoke about her communication with the Bureau of Reclamation and said they do not care who maintains that, even though it is granted to the County the County can choose who they want maintaining it whether it is the landowners or the highway agency maintaining it. The agreement is serving a landlocked property, that is it's only means for access which would be Mike Johnson, that is their only access and under what she found under abandonment of rights-of-way or driveways or roadways is you cannot abandon a landlocked residence and that would then create the argument between private vs. public and it can't be private because it's granted to the public. She is not looking to change what the use is, the liability of the County is the same it has always been.

Commissioner Brooks suggested the Board continue the hearing to a later date so they can gather information and potentially allow the Board to explore some option for making this work. Commissioner Van Beek supports that and said while she appreciates that somebody else could maintain it, that's not what the document says so in its most literal sense the County would still be on the hook if property changed hands. Deputy PA Wesley said he has not had the conversation about how they would view that assumption of liability from another user. The Bureau of Reclamation is prohibited from transferring to private property owners and they would not approve the County doing a straight transfer to a private property owner. Another govt entity would potentially work. Theoretically we could have an agreement that would transfer the liability and burden to maintain the road, but at the end of the day, it would always fall back on the county as long as the agreement were in place. Director Minshall said it would be helpful to have direction of parameters the Board wants for that discussion because it's a matter of what is the County willing to do with this location. Commissioner Holton wants to explore the option of having the County be released from the agreement. Deputy PA Wesley will work with Darin Taylor and see if he can prepare a draft agreement along the lines discussed and potentially see if the Bureau of Reclamation had any objections to that. The Board continued the hearing to May 23, 2024 at 4:00 p.m. The hearing concluded at 2:56 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING: MARGARET PERSON, REPRESENTED BY STEVE LAW, IS REQUESTING A COMPREHENSIVE PLAN MAP AMENDMENT, AND CONDITIONAL REZONE FROM AN "A" (AGRICULTURAL) ZONE TO A "CR-R1" (SINGLE-FAMILY RESIDENTIAL) ZONE, CASE NO. OR2022-0005 AND CR2022-0011

The Board met today at 3:06 p.m. to conduct a public hearing in the matter of a request by Margaret Person, represented by Steve Law, for a comprehensive plan map amendment, and conditional rezone of approximately 10.66 acres from an "A" (Agricultural) zone to an "R-1" (Single-Family Residential) zone for a 7-lot subdivision, Case Nos. OR2022-0005 and CR2022-0011. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Planner Michelle Barron, DSD Planning Supervisor Carl Anderson, DSD Director Sabrina Minshall, Steve Law, Kurt Smith, Gary Johnston, other interested citizens, and Deputy Clerk Monica Reeves.

DSD Planner Michelle Barron gave the oral staff report. The subject property, Parcel R36963020, is located at 28753 Peckham Road in Wilder. The Planning and Zoning Commission recommended denial of both the comprehensive plan map amendment request and the conditional rezone request on October 19, 2023. There are five criteria that have to be met to review a comprehensive plan amendment, and eight criteria that have to be met to approve a conditional rezone. The area across Peckham Road has large agricultural production parcels and there are several homesites of varying size along with some smaller family homes. The average lot size within the vicinity is 9.12 acres. The applicant has provided a conceptual plan requesting 7 lots served by private road; the average lot size is 1.3 acres. The future land use designation in the 2020 Comprehensive Plan is agricultural, and the applicant applied under the 2020 plan. The nearest residential designation and zone are over 2 miles east in Wilder's impact area. The property is not in a growth area and does not have future funding for necessary infrastructure. The parcel is commensurate with other parcel sizes created by land division in the area. Planner Barron reviewed the land division history and subdivisions in the area as well as the comments from the public and from agencies. There is a feedlot located .78 miles from the subject property. The application aligns with only one goal and four policies of the 2020 comprehensive plan.

The following people testified in support of the request:

Kurt Smith testified that Margaret Person has a right to request a comprehensive plan amendment and conditional rezone. Right of possession, control, exclusion, disposition and the right to enjoy are all defined in the property rights section of the comprehensive plan. They will further develop CC&Rs that will promote the right to farm to respect the neighborhood farms while maintaining the existing use of the National Guard building located to the south. There will also be a development agreement. Mr. Smith spoke about the high demand for rural lifestyle properties. This development does not have best or moderately suited soils. It has soils that are 50% class IV soils according to the Canyon County Soil Conservation District. At 50% of the soils with slopes that range between 12%-25% the later 50% was not rated because of the excessive slopes. A scope of work was done to determine the viability of the onsite construction and its repercussions to hydrology and groundwater in the area and to provide construction recommendations for construction on the observed slopes. The property has been used as a gravel pit and the topsoil has been removed, mainly on the top of the hill where the flat soils appear. With the topsoil removed they do not believe it still has a class IV rating. They do not see a higher use for the property than what they are proposing. There is no water right; it is the site of an old gravel pit and the existing topsoil has been removed. It is not developed farmland, nor will it ever be used to grow crops. This seems like a good place for housing that will not take up viable farmland. Mr. Smith spoke about growth trends, the lack of rural properties and how the project helps meet the balance to maintain rural ag in the future and projected growth to come. The nitrate priority study was approved by DEQ for seven lots with seven individual septic system. A private road will provide access to all lots and will meet agency standards. Following his testimony, Mr. Smith responded to questions from the Board.

Steve Law testified that he concurs with Kurt Smith's testimony. The property has no potential other than what he is requesting to do, and he plans to make it an outstanding project. He has been experiencing some health issues and would appreciate approval of his request.

The following people testified in opposition to the request:

Gary Johnston lives on Peckham Road, ¾ of mile from the subject property and he testified he would rather see houses built on properties like this than the beautiful farm ground that's being rolled under every day; however, his concern is with putting a residential development in an agricultural zone. People complain about smells, flies, dust, etc., and it causes issues for other ag producers and it seems to be spot zoning and then the neighbors will want to split their land. He is not supportive of changing the comprehensive plan designation.

Kurt Smith offered rebuttal comments stating they will include a right to farm statement on the plat, and will develop CC&Rs that take the neighbors' concerns into account. There will be a development agreement where concerns can be addressed and that will stay with the land to mitigate the issues. The developer chose individual wells rather than a commuter water system due to the expense involved.

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. The Board's deliberation was as follows:

Commissioner Brooks said he has issues with both the 2020 and 2030 comprehensive plans because plans should not be developed with a broad brush. The area is zoned agriculture but it has residential and smaller properties and the comp plan does not take into account that there is housing surrounding this property. People have said the Board is not supportive of agriculture and yet the same individuals do not realize they live in a residential property that is zoned agriculture so aside from that the actual property is where development should be. It's not conducive to growing a crop, it has no top soil and there is no water right so you have to try to get a water right from the state to try to grow something on top of a hill with terrible soil. It's not being farmed and it doesn't look like it's been farmed in the past. He is in favor of moving forward and approving the development. This is not agricultural ground; it's in an agricultural area where development has been allowed. It's unfortunate that was not called out by the P&Z Commission.

Commissioner Van Beek said there is not a better place to locate something like this but the conflict is there is ag in the area. She was in the area a few weeks ago while driving with her husband (not to view the subject property) and there are a lot of hobby farms and they are broken up and if we're going to put a residential development somewhere it's preferable to do it with two strikes against it on a sandy hill with no water, but there is large-scale diversified ag in the area. The nearest identified residential designation is more than two miles away. There is a high demand for people wanting to live in a residential area but people that do not understand agriculture and they aren't going to understand fly-ons and different things like that. This is a unique area.

Commissioner Holton said comprehensive plans are difficult because you're dealing with a large area and you have very narrow areas like this that cry out for specific areas of consideration. He is frustrated that the P&Z Commission did not explore the specificity of this unique area than just the broad brush of agriculture. This ground will be a challenge if it was placed into R-1 just for them to maintain the yard, you're on a gravel pit and the topsoil has been removed. The way the ground lies is not going to impede agriculture other than the traffic the seven lots will generate and that is a concern with the CAFO down the road. Spot zoning to him is if this was flat land and the geographical characteristics were bland and we took a spot in the middle of bland land. The US Airforce had it as a temporary airbase in the middle of nowhere in the 1960s and 1970s as a remote radar site. He wants to deliberate towards considering an amendment to the plan. He cannot see it as spot zoning because of what has gone on for decades before this application came forward. Its highest use will never be agriculture.

Commissioner Van Beek said given the conflict that exists with people that do not understand agriculture and chose to live there would be a hard sell where that decision has been argued all the way to the Supreme Court, she thinks the Board needs the opportunity to look at the plan and decide what the unique areas are.

The Board reviewed the comp plan amendment criteria, CCZO 07-06-03:

Is the requested type of growth generally in conformance with the comprehensive plan? Commissioner Holton said generally it is in conformation with the comp plan, but there is the issue about the g ground and the production and protection of that. Commissioner Brooks said there are other parts of the plan that put this to the point where we want development in places like this rather than places we want to see in production agriculture.

When considering the surrounding land uses, is the proposed land use more appropriate than the comprehensive plan designation? Commissioner Holton believes it is because we are looking at the surrounding land uses within the area of how this ground has been consumed out of ag, obviously across Peckham to the north are all the large ag pieces and we are not contemplating or considering those. He has concerns about putting more people close the CAFO. Commissioner Brooks said prior Boards have allowed residential without rezoning and in looking at what has developed in the area it is more appropriate for this parcel of ground. Commissioner Van Beek said the balance to that is the impact on the surrounding ag operations. There are good arguments on both side but it is a domino effect.

Do development trends in the general area indicate that the current designation and circumstances have changed since the comprehensive plan was adopted? Commissioner Holton said the 2020 comp plan created this plan to make it so it was in noncompliance and they did not correct it in the 2030 comprehensive plan.

Will the proposed comprehensive plan amendment impact public services and facilities. What measures will be implemented to mitigate impacts? Commissioner Holton doesn't think it will be

an impact for public services on sewer/water, but it's possible on road or power. There was discussion about what the Board could tell the applicant they need to do in order to gain approval.

DSD Planning Supervisor Carl Anderson said the P&Z Commission said an alternative to denial would be to have the applicant apply for a conditional rezone to residential rural rather than rural residential, with a development agreement agreeing to three lots. Commissioner Brooks is in favor of looking at a map amendment for this parcel to be considered residential, and what exactly residential can be debated in the future. Commissioner Holton would rather see the land used rather than be a gravel pile, but he'd also like it to be planned out where the community can have input. Director Minshall said the Board could deny both applications with direction to staff that as we come back in the near future to look at a county-generated comprehensive plan amendment to include this area and look at compatibility and policies and where the map amendment would be in the broader region then your answer to what can the applicant do, is wait until we have the comp plan is adjusted and look at the broader area. Commissioner Van Beek likes that idea. If we prioritize this area and the area south of Lake Lowell are in critical need of that analysis and it's going to take the Board and city partners to look at it to make sure we are consistent.

DSD Planning Supervisor Anderson said another alternative may be that if the applicant comes back with a rezone for a zone that is not a conditional rezone we would evaluate to see if we can make the findings for a comp plan amendment based on that application which would likely have different densities for a concept plan and other factors associated with it that may or may not impact the comprehensive plan amendment component. It may or may not impact the rezoning as far as whether that is something staff would be able to make findings for approval. Commissioner Van Beek said she cannot make a finding that says R-1 is where this area is going. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to deny Case No. OR2022-0005, a request for a comprehensive plan map amendment to amend the 2020 Canyon County Comprehensive Plan Future Land Use Map for Parcel R36963020 from agriculture to residential.

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to deny Case No. CR2022-0011, a conditional rezone of approximately 10.66 acres from an Agricultural zone to a conditional rezone - single-family residential zone, and a development agreement. Commissioner Holton asked the applicant to work with DSD and work towards a goal to make this a viable situation and we need to take into consideration the active ag in the immediate area and try to balance all the things we need to balance and recognize what development has being on there and come up with a solution that makes it more compatible. The hearing concluded at 4:35 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2024 TERM
CALDWELL, IDAHO MAY 15, 2024

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for:

- Darin Bradshaw, Deputy Sheriff – received intermediate POST Certificate

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$6053.77 for the Information Technology department (PO #6009)

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- McCall Brewing to be used on 6/9/24
- The Blue Eye to be used on 5/18 & 5/19

ALCOHOLIC BEVERAGE LICENSE

The Board approved the following alcoholic beverage licenses for renewal:

- D&S Panasiuk, LLC dba Grocery Outlet of Nampa
- Kum & Go L.C. dba Maverik #5407
- Christensen, Inc. dba Sage Travel Plaza

Resolution no. 24-093

PRESENTATION BY THE HEALTH BOARD TRUSTEES

The Board met today at 9:31 a.m. for a presentation by the Health Board Trustees. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Clerk Rick Hogaboam, Deputy P.A. Zach Wesley, Lt. Martin Flores, Fleet Director Mark Tolman, Director of Indigent Services Yvonne Baker, Chief Deputy Assessor Joe Cox, Comp./Benefits Manager Bosco Baldwin, Benefits and Training Business Partner Nicole Ahlstrom, COO Greg Rast and Deputy Clerk Jenen Ross. Commissioner Holton left the meeting at 10:30 a.m.

Lt. Flores provided an explanation on how the Health Board Trustee board is comprised and operates.

Mr. Baldwin reviewed a PowerPoint presentation which covered the following points:

- Revenue currently being generated (County paid only); \$10,854,324
- Current employee contributions; \$111,516/monthly or \$1,338,192/annually
- Total expenditures vs. total funding revenue
- Two options
 - Option no. 1: Increase funding and modify plan document
 - Option no. 2: Migrate over to the State of Idaho plan
- Detailed review of what each option entails
 - Option no. 1
 - Should we choose to continue the program “as is,” we will

likely hit a critical underfunding point (possibly zero) in the next few years.

- We will have to get a sizeable one-time infusion of cash from the BOCC to stop the losses.
 - The Plan Document will need to be significantly modified.
 - Employee premiums will need to be significantly increased.
 - We will need to hire a good broker to assist with the potential changes and possible complete overhaul of current service providers.
- Option no. 2
 - Make all plans being used by the State of Idaho (HSA, PPO, Traditional) available to our employees.
 - Switches us to a FIXED costs moving forward
 - As of today, the fixed cost to the county would be \$13,000/eligible employee.
 - Improved budget/forecast expenses for Canyon County.
 - Fully mitigate all liability to the county from a benefits liability standpoint.
- Guidelines and costs to participating in the state program
 - One time buy-in of \$3,465 per benefit eligible employee = \$2,803,185 (based on 809* eligible employees) **809 employees is based on removal of Public Defender employees as they will be state employees by the time the county would go live with state insurance if approved.*
 - Ongoing payments of \$13,000 x 809 employees = \$10,517,000 annually
 - Total expenditure of \$14,480,508
 - Current coverage per employee is \$17,341.93 vs. \$13,000 if approved to join the state plan.
 - The next steps to apply to the state plan would be
 - Request inclusion
 - Review/response from state director
 - Risk analysis
 - Sign MOU
 - Buy-in

Further discussion ensued regarding coverage comparison and steps that may need to be taken if the county chooses to stay on the current plan; without changes there will be a zero balance in the reserves within the next few years.

Lt. Flores reviewed a PowerPoint presentation which covered the following points:

- Employer and employee contributions over the past 5 years; average yearly contribution is \$11,175,386.
- Total health trust revenues
 - Interest on savings
 - Pharmaceutical rebates
 - Stop loss reimbursement
 - Average revenue is \$12,525,983
- Health insurance fund total expenses
 - Between FY2022 and FY2023 county costs increased by 12.9% resulting in and overall loss to the health trust account of \$1,873,340
 - Estimated FY2024 cost with 10% increase is \$15,918,012
- Medical claims
 - Increased from 9.4% between FY2022 and FY2023
 - Current claim for FY2024 is \$3,964,984 which is down \$398,601 from this time last year.
- Pharmaceutical claims
 - Increased 25% from FY2022 to FY2023
 - Currently FY2024 pharmaceutical claims are at \$1,766,395 which is up \$122,254 over last year.
- Medical admin fees
 - Increased 10% over 2022
 - In FY2024, \$1,283,427 has been paid which is up \$233,818 over this time last year
- Health trust fund cash balance
 - Current balance is \$5,004,481
 - HRA liability is \$922,252
 - Fund is down \$154,478 from the beginning of FY2024
- Planning for the future
 - Hire insurance broker
 - New plan
 - Redesign of the current plan
 - Identify alternative, dedicated, funding for the health trust account
 - Increase premiums for both employer and employees
 - Option no. 1:
 - Change the County's per month contributions from \$1,053 to \$1200, effective immediately, and fund the Health Trust Account at total FTE, rather than based on enrollment.
 - This will add \$1,582, 308 in additional premium revenues

- Increase Employee Medical Premiums on specific enrollment groups. (EE, E+ Child, E+ Children)
 - Add Employee Premium for Delta Dental Coverage
- Option no. 2:
 - Change in County’s per month contributions from \$1053 to \$1,083, effective immediately, fund based on enrollment, and roll over any medical and dental premium surplus to Health Trust Account.
 - Increase Employee Medical Premiums on specific enrollment groups. (EE, E+ Child, E+ Children)
 - Add Employee Premium for Delta Dental Coverage
- Health and Dental premiums are budgeted based on total FT, approved positions.
- The Health Trust only receives employer premiums based on current enrollment.
- Over the last four years \$3,341,449, budgeted for Health and Dental Premiums, has been returned to fund balance.
- For FY 2024, based on current trends, there may be a potential surplus of nearly \$900,000.
- Allocating any Medical or Dental premium surplus to the Health Trust Account at the end of each year will help minimize the loss to the fund.
- Reduce the need to adjust employee premiums.

A letter to the state will be drafted by legal for Board consideration at a later time. Additionally, with support from the Health Board Trustees, legal will prepare an RFP for broker services to be considered by the Board at a later time. The Board is supportive of having two options in the event the County is not approved to join the state insurance.

The meeting concluded at 10:40 a.m. and an audio recording is on file in the Commissioners’ Office.

MAY 2024 TERM
CALDWELL, IDAHO MAY 16, 2024

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Sloan Security Group in the amount of \$34,308.11 for the Solid Waste department

APPROVED ALCOHOLIC BEVERAGE LICENSE RENEWALS

The Board approved the following alcoholic beverage licenses for renewal:

- El Guero, LLC dba Pollos Y Marisco El Guero
- Chapala Nampa, Inc., dba Chapala Mexican Restaurant III
- Chapala Mexican Restaurant #7, Inc., dba Chapala Mexican Restaurant #7
- Pantera Market, LLC dba Pantera Market
- Harwest Group, LLC dba The Syringa Lounge
- Horacio Tellez Castillo dba Taqueria Janitzio
- Ridley’s Family Markets, Inc., dba Ridley’s Family Markets
- Messenger, LLC dba Messenger
- Taqueria La Flama #2, LLC dba Taqueria La Flama

Resolution no. 24-094

- Sol Invictus Vineyard, LLC dba Sol Invictus Vineyard
- I.C.A.N. Foods, Inc., dba The Griddle
- Casa Robles, LLC dba Casa Robles
- Amano Restaurant, LLC dba Amano

Resolution No. 24-095

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 (left at 9:41 a.m.), Deputy P.A. Zach Wesley, Coroner Jennifer Crawford (left at 9:33 a.m.), Facilities Director Rick Britton (left at 9:41 a.m.), Parks Director Nicki Schwend (left at 9:41 a.m.), Outdoor Recreation Planner Alex Eells (left at 9:41 a.m.), Cpt. Harold Patchett (left at 9:41 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing agreement for pathology services with Gem County: Coroner Crawford explained this is a new contract with Gem County for pathology services; it is essentially the same agreement as is in place with Owyhee County. The contract has been reviewed by legal and there are no issues. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the agreement for pathology services with Gem County (agreement no. 24-042).

Consider signing legal notice requesting qualification statements for Architecture/Engineering Services for the George Nourse Gun Range four-year phased construction plans; and Consider signing request for qualifications for architecture/engineering services for the George Nourse Gun Range four-year phased construction plans:

Mr. Klaas explained that this is a joint effort between the Facilities and Parks departments and the Sheriff's Office. Director Britton explained this is to better the safety standards and cleanliness at the gun range. Additionally, they'd like to look at the potential of a new/separate area that could be used by the Sheriff's Office for training (both firearm and driver's training) and possibly have a running track if the Sheriff's Office ever looks to have its own academy in the future. Director Schwend spoke about how the gun range is highly used and is need of physical, safety and behavioral improvements. She feels that the best was to create behavioral improvements in the public is to improve the facility and show that expectations are changing. Director Britton said that the A&E for this project was include in the FY24 budget. Cpt. Patchett spoke about some of the other ways improvements to the gun range would be beneficial to the Sheriff's Office.

Commissioner Brooks made a motion to sign the legal notice requesting qualification statements for Architecture/Engineering Services for the George Nourse Gun Range four-year phased construction plans and the request for qualifications for architecture/engineering services for the George Nourse Gun Range four-year phased construction plans. The motion was seconded by Commissioner Van Beek 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 9:42 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 and Deputy P.A. Zach Wesley. The Executive Session concluded at 9:50 a.m. with no decision being called for in open session.

The meeting concluded at 9:51 a.m. and an audio recording of the open portion of the meeting is on file in the Commissioners' Office.

CONSIDER APPROVING CERTIFICATES OF NONCOMPLIANCE

The Board met today at 10:33 a.m. to consider approving certificates of noncompliance. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Code Enforcement Supervisor Eric Arthur and Deputy Clerk Jenen Ross.

Mr. Arthur gave a summary review of each parcel and the noncompliance issues. Certificates of noncompliance were considered as follows:

- ***Parcel Number R29345 located at 719 W. Locust Lane in Nampa*** – Upon the motion of Commissioner Holton and second by Commissioner Brooks the Board voted unanimously to issue the certificate of noncompliance.
- ***Parcel Number R27724 located at 8955 Deer Flat Road in Nampa*** – Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to issue the certificate of noncompliance.
- ***Parcel Number R25980 located at 9065 Owyhee Drive in Nampa*** – Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to issue the certificate of noncompliance.
- ***Parcel Number R37867010A located at 27663 Farmway Road in Caldwell*** – Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to issue the certificate of noncompliance.
- ***Parcel Number R32602 located at 4420 Farmway Road in Caldwell*** – Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to issue the certificate of noncompliance.
- ***Parcel Number R38579 located at 24016 Notus Road in Caldwell*** - Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to issue the certificate of noncompliance. Commissioner Holton has requested that DEQ be contacted regarding this property.

The meeting concluded at 11:07 a.m. and an audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – APPEAL BY SANTIAGO GOMEZ FOR AN ADMINISTRATIVE LAND DIVISION, CASE NO. AD2023-0133-APL

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of an appeal by David Ferdinand, representing Santiago Gomez, of Case No. AD2023-0133 regarding the denial of an Administrative Land Division to make Parcel R29035010A, a buildable parcel, Case No. AD2023-0133-APL. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Deputy PA Zach Wesley, DSD Principal Planner Dan Lister, DSD Director Sabrina Minshall, David Ferdinand, Santiago Gomez, Bernie Ball, and Deputy Clerk Monica Reeves.

DSD Principal Planner Dan Lister gave the oral staff report. The subject property is located adjacent to 4754 Bennett Road in Kuna. On September 5, 2023, the applicant submitted a Parcel Inquiry Request, PI2023-0182, for research of the history of Parcel R29035 and if the subject parcel, R29035010A, has a building permit available. The subject parcel was once part of an 80-acre parcel. The first division was in 1982 when the division created a 5-acre parcel (R29035) and a 75-acre parcel (R29035010). In 1986, Parcel R29035 was granted another division via a conditional use permit (CU2002-386). Both Parcels R29035 and R29035010 have

existing dwellings. The subject parcel, R29035010A was created by deed in 2023 when the owner of Parcel R29035010, Mr. Relk, sold the 2.07-acre parcel to Santiago Gomez (Instrument No. 2023-035238). The subject parcel was not created per the Canyon County Zoning Ordinance (CCZO §07-17-03 and Chapter 7, Article 18 of the County Code (Administrative Land Division). To abate the unauthorized division, the applicant was given the option to apply for a non-viable land division subject to CCZO §07-18-09, building permit relocation subject to CCZO §07-18-11, or a comprehensive plan amendment and rezone. On December 19, 2023, the applicant submitted an Administrative Land Division application to correct the creation of Parcel R29035010A subject to CCZO §07-18-07. Per the applicant's letter of intent, the applicant believes there is a division available to create the 2.07-acre parcel. The original parcel was 80 acres. Per CCZO §07-18-07(2), an 80-acre parcel is allowed two divisions (three parcels). On January 24, 2024, Case AD2023-0133 was denied by the DSD Director due to the request not being able to meet CCZO §07-18-07. It has already been approved for up to three residential parcels and if they want to gain more, subject to either the nonviable requirements, the relocation requirements, they could approach the owner and see if they would terminate that to gain the land division to an amendment to the land division. Following his report, Planner Lister responded to questions from the Board. The Board had follow-up questions for Deputy Zach Wesley and Director Sabrina Minshall. Discussion ensued regarding the land division application process.

The following people testified in favor of the appeal:

David Ferdinand, the applicant's representative, testified there was poor communication with the Development Services Department and said it took a long time to make the application because DSD would not accept Mr. Ferdinand's application for the administrative split. In 2021 DSD gave him information on the Relk property that had an additional split. They did not pursue a parcel inquiry until more conversations were had and he had an accurate accounting of what they were counting. The record talked about having 2 divisions, 3 residential parcels - it says previously approved divisions in the ag zone district may be amended to provide for divisions of the original parcel. They took the original parcel as the original 80. Mike Relk kept 75 acres, and the 5-acre parcel had been split off so he assumed what they were counting was two parcels at that time and they explained that the 75-acre parcel had an additional split, so they pursued it and they sold the 2-acre parcel to Santiago Gomez with the intention that it would be used for the construction of a shop and perhaps a home at some point in time. Currently he is using the property to park his trucks for his landscaping business. They believed they had one more split because the quasi-judicial process was done in a public hearing, not as an administrative split and was going on the original ordinance. Mr. Ferdinand asked DSD to get a legal opinion from Deputy PA Zach Wesley, but he never received one. It was their opinion that there had been two administrative splits and that is why he requested to utilize the third parcel for the two-acre parcel. Mr. Relk is a farmer and by selling off two acres he does not want it to appear he wants to stop farming. DSD Director Sabrina Minshall said if this is approved, at the time of building permit request, the building department would not approve just a shop if it was going to be used for storing equipment without the conditional use permit. That would be a secondary process to this land division discussion. Mr. Ferdinand said the Relk property was entitled to an administrative split and in trying to determine

how to get the matter before the Board, the only way to do it was to make application in the administrative split and bring it to the Board because of changes on how you handle the original 80 and how you handle the administrative splits that are available to an original parcel and not go through the nonviable farmland process when you have a 73-acre parcel that's remaining in farmland.

Santiago Gomez testified he bought the 2 acres last year because his house, which is where he operates his landscaping business, was getting crowded and because his diesel trucks are very loud and were annoying the neighbors so he found two acres where he could park his equipment. Eventually he would like to build a house on the property.

The following people testified in opposition to the appeal:

Bernie Ball lives across the from the subject parcel and he is opposed to the request because he does not want additional buildings affecting agriculture. The record has alluded that the decision to sell the property was because Mr. Ball built a house on the lot two years ago. To preserve farm ground, he took a corner from his property and built a house on that portion. The record says his house and shop caused issues and they felt Mr. Relk could not farm that close to a house and so if that was true in the Ball split, then the same can be said for this split. It's obvious this is becoming commercial, a portion of the two acres is fenced off and there is equipment and cargo containers located there.

Rebuttal comments were offered by David Ferdinand who said Mr. Relk wanted to make sure there was a responsibility to match what was happening there because if there were going to be adjustments for what they farmed they wanted to keep it together, not put it in the middle of a field. Mr. Ferdinand had a lot of conversations with DSD staff and Attorney Todd Lakey so they could ask questions as to how they wanted to go forward with various items, and he believes because of the way the ordinance read in the beginning these farmers were entitled to three parcels from an administrative process not going through a CUP. The decision made today will affect all the 80-acre parcels that are still out there.

Commissioner Holton wants to see legal counsel from a differing opinion from the County's counsel on how they would substantiate their argument. He didn't see that the code differentiates between the land division-it is cumulative. He hears what Mr. Ferdinand is saying, but said we need to treat everybody fairly. Deputy PA Wesley said that's how we've always treated it historically; a land division is a land division and there is no distinction between whether you've separated a parcel through a rezone or a conditional rezone or a conditional use permit or an administrative division. What we are counting from the original parcel is the number of divisions total no matter how you arrive there. DSD staff had those remedies available under the ordinance to do this. It's not that you couldn't accomplish an additional division here to create this parcel, it's that you would need to follow a difference process: revoke the CUP which would then create another division; or amend the CUP to create another division; or go through another rezone process to rezone it as residential. Under the administrative land division process that number is limited. Commissioner Van Beek said Mr. Ferdinand has a valuable argument, but she must look

at what the code says and interpreting that it appears Deputy PA Wesley is interpreting that correctly; it's a cumulative number of splits regardless of whether it's administered through the DSD Director or through a hearing. Deputy PA Wesley said he would look at a competing argument if there was one but at a court would tell us the Board, as the creator and owner of ordinances, will make that decision. Commissioner Holton said procedurally we are in a tight spot because the 1982 division was the 5-acre parcel, and the 1986 division has been a yet-to-exercise option and that is three splits and now it's clear why we impose time limits because they end up being an artifact that gets in the way and if we allowed this then it allows four (4) which is against the rules. Commissioner Van Beek said it is unique to her that the split on the 5-acre parcel makes it a 4 and a 1 because this is an agricultural area and in a rural transition area the minimum would be two so it's an anomaly. Director Minshall said what Commissioner Holton referred to was part of the path forward discussed when this parcel inquiry was first done which was if the property owner who had done the CUP did not intend to activate it or if it had a timeframe they could have either revoked it or if the owner does not intend to take it, they could say we want to nullify it then there would be the administrative division but it cannot be cumulative to go above that. It's why we have time limits, so we can say has it been activated? Commissioner Brooks concurs with the statements thus far, there is no differentiation between what type of split and how you get there. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. During deliberation Commissioner Brooks said he agrees with what has been discussed on the record. Commissioner Van Beek said there are options the applicant could explore and she agrees to uphold the Director's decision. Commissioner Holton said he finds David Ferdinand's arguments interesting, and he sees his point of view, but he has a responsibility to treat everybody fairly and he has not been persuaded otherwise. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to deny the appeal and affirm the Director's decision in Case No. AD2023-0133-APL. The hearing concluded at 2:35 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2024 TERM
CALDWELL, IDAHO MAY 17, 2024

APPROVED CLAIMS

- The Board has approved claims 605605 to 605608 in the amount of \$1,035.00

APPROVED MAY 17, 2024 PAYROLL

- The Board approved the May 17, 2024 payroll in the amount of \$2,314,401.06

ALCOHOLIC BEVERAGE LICENSE

The Board approved the following alcoholic beverage licenses for renewal:

- Red Robin International, Inc., dba Red Robin Gourmet Burgers & Brews
- Shewil, LLC dba Slick's Bar
- Kenal, LLC dba Kenal Leasing
- Yogi Farms, LLC dba H & M Meats and Catering
- Evergreen Restaurant, LLC 1313 dba Outback Steakhouse
- The Hop House, LLC dba The Hop House
- New Empire, LLC dba The Blue Eye

Resolution no. 24-096

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Alexa Barnum, temporary canoe science camp field instructor
- Noelle Halverson, temporary canoe science camp field instructor
- Lacey Scott, temporary canoe science camp field instructor
- Paige Calley, temporary canoe science camp field instructor
- Brenden Keleher, temporary canoe science camp field instructor
- Michael Bruce Mauldin, temporary deputy judicial marshal
- Connie Doan, promotion to Clerk II
- Joshua Gallup, promotion to Clerk III

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hart Intercivic in the amount of \$10,600.00 for the Elections department (PO #6015)
- NW Land Services in the amount of \$8800.00 for the Development Services department (PO #6036)
- Dell in the amount of \$6053.77 for the Information Technology department (PO #6009, this PO was originally approved by Board majority on 5/15/24 and by Commissioner Van Beek on 5/17/24)
- Atlas in the amount of \$18,304.00 for the Facilities department (PO #6035)
- Axon Enterprise, Inc. in the amount of \$19,139.40 for the Sheriff's Office (PO #19,139.40)

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- O'Michael's Pub & Grill to be used 6/14/24; 6/8/24
- V-Cut Lounge to be used 5/25/24

- Raising Our Bar to be used 6/1/24; 6/2/24; 6/7/24; 6/8/24; 6/14/24; 6/21/24; 6/22/24; 6/28/24; 6/29/24; 6/30/24
- Liberty Lounge to be used 6/7/24; 6/12/24; 6/13/24; 6/15/24; 6/16/24; 6/17/24; 6/19/24; 6/22/24; 6/22/24; 6/23/24; 6/26/24; 6/29/24; 6/5/24

MEETING TO CONSIDER APPROVAL OF AGREEMENT FOR OPERATION OF TRANSFER STATION WITH MM PROPERTIES - NORTHSIDE, LLC; AND CONSIDER APPROVAL OF A PERMIT FOR MM PROPERTIES – NORTHSIDE, LLC TO OPERATE A TRANSFER STATION

The Board met today at 11:00 a.m. to consider approval of agreement for operation of transfer station with MM Properties - Northside, LLC; and consider approval of a permit for MM Properties – Northside, LLC to operate a transfer station. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Carl Ericson, Solid Waste Director David Loper, Mike Murgoitio and other representatives with Timber Creek Recycling, Director of Constituent Services Aaron Williams, Communications Director Chad Thompson, Landfill Operations Manager Daniel Pecunia, COO Greg Rast, Other interested citizens and Deputy Clerk Jenen Ross.

Mr. Rast Greg spoke about how this project has made it thru the process to get to this point and Director Loper provided dates of when this project started and steps taken along the way. An outline of the timeline is as follows:

- Late 2020/Early 2021 Canyon County began transfer station concept discussions, noting the following benefits:
 - Adding another Solid Waste disposal site to Canyon County’s solid waste system
 - More efficient and adds convenience for community
 - Reduces truck and haul traffic to landfill, minimize landfill infrastructure
 - Reduce blowing litter throughout the County
- Spring and Summer of 2021 Canyon County and Timbercreek Recycling began informal discussions on land sale for Canyon County to operate a transfer station next to Timbercreek’s new recycling yard in Nampa. Conceptual layout drafts were created.
- Late 2021 private sector showed interest in moving forward with a transfer station concept.
- Timbercreek Recycling wrote a letter to BOCC dated December 17, 2021 notifying the County of their intentions to build and operate a transfer station within Canyon County.
- Early to middle of 2022 Canyon County and private sector vetted issues around county owned concepts and private owned concepts and the best path forward. Committee concepts were introduced to get community input.
- August 30, 2022 Canyon County adopted an ordinance (Ord. No. 22-019) creating the Canyon County Solid Waste Advisory Committee. The committee was created to be an advisory and recommending committee to the Board.
- First committee meeting was June 8, 2023, main agenda item was to introduce the committee, tour the landfill, vote officers and introduce the committee by-laws to the SWAC.

- Second meeting was held July 26, 2023, transfer station concepts were introduced and discussion.
- Third meeting was held December 13, 2023, Timbercreek Recycling presented their model and proposal.
- Fourth meeting was held January 10, 2024, the Canyon County SWAC voted to make the recommendation to the BOCC for a private sector owned and operated transfer station.
- January 17, 2024 BOCC held a public hearing to consider the SWAC's formal recommendation of a privately-owned transfer station in Canyon County.
- Early 2024, Agreement and permit were negotiated for Timbercreek Recycling to own and operate a privately-owned transfer station in Canyon County.

Mr. Murgoitio provided a recap of the presentation given on January 17, 2024. A copy of the PowerPoint is on file with today's minutes as well as the January 17th minutes.

Mr. Ericson gave a review of the process legal has gone thru in working with Timber Creek Recycling on the agreement and permit. He explained that this is allowed thru Idaho Code 31-4408 designated as a waste transfer approved disposal site. A couple important items of note are that this agreement addresses mixed loads, Timber Creek accepts trash from outside the county, however, county ordinance allow only for disposal of trash from Canyon County. Timber Creek has created a system to determine how much waste comes in from Canyon County and only that amount will be transferred to the Pickles Butte landfill. There is a confidentiality clause within the agreement, meaning that if Timber Creek believes there is confidential or proprietary information, they will be given the right to object to production of such documents. However, if it becomes an issue in regard to public records Timber Creek will then have the duty to defend and indemnify the county, in essence, take on all the burden of the withholding the information. This agreement will run with the land so if Timber Creek sells their facility the new facility will have the right to carry on the transfer station but it will be subject to all of the terms and conditions of both the agreement as well as the permit that will be issued. Director Loper noted that as part of the permit, Canyon County agreed to an 8% reduction to the tipping rate for transfer trucks only to recognize the benefit of reduced traffic out to the landfill.

The Board offered their comments on this process and their appreciation of the work that's been done by everyone involved.

Commissioner Brooks made a motion to approve the agreement for Operation of Transfer Station with MM Properties - Northside, LLC. The motion was seconded by Commissioner Van Beek and carried unanimously (agreement no. 24-043).

Commissioner Van Beek made a motion to approve a Permit for MM Properties – Northside, LLC to Operate a Transfer Station. The motion was seconded by Commissioner Brooks and carried unanimously (agreement no. 24-044).

In response to Mr. Rast, Mr. Murgoitio said their next step is to submit to Nampa with anticipated build to start in the fall with winter completion, worst case scenario being early spring.

The meeting concluded at 11:43 a.m. and an audio recording is on file in the Commissioners' Office.

MAY 2024 TERM
CALDWELL, IDAHO MAY 20, 2024

Treasure Valley Partnership Meeting

Commissioners Attending COMPASS Meeting Regarding Potential Canyon County, Countywide Local Option Registration Fee

MAY 2024 TERM
CALDWELL, IDAHO MAY 21, 2024

ALCOHOLIC BEVERAGE LICENSE

The Board approved the following alcoholic beverage licenses for renewal:

- M&R Ruszonis LLC dba Ruszoni's Pizza
- The Twisted Fig LLC dba The Twisted Fig
- El Rico Pan Bakery Inc. dba El Rico Pan Bakery

Resolution no. 24-100

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- Craft Lounge to be used 5/25/24; 5/30/24; 6/1/24; 6/8/24; 6/15/24; 6/22/24

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Charlotte Savage, Clerk I, new hire
- Mckenzie Childs, Clerk I, new hire
- Marissa Sandoval, Court Clerk, temporary

APPROVED PURCHASE ORDERS

The Board approved the following purchase order:

- Motorola Solutions in the amount of \$50,683.35 for Emergency Management (PO #5845)

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 updated and to consider action items. Present were: Commissioners Leslie Van Beek and Brad Holton, Chief Deputy P.A. Carl Ericson (left at 9:42 a.m.), Deputy P.A. Zach Wesley (left at 9:42 a.m.), Deputy P.A. Laura Keys (left at 9:42 a.m.), Director of Juvenile Detention Sean Brown (left at 9:38 a.m.), Mental Health Clinician Troy Mikolyski (left at 9:38 a.m.), Parks Director Nicki Schwend (left at 9:35 a.m.), Historic Preservation Officer Chelsee Boehm (left at 9:35 a.m.), Assistant Facilities Director Carl Dille (left at 9:42 a.m.), Fleet Director Mark Tolman (left at 9:42 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider resolution appointing Chelsee Boehm to the Historic Preservation Commission: Director Schwend explained she would like Ms. Boehm to participate on the HPC Board this year instead of herself as she feels her experience will be beneficial to the Board. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the resolution appointing Chelsee Boehm to the Historic Preservation Commission (resolution no. 24-099).

Consider Memorandum of Agreement to Support Clinical Services in Juvenile Detention Facilities: Director Brown explained this is a program that has been in place for 15 years. The MOA states that an evaluation needs to be done with 90% of intakes, however, Mr. Mikolyski does evaluations on 100% of the intakes. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the memorandum of agreement to support clinical services in juvenile detention facilities (agreement no. 24-045).

Consider signing Solicitation of Bids for the Fleet Shop HVAC Project: Ms. Keys said this is a standard letter that will sent outlining the timeline along with the draft contract. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the solicitation of bids for the Fleet Shop HVAC Project. A copy of the letter is on file with this day's minutes.

Consider resolutions approving new alcoholic beverage licenses:

- Hot Chicken Idaho, LLC dba Dave's Hot Chicken
- The Chapp Wine & Tap, LLC dba The Chapp Wine & Tap

Upon the motion of Commissioner Holton and second by Commissioner Van Beek the Board voted unanimously to sign the resolutions granting new alcoholic beverage licenses to Hot Chicken Idaho, LLC dba Dave's Hot Chicken (resolution no. 24-098) and The Chapp Wine & Tap, LLC dba The Chapp Wine & Tap (resolution no. 24-097).

The meeting concluded at 9:43 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING WITH DEVELOPMENT SERVICES TO CONSIDER ACTION ITEMS

The Board met today at 10:30 a.m. with Development Services to consider action items. Present were: Commissioners Brad Holton and Leslie Van Beek, Assistant Director of DSD Jay Gibbons, Other DSD staff, Darin Taylor with Subdivision Maker, Representatives for Wyatt's Hollow and Oaklee Estates and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider Approving Final Plat for Wyatt's Hollow No. 2, Case No. SD2021-0022: Mr. Gibbons said this property is zoned RR and is appropriate to the zone it resides in. It contains 22 residential lots, one private road lot, well irrigation with individual wells and septic. The preliminary plat was approved on January 29, 2021 and subject to 11 conditions of approval which have all been met. DSD is recommending to the Board that the final plat is ready for signatures. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to approve the final plat for Wyatt's Hollow No. 2, Case no. SD2021-0022.

Consider Approving Final Plat for Oaklee Estates No. 1, Case No. SD2021-0054: Mr. Gibbons said this property was zone R-1 by application in 2015. It contains 17 residential lots, a public road system, pressurized irrigation with individual wells and septic. The preliminary plat was approved in September of 2020 and subject to 9 conditions of approval which have all been met. DSD is recommending the plat be signed. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the final plat for Oaklee Estates No. 1, Case no. SD201-0054.

The meeting concluded at 10:37 a.m. and an audio recording is on file in the Commissioners' Office.

CONSIDER APPROVING TAX CHARGE ADJUSTMENTS BY PIN

The Board met today at 10:48 a.m. to consider approving the Treasurer's tax charge adjustments by PIN for April 2024. Present were: Commissioners Brad Holton and Leslie Van Beek, Treasurer Tracie Lloyd and Deputy Clerk Jenen Ross. Treasurer Lloyd explained this is just the administrative monthly adjustments for April and the total amount to be adjusted off is \$11,866.21 for years 2020-2023. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to approve the tax charge adjustments by PIN for April 2024.

The meeting concluded at 10:50 a.m. and an audio recording is on file in the Commissioners' Office.

PUBLIC HEARING: APPEAL BY GAINELLE MASSOTH OF THE DIRECTOR'S DECISION DENYING A PROPERTY BOUNDARY ADJUSTMENT, CASE NO. AD2023-0115-APL

The Board met today at 1:32 p.m. to conduct a public hearing in the matter of an appeal by Gainelle Massoth, represented by Darin Taylor, of the Director's decision that denied a property

boundary adjustment of approximately two acres between parcels R35521010B and R35521010, Case No. AD2023-0115-APL. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Planning Supervisor Carl Anderson, DSD Planner Emily Kiester, Deputy PA Zach Wesley, Gainelle Massoth, Darin Taylor, Louis Massoth, Duane Darbin, E.G. Stritzke, Cynthia Bittick, Arvid Salisbury, Roya Nematallohi, other interested citizens, and Deputy Clerk Monica Reeves. DSD Planner Emily Kiester gave the oral staff report. The subject properties are located at 17121 Upper Pleasant Ridge Road in Caldwell (Parcel No. R35521010B) and 19161 Wagner Road in Caldwell (Parcel No. R35521010). The applicant submitted an application on November 3, 2023, for a property boundary adjustment of approximately two acres between parcels R35521010B and R35521010. It was denied by the DSD Director on December 20, 2023, and an appeal was submitted on January 3, 2024. On February 22, 2024, a survey was recorded that shows the requested property boundary adjustment. No deeds have been recorded at this time. In the surveyor's narrative it states the new property was established at the client's direction. The original proposal by the applicant was for a two-acre property boundary adjustment between Parcel R35521010B and R35521010. If approved it would have increased R35521010B's acreage by two acres, and decreased R35521010's acreage by two acres. Planner Kiester outlined the property history. Parcel R35521 contained two original parcels, one 20-acre parcel and one 40-acre parcel. On April 10, 2003, a conditional use permit, CU2003-46, was approved to divide the 40-acre parcel into three residential parcels including one 20-acre parcel and two 10-acre parcels. Around 2006, the owners of the 20-acre parcel (R35521010) divided off 1.15 acres without first obtaining the appropriate approval from Canyon County. In 2017, the division of 1.15 acres (R35521010B) and approximately 19 acres was recognized through AD2017-77 which transferred a building permit from R35539010 to R35521010 (at the time this parcel was approximately 19 acres). On December 10, 2019, R35521011 (one of the 10-acre parcels created through CU2003-46) was approved for a conditional rezone from "A" (Agricultural) to "CR-R1" (Conditional Rezone/Single Family Residential) with the condition that the property be developed in substantial compliance with the submitted site plan providing for an approximate one-acre parcel and the balance of 8.81 acres more or less containing the existing residence (CR2019-0010). On March 26, 2021, a short plat was approved for R35521011 (Trails End Subdivision), which created R35521101 and R35521100 (SD2020-0034). On August 6, 2021, a parcel inquiry was completed for Parcel R35521010 which stated that in order to divide the property per Canyon County Zoning Code, a comprehensive plan amendment, rezone/conditional rezone, and subdivision platting would need to be approved and completed. The parcel inquiry also outlined that the 10-acres could be sold to the neighbor via a mortgage split, but this would result in the divided parcel being seen as an illegal parcel with no building permit available. In 2021, the property owners of R35521010 divided off 10 acres (R35521010C) via deed without Canyon County's review or approval (Warranty Deed with Instrument #2021-67537). These were the findings in the Director's decision that denied the appellant's request for a property boundary adjustment since Parcel R35521010 divided off 10 acres without the County's approval and the 40-acre original parcel having divided into more than four parcels, a property boundary adjustment could not be completed until the parcel's current and future zoning are changed to a residential zone which is to be through the rezone/conditional rezone and comprehensive plan amendment process, and subdivision platting is complete. If the plat is approved it could potentially recognize R35521010C as a legal parcel and adjust the

property boundaries of R35521010 and R35521010B. Planner Kiester also reviewed the agency comments and public comments.

The following people testified in favor of the appeal:

Gainelle Massoth gave testimony regarding the property history. She moved to Idaho in 1982 and farmed in the Buhl area with her husband who was a research scientist for Syngenta Seed. In 1991 Syngenta moved their research center to Nampa and the Massoths sold their farming operation in Buhl and moved to Canyon County. In 2003 when Don Sayer sold his land at a very fair price the Massoths purchased 20 acres. Her building permit was originally going to be on the lane, an extension of Linden, but she decided it would be safer to have access to the road and so they moved their building permit to Upper Pleasant Ridge Rd. She does not believe it was illegal to do that because she owned the land, and she should be able to put her homesite at the best place for the future of agriculture and for convenience during bad roads during the wintertime. She didn't realize she owned the entire width of Upper Pleasant Ridge Road and between that and the 10-foot canal easement on her property she had to get an easement for the fire district so by the time all the easements were taken care of she didn't have an acre. Had she had the foresight she would have had a two-acre plot, but she did not realize it at the time. The property was listed for sale as a farm, so the Massoths did not think they needed to have the permission to sell farmland for farmland, and a farmer contiguous to that decided to purchase it. Now the Massoths are being told it was done illegally and they had to come to P&Z and get permission. The Massoths upgraded the irrigation which is still in use today and none of the ground has been taken out of farm ground. Mrs. Massoth said her husband is in declining health and they want to sell their property and move in with her son and in doing that she realized she doesn't have an acreage so she asked her son to reconvey two acres back to her so that a potential buyer could have pasture land, but her request was denied because DSD said her son had illegally sold 10 acres of farmland to another farmer as farmland. Mrs. Massoth said it is not illegal to get a straight line adjustment so she can add two extra acres to her home site so she can market the property as an acreage.

Darin Taylor is the attorney representing the Massoths and he testified that he met with a DSD planner and requested to meet with others who participated in the Director's decision, but he was not able to have a verbal discussion with staff and so the process became frustrating when they were not able to have conversations. He asked the following question of staff: Before a portion of one parcel that is farmed is sold to somebody else, is the person required to apply for a subdivision so they can go through the public hearing for platting assuming that the administrative land divisions have taken place? DSD responded that any subdivision after the administrative divisions are taken have to go through the public hearing process. Mr. Taylor said that is an urban rule in planning and he has never seen it applied in Canyon County. His letter, Exhibit 15, summarizes the two subjects he sees:

1. Is it the County's policy that if somebody wants to sell farmland that's not an existing parcel, if it's more than the four administrative divisions, do they really need to go through

the platting process to sell the property? Policy-wise that seems different than what he has understood.

2. Mrs. Massoth was denied for something her son did unknowingly. There was no malice and he did not know he needed to plat, which is unusual in the County. Under what basis which code does the County cite (city or state) to deny a request for a boundary adjustment? The only thing he found was in the boundary adjustment policy, it's not approvable if it creates a nonconforming land, parcel, building, or land use. Mrs. Massoth's request does not create any of those. Her son's previous transfer of that 10 acres created a situation where his property is arguably nonconforming.

Following his testimony, Mr. Taylor responded to questions from the Board.

Louis Massoth testified there have been a lot of inconsistencies and gray areas over the course of the 20 years they have been on the farm. In 2003 they were granted five permits. He owns two of those permits on his 23 acres. Later he bought his parents 19 acres to expand his acreage, just a lot line adjustment, because he was farming the property as well as farming 100 acres in the neighborhood. When he transferred the remaining fifth permit for his 23 acres, ultimately, he sold his 23 acres and moved to the 19 acres and built a home close to his family members. Later, the 23 acres he sold to Nick and Roya Nematallohi came with a lane that served their property as well as Don Sayer's original property and Duane Darbin's property. He sold the 10 acres as contiguous farmland; the intention was never to subdivide it for homes, it was to preserve the farm and eliminate his ownership of an ingress/egress road he longer used. It was a lot line adjustment and he used realtors and it was recorded. He asked DSD to do a parcel inquiry request and he was told some other unknown person had already made the request and therefore Mr. Massoth was at the back of the line. He closed on the 10 acres and sold it to the neighbors who bought his original 23 acres thus expanding their property to 33 acres. Going back to 2003, they have five houses on the property and those five permits were issued and it's public record. The farm as a whole has not changed in 20 years. They are not going through platting to request permits because they know that's not best for the neighborhood. When they were granted permits they were told they could put their homes anywhere they wanted on their 20-acre, 10-acre, 10-acre, and 23-acre tracts.

Arvid Salisbury and Duane Darbin stated they agree with the statements that have been made.

Neutral testimony was offered as follows:

Roya Nematallohi lives on West Linden Street and testified she purchased her property from the Massoth Family. She is in favor of Gainelle Massoth being able to own more acreage, but her question is about the statements that the property was divided illegally. She wants to make sure her investment is legal. Commissioner Holton said Ms. Nematallohi needs to take that question to DSD staff. Ms. Nematallohi said in that case she doesn't know if she wants to be in favor the request because they invested so much money in their property purchase and she wants to make

sure her assets are protected. She needs to do her own research and make sure what she owns is legal.

During rebuttal, Darin Taylor said the Massoths are happy to go through the platting and rezone process. He had asked DSD Principal Planner Deb Root if Gainelle Massoth and Louis Massoth apply for the rezone and subdivision that staff has indicated would have been the right path prior to asking for boundary adjustment, what if they applied and are not approved? Does that mean they cannot do the boundary adjustment, and what does that accomplish? Another consideration is if someone applies for a plat, especially across the street from an area of city impact, why not apply to put it into 2 ½ acre parcels or four or five-acre parcels? He believes that Louis Massoth answered that - none of the neighbors want that. He said the County's policy is an interesting policy for a pro-agriculture County, and he spoke about his previous experience as DSD employee and previous policies on land divisions. Following his testimony, Mr. Taylor responded to questions from the Board.

DSD Planning Supervisor Carl Anderson addressed nonconforming uses under the zoning ordinance and also language related to denying a property boundary adjustment. The ineligibility in this case is through the unauthorized division of land that occurred. In this case, the number of splits have already been exhausted which is why it's not eligible at this time. If it's 40 or more acres or if it's described as a ¼ of a ¼ then it would be exempt from the subdivision permits. In this case this does not apply there as well. The portion of property we are referring to in this scenario being the sixth division involves a property that is 9 acres +/- . It's not necessarily about it being agriculture in this case, it looks like the original parcel that was there has already exhausted the splits that were available to it. DSD is bound by the ordinance. It is not eligible for the property boundary adjustment. The adjustment does not create eligibility of a building permit or administrative lot split on a parcel that was otherwise ineligible. We are dealing with a property boundary adjustment between two parcels of land, and it does not appear they were created through an eligible process. Commissioners Van Beek and Brooks had additional questions for staff.

Planner Kiester read a late exhibit from property owners David and Carrie Thomas who live on Wagner Road. Their letter addressed the loss of farmland through development and said while they recognize the right of the owner to sell the property they do not wish to see further home building development. The rural nature of the area would be adversely affected by more homes, traffic and development.

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Brooks said he struggles with the idea of how to adjust the boundary of a piece of property that didn't go through the process. He asked if the recognition of the parcel in 2017 changes the ability to adjust that property boundary. Planner Kiester said it recognized the 19-acre parcel at the time but because they divided 10 acres off it became unrecognized again because they did it without the process. Commissioner Van Beek said the applicant could change the comprehensive plan map and go through that process, but her problem with that is the size of the parcel doesn't qualify in that area, it would be anomaly

and if you rezoned a comprehensive plan and there are six on this, but now we are down to weighing the least amount of collateral damage. It would create spot zoning. There is intent to sell the property that would fall outside of family landholding which could potentially change the area again. Commissioner Holton said people make incorrect land divisions and then find they are in trouble. There has to be a rule of law and an organized way of doing land divisions and he understands that Mrs. Massoth needs additional ground, but we needed to have got here in an organized fashion. This 40-acre parcel has been divided 5 times, it's still over 4 and that's the problem. Commissioner Van Beek said they want to make the adjustment to attract buyers when they sell the home but we're assuming that no one would buy the home if it's not expanded. There's nothing saying the adjustment would make the property more or less desirable - it's already been split at the applicant's request for a size that they requested. Commissioner Brooks said the intent is not part of the criteria for determining whether we affirm or deny the Director's decision. He does not know how to rectify allowing the property boundary adjustment of a parcel that was created outside of the ordinance process, and so he is in favor of affirming the Director's decision. Commissioner Holton believes there have been six divisions on the property and that puts the Board in a bad position, but the worst position about trying to get what the applicant wants done is that it's already on an unrecognized parcel because it was already divided. He sees the need and if there was a legal way for him to get there today he would try to do that, but he doesn't have any way to deal with it.

Deputy PA Zach Wesley said a potential option would be to merge the 10 acres with the other contiguous property so it would be under one parcel number and there wouldn't be the problem with the nonconforming split. The other option would be to condition the boundary adjustment in the Director's decision so that it doesn't create any new parcels or has language that makes it clear that no new building permits are created on the split that's not recognizing that. Director Minshall said that is a creative option, but that would not be her preference because as we start conditioning things we are trying to fix something that wasn't done according to code to begin with. She would encourage that in future rather than trying to band-aid and make solutions for things that weren't done through a process we really should give a path. Her preference is to reapply versus a condition. Planning Supervisor Anderson said if the Board wants to pursue the solution presented of merging the parcel to put the property to the south he requests time for staff to evaluate because it is bisected by Linden Street which is a public road and it will require vetting, but he doesn't believe it would solve the issue of the split occurring on the 19-acre parcel after the division from 2017. The company name of JDR Group, LLC, also has ownership to the south. That's different ownership than Parcel R35521010 so in order to unwind that it would require a transfer of ownership at a minimum. He doesn't have a good solution other than what has been identified by staff, which is to rezone and subdivide, but it's not guaranteed it would be approved. Director Minshall said when we start looking at solutions that becomes a step that needs to happen with a new application, it would require discussion with the roadway agency and some review by the applicant on history research and title reports. That burden is on the applicant to work through that. Commissioner Van Beek said with staff's input and explanation, and recognizing there was no harm or foul intent on the applicant's part, there is a process for the long-term planning and development that we're trying to implement. The decision on how they choose to go forward rests solely with the applicant. Commissioner Brooks made a motion to deny

the appeal of Case No. AD2023-0115-APL, upholding the Director’s denial of a property boundary adjustment for Parcel No. R35521010B and Parcel No. R35521010. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 2:56 p.m. An audio recording is on file in the Commissioners’ Office.

MAY 2024 TERM
CALDWELL, IDAHO MAY 22, 2024

APPROVED CLAIMS

- The Board has approved claim 605845 ADV in the amount of \$3,892.00
- The Board has approved claims 605965 to 606004 in the amount of \$73,094.05
- The Board has approved claims 606005 to 606040 in the amount of \$207,361.65
- The Board has approved claims 606041 to 606080 in the amount of \$50,065.00
- The Board has approved claims 605609 to 605662 in the amount of \$100,175.01
- The Board has approved claims 605663 to 605714 in the amount of \$480,292.96
- The Board has approved an expert witness claim in the amount of \$651.34

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Compliant Technologies in the amount of \$5584.50 for the Sheriff’s Office (PO #5846)
- ACCO in the amount of \$14,375.00 for the Facilities department (PO #6034)

ALCOHOLIC BEVERAGE LICENSE

The Board approved the following alcoholic beverage licenses for renewal:

- Pilot Travel Centers, LLC dba Pilot Travel Center #638
- Hat Ranch Winery, LLC dba Vale Wine Company/Hat Ranch Winery
- Ridgewood Enterprises, Inc., dba Legacy Feed & Fuel
- Danelion Brewery, LLC dba Danelion Brewery
- Shi Sushi Restaurant, LLC dba Shi Sushi Spirits
- Uppercuts Barber Shop, LLC dba Uppercuts Barber Shop/Upperclass Beauty Salon
- Crescent Brewery, LLC dba Crescent Brewery
- Short Stop, Inc., Lake Lowell Market
- MCO Idaho, LLC dba Mesquite Creek Outfitters

(Resolution No. 24-101)

BUDGET WORKSHOP – COMMISSIONER AND CONSTITUENT SERVICES DISCUSSION

The Board met today at 10:38 a.m. for the Commissioners’ and Constituent Services budget workshop discussion. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Clerk Rick Hogaboam, Director of Constituent Services Aaron Williams, Accounting Supervisor Sarah Winslow, COO Greg Rast and Deputy Clerk Jenen Ross.

Mr. Rast referenced the spreadsheet he worked from and reviewed the Commissioners’ budget line by line. A copy of this spreadsheet is on file with this day’s minutes.

A Budget

- Elected Officials \$348,351.00 (3 Board members)
- Regular Employees \$349,802.00
 - Encompasses 4 positions – COO, Administrative Supervisor, Sr. Administrative Specialist and Communications Specialist
 - Currently the Communications Specialist position is in Constituent Services but being paid from the Commissioners’ budget. Mr. Rast recommends moving this position into the Constituent Services budget.

B Budget

Mr. Rast reviewed individual line items. Line items of note included the following:

- Meals – increased to \$4000
 - Clerk Hogaboam suggested unlocking an additional GL code that could be used when hosting an event such as TVP or Cookies with Commissioners vs. per diem based. The Board is supportive of this change. Mr. Rast indicated he will likely split the \$4000 between the two GL codes.
- Mileage, Taxi, Parking, Hotel – Mr. Rast would like to attend the International County Management Association conference.
- Hotel, \$4000 – leave as a placeholder in the event of site visits to detention centers.
- Education and training, \$9500 – Commissioner Van Beek would like to see specificity on conferences/trainings in an effort to make this line item as concise as possible. This dollar amount will be left as a placeholder for the time being.
- Subscriptions, \$1500 – increased by \$900 for COO Rast’s Lexus Nexus subscription.
- Employee appreciation, \$2000 – keep as a placeholder.
- Computer equipment, \$15,800 was recommended by IT for scheduled computer equipment replacement. With FY24 purchases this line will be reduced to \$10,000
 - In FY24, none of this budget has been spent so IT was asked to purchase some items from the FY24 budget in order to reduce the FY25 budget. Some of the items to be

replaced in FY24 included BOCC meeting room computer, laptop for Commissioner Van Beek and new displays in Commissioners Van Beek and Holton's offices.

Positions

- HR
 - Director Soto would like to repurpose the Compensation and Benefits position to a Benefits and Workman Compensation Partner. There would be no impact to the budget, it would just be a repurposed/retitled job description.
 - The Risk and Safety Manager position has been reevaluated as Risk and Safety are really two different things.
- Facilities – intends to propose 3 new positions
 - Safety Coordinator
 - Project Manager
 - Additional Maintenance Technician
- Other Offices/departments where positions will likely be requested include the Landfill, CCSO and Weed and Pest.
- Constituent Services
 - Budget and Policy Analyst

Priorities for the upcoming budget

- Some single points of failure (regarding staffing) throughout the county.
- Courthouse security
- Jail
- Ordinance and growth in the county
- Public safety
- ARPA projects
- Elections office and equipment
- Evaluation of vacant positions

Mr. Rast informed the Board that although revenues seem to be up, expenses are up just a bit more.

Discussion ensued regarding COLA vs. merit salary increases.

Commissioner Van Beek asked about dedicating an unspent portion of the fund balance to a capital improvement plan. Clerk Hogaboam appreciates the theory and concept but feels it may be a challenge as the county is not in a surplus year. Additionally, he would like to see some kind of policy to address how to handle years where there is a surplus.

The Board is supportive of moving the Communications Specialist position from the Commissioners' to Constituent Services budget as part of the budget cycle without a resolution as they feel the budget process is the formal process.

Commissioner Holton spoke about how the Board will need to address concerns regarding a jail facility. Based on last night's elections results it seems clear a bond for a new jail will never happen.

The meeting concluded at 12:02 p.m. and an audio recording is on file in the Commissioners' Office.

MAY 2024 TERM

CALDWELL, IDAHO MAY 23, 2024

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- H&M Meats and Catering to be used 6/7/24
- The Blue Eye to be used 6/8/24

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Doug Hart, Chief Deputy Sheriff, correction to pay
- Charles Gentry, Captain, correction to pay
- Raymond Talbot, Captain, correction to pay
- Harold Patchett, Captain, correction to pay
- Travis Engle, Lieutenant, correction to pay
- Russell Donnelly, Lieutenant, correction to pay
- Chad Harrold, Lieutenant, correction to pay
- Brian Crawforth, Lieutenant, correction to pay
- Douglas Gately, Lieutenant, correction to pay
- Martin Flores, Lieutenant, correction to pay
- Gavin Tweedie, Misdemeanor Probation Officer, new hire

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Jamf in the amount of \$22,459.50 for the Information Technology department (PO #6012)
- Dell in the amount of \$20,285.04 for the Information Technology department (PO #6011)
- Jatheon in the amount of \$7649.00 for the Information Technology department (PO #6037)

- Dell in the amount of \$6302.05 for the Information Technology department (PO #6038 – this PO supersedes PO #6009 signed on 5/15 & 5/17 which has been voided)
- Dell in the amount of \$55,887.16 for the Information Technology department (PO #6010)
- Marv’s Insulation in the amount of \$8,994.00 for the Facilities department (PO #6017)
- Coble Company Promotions LLC in the amount of \$25657.20 for the Sheriff’s Office (PO #5843)

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

The Board met today at 9:34 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek and Zach Brooks, Deputy P.A. Alex Klempel (left at 9:43 a.m.), Deputy P.A. Zach Wesley, Lt. Martin Flores (left at 9:47 a.m.), Sr. Administrative Specialist Bunny Malmin (left at 9:47 a.m.), Compensation and Benefits Manager Bosco Baldwin (left at 9:47 a.m.), COO Greg Rast, DSD Director Sabrina Minshall and Assistant DSD Director Jay Gibbons (arrived at 9:41 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider a Resolution Designating Surplus Personal Property with Nominal Value: Lt. Flores spoke about how many of the badges worn by deputies have exceeded their service life and are in need of replacement. Additionally, badges have been purchased from two different vendors thus there are currently two badge versions in use. The Sheriff’s Office intends to allow deputies to purchase retired badges which is anticipated to generate approximately \$5000 to go toward the purchase of new badges. New badges will be purchased from Coble Company Promotions for a total cost of \$25,657.20. A large portion of the funding will come from the SCAAP grant and revenue generated from the sale of retired badges, it is anticipated that only about \$5000 will be taxpayer funded. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the resolution designating surplus personal property with nominal value (resolution no. 24-102).

Consider letter to Idaho Department of Administration regarding County participation in State group health insurance plan: This letter is the formal request to the director of the Idaho Department of Administration requesting consideration of Canyon County’s participation on the State of Idaho health plan. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the letter.

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 9:47a.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. Zach Wesley, COO Greg Rast, DSD Director Sabrina Minshall and Assistant DSD Director Jay Gibbons. The Executive Session concluded at 10:25 a.m. with no decision being called for in open session.

The meeting concluded at 10:25 a.m. and an audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO INDIGENT SERVICES

The Board met today at 10:30 a.m. to consider matters related to Indigent Services. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Case Manager Kellie George, COO Greg Rast and Deputy Clerk Jenen Ross.

Case nos. 2008-891 and 2010-908 have both met their obligation to the county and Indigent Services is requesting the liens be released. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the release of lien for both cases.

Case no. 2024-25 is a request for cremation and the decedent meet all eligibility criteria for county assistance. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve the cremation.

The meeting concluded at 10:33 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 10:36 a.m. to consider action items. Present were: Commissioners Leslie Van Beek and Zach Brooks, COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider resolution granting a transfer alcoholic beverage license to Abdu Utaev Holdings LLC dba Utaev Stores: Resolution no. 24-104

Consider resolution granting a transfer alcoholic beverage license to Gallegos Meat Market Caldwell LLC dba Gallegos Meat Market: Resolution no. 24-103

Both of these applications are for a change in ownership and upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve both transfer resolutions.

The meeting concluded at 10:37 a.m. and an audio recording is on file in the Commissioners' Office.

FY2025 BUDGET WORKSHOP FOR TREASURE VALLEY PARTNERSHIP

The Board met today at 11:32 for a FY2025 budget workshop for the Treasure Valley Partnership. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Clerk Rick Hogaboam (arrived at 11:34 a.m.), Accounting Supervisor Sarah Winslow, COO Greg Rast and Deputy Clerk Jenen Ross.

Commissioner Holton said this is a very beneficial partnership and that the funding request is based on population. A significant benefit to Canyon County is the funding they provide for the SAUSA program.

The FY2025 budget request is \$5580.

Discussion ensued regarding the SAUSA fund and program.

Commissioner Brooks made a motion to include the full amount of \$5580 in the budget. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 11:43 a.m. and an audio recording is on file in the Commissioners' Office.

FY2025 BUDGET WORKSHOP FOR THE WESTERN ALLIANCE FOR ECONOMIC DEVELOPMENT

The Board met today at 2:00 p.m. for the FY2025 budget workshop for the Western Alliance Caldwell Veterans Council. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Clerk Rick Hogaboam, Auditing Supervisor Sarah Winslow, COO Greg Rast, Dave Lincoln from WAED, DSD Director Sabrina Minshall, other interested persons, and Deputy Clerk Monica Reeves. Mr. Lincoln reported on the organization's activities and budget information. This year WAED is requesting \$20,000 in county funding. The Board had follow-up questions for Mr. Lincoln who will provide addition information regarding funding commitments as well as a job description. There was Board consensus to include the \$20,000 funding request in the budget as a placeholder. Commissioner Brooks said the smaller communities have been vocal about the growth that's been occurring in agricultural areas so this is something he wants to have more discussion about at some point. A copy of the application and related documents are on file with this day's minutes. The meeting concluded at 2:30 p.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH THE ADJ AND TCA

The Board met today at 1:33 p.m. for a monthly meeting with the Administrative District Judge and Trial Court Administrator. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Interim TCA Benita Miller, Administrative Supervisor Tara Hill, COO Greg Rast and Deputy Clerk Jenen Ross.

Ms. Miller said the State Public Defender is working to finalize the job description for the District Public Defender and they hope to conduct interviews in July. Additionally, she spoke about funding for the Guardian Ad Litem program, she has asked for information from Mr. Bazzoli and will forward once it's received.

Discussion ensued regarding the interpreter position, the funding surrounding it and the Office/department the position falls under.

The meeting concluded at 1:44 p.m. and an audio recording is on file in the Commissioners' Office.

FY2025 BUDGET WORKSHOP FOR THE CANYON SOIL CONSERVATION DISTRICT

The Board met today at 2:35 p.m. for the FY2025 budget workshop for the Canyon Soil Conservation District. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Clerk Rick Hogaboam, Auditing Supervisor Sarah Winslow, COO Greg Rast, Mike Swartz, Chairman of Canyon Soil Conservation District, and Board members Brad McIntyre, Bob McKellip, and Chris Gross, as well as DSD Director Sabrina Minshall, and Deputy Clerk Monica Reeves. A PowerPoint presentation was on water quality and soil health, a copy of which is on file with this day's minute entry. A demonstration was given explaining why unhealthy soils run off. This year the organization is requesting \$30,000 in County funding. There was Board consensus to include Canyon Soil Conservation District's funding request in the budgetary process. The meeting concluded at 2:52 p.m. The Board is gathering information and will get back with the Canyon SCD regarding its funding request. An audio recording is on file in the Commissioners' Office.

FY2025 BUDGET WORKSHOP FOR THE CALDWELL VETERANS COUNCIL

The Board met today at 3:00 p.m. for the FY2025 budget workshop for the Caldwell Veterans Council. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Clerk Rick Hogaboam, Auditing Supervisor Sarah Winslow, COO Greg Rast, Terry Harrell, Joe Moore, Chuck Staddick and others from the Caldwell Veterans Council, and Deputy Clerk Monica Reeves. Mr. Harrell reported on the programs and services the council provides to veterans and their family members. This year they are requesting \$36,500 in County funding. There was Board consensus to include the \$36,500 funding request in the budgetary process for further discussion. A copy of

the presentation is on file with this day's minutes. The meeting concluded at 3:34 p.m. An audio recording is on file in the Commissioners' Office.

CONTINUATION OF PUBLIC HEARING - APPEAL BY DESTINY PLATT OF THE DIRECTOR'S DECISION DENYING A REQUEST TO MODIFY TWO (2) CONDITIONS FROM CASE NO. AD2021-0060 AND RD2021-0021, CASE NO. AD2021-0060 APL (AD2023-0060 MOD)

The Board met today at 4:01 p.m. to conduct a continued public hearing in the matter of an appeal by Destiny Platt, represented by Darin Taylor, of the Director's decision denying the request to modify two conditions from Case No. AD2021-0060 and RD2021-0021, Case No. AD2021-0060APL (AD2021-0060 MOD). Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Sabrina Minshall, DSD Assistant Director Jay Gibbons, Destiny Platt, Steven Platt, Darin Taylor, Jenna Medina, Malee Thomas, Mike Johnson, Kevin Glenn, Trevor Lantz, and Deputy Clerk Monica Reeves. Today's hearing was continued from May 14, 2024.

Deputy PA Zach Wesley reviewed the proposed lease agreement to use a county road right-of-way easement which was provided to him by the applicant's attorney, Darin Taylor. One of the options discussed at the last hearing was exploring what an agreement like this would look like, but we have not had the ability to go back and forth with any edits or review it with the Bureau of Reclamation. If the County were to pursue an agreement like this we would need to include the other property owners who would use the roadway. In exchange for access to the right-of-way easement the Platts would pave and maintain that stretch to a different standard and it would be improved to an all-weather driving surface to be passable year-round. We need to engage an engineer to do some tests to make sure we are describing the surface correctly and to make sure the ingress/egress off the road from Goodson Road would meet highway district standards. The termination clause in Section 3.2 of the agreement is not an acceptable term to the County. We need to nail down the maintenance responsibilities and costs going forward. Deputy PA Wesley recommended eliminating Section 7 which would require arbitration. The agreement does not resolve the issue of the County not having a public road crew or resources at-hand. If the Bureau of Reclamation (BOR) or the County needed to get out of the agreement it would still leave these parcels landlocked if this was the only provision for an ingress/egress that was provided for. The federal authority over the property will trump any private or County interest.

Assistant DSD Director Jay Gibbons said the Platts property was properly split through the code requirements, and it does have access and the parcel will never be cut off from public access. It will be addressed off Indecision Lane, which is an approved private road, so staff is not worried about access being taken away from the Platts that's in place already.

There were follow-up questions from the Board regarding driveway standards, road requirements, and County resources.

Director Minshall said when the administrative division was approved the access was provided as an example through a survey the applicant provided and they have asserted the survey was incorrect and they do not have access off Indecision Lane though the private road driveway that was part of the administrative division would have been set aside. If that is true, one of the ramifications is the administrative division would become defunct and that would not be a parcel. If nothing else from this process happens that would be the part we have to address. In that case the remedy would be the private property owner would need to demonstrate what their access is and/or find an easement through the parcel that was divided. 25 feet does not provide for enough all-weather driving surface and the easement width for what currently is in a driveway. This is an anomaly; we don't know the geo-tech under it.

The following people testified in favor of the request:

Darin Taylor testified that the Platts are in support of working out a license agreement approach and he drafted the one PA Wesley referred to based on three he obtained from the Canyon Highway District. They are happy to have a conversation with staff about the language and substance in the license agreement. Is this going to be treated like an easement so it has to have a 28-foot wide easement, or will it be treated as a right-of-way which according to state law and the BOR agreement, 25 feet is the established width. Are we going to treat this as a driveway since it would serve only two residential units or are we going to treat it like a private road because the standards for construction are different? Maintenance responsibility is covered in the agreement. Who do you call at the County if something arises? Who contacts the Platts? They can adjust, modify, or remove provisions that are not acceptable to the County. The County won't need a dedicated road crew since the maintenance obligation is on the users. He likes the idea of bringing in the other user in an agreement but there is no leverage to require that. You will need a paved apron if it's considered a driveway you would not need one from the highway district's perspective, but the Platts would be willing to do one because it's that important.

Director Minshall said the Notus-Parma Highway District does not have any interest or need in having this public road easement made into a public road for their use. The intent of the language from the Bureau of Reclamation was for a public road - it has never been constructed and maintained for that intent so she is cautious. This cannot be an exclusive use. If the Board wants to pursue this we need to do some due diligence for the County's use to make sure that if we start fulfilling the intent, regardless of pays for it, that it is sufficient for the public use. It is a right-of-way easement for the intent of what would have been public so we cannot make it private. What's brought this conversation up is someone who wanted a new residential building permit and so the trigger was how is this going take access.

Destiny Platt testified that at the last hearing she was asked to find an example of a road that was issued to the County. She found an example where the County road in the Chicken Dinner and Symms Road area was granted from an individual to the County for the purpose of a roadway in 1979 and it was never transferred to a highway district. It is privately maintained. Commissioner Holton said there needs to be research to identify how it became County; it's an assumption that

the County owns a right-of-way. In this instance, the County doesn't it, the Bureau of Reclamation owns it and they've offered an agreement which under its own conditions we have broken.

Mike Johnson had questions about how the right-of-way pertains to him. He was directed to speak with DSD staff about that.

Director Minshall said part of the confusion is this is an easement. The language in the contract from the 1970s said right-of-way easement; however, the definition that Darin Taylor spoke about from state law about public right-of-way does include language that says the public agency has no obligation to construct or maintain but may expend funds on the maintenance of. If the County owned it just because that exists does not obligate any public agency to construct or maintain something on that space. It's not our right-of-way, it's an easement, but if it was and if we were a highway district, just because a right-of-way exists at some width does not mean it has to be improved to any sort of standard. If the Board wants to proceed down that route she recommends due diligence to make sure there is enough space. We are under no obligation to do so, it was intent language in the contract. If there is other language we have to work through with the Bureau of Reclamation that's a secondary conversation.

Kevin Glenn offered testimony as a relative and as former board member of the Black Canyon Irrigation District. He offered comments about the district and some of its personnel. He said we are here because Black Canyon Irrigation District gave incorrect information to the County regarding this plot and this easement. They stated it did not exist. They know about the easement; those properties were allocated throughout the district, and they are in many locations, and they gave many different easements for the people behind those properties not to be landlocked and to have access to their properties. It sounds like the Bureau of Reclamation is fine with the use of this for a home and in that case, there is already a home that is using it. The best situation is to keep it as an easement and let these people use it and maintain it. Mr. Glenn spoke of a situation involving a friend who he said was being forced by DSD to put an easement on his property because a development next door did not keep promises it made when its development got approved and a lot next to his was landlocked. The amount of pressure put on his friend to make those changes to allow his driveway and make him pave the apron when he had nothing to do with the development was ridiculous. He said Ms. Platt brought to his attention that Commissioner Brooks asked whether the Board had the ability to make variances - of course it does. Variances are done and things are changed. It was brought to his attention that all emergency service agencies are in favor of Destiny Platt coming in off Goodson Road, a much shorter and safer driveway. Following his testimony, Mr. Glenn responded to questions from the Board.

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek the Board voted unanimously to close public testimony. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek the Board voted unanimously to accept the late exhibits. Commissioner Brooks said this is a convoluted issue and Mr. Taylor raised some good questions, but he doesn't want to put the County in the position of having to figure out an answer. This is a unique anomaly and he is unclear about the liability on the County if we enter into an agreement

like this. He doesn't want anything to do with it from the County's standpoint as far as trying to administer it and keep track of it. Commissioner Van Beek said just because there has been precedent set on poor decisions doesn't mean she should predicate future decisions based on poor ones that were made. There has to be road improvement regardless whether it's taken from Indecision Road or Goodson Road. Three years ago, the Board made a decision based on information that was provided in a hearing and it simply tried to accommodate a request and meet the legal access requirement. She sees concern in setting a different precedent and placing the County potentially in some liability by moving forward. The intent of this access was always public, but this can never meet the intent and so the County doesn't have the authority to grant access. She has no changes to Staff's findings. It's not simple to shorten that 1,300-foot access that was originally granted and go to the opposite end. She cannot find a way to go forward with this and not put the County in jeopardy on the consumption of time for legal staff and DSD for this. It would be a civil matter if there was incorrect information that was provided. Commissioner Holton said land use decisions are difficult and often messy. The Bureau of Reclamation owns the ground, the County does not. He does not believe he has the authority to make an agreement on an easement right-of-way, even the vernacular frustrates him because they do not stay consistent. He does not have a clear title on the ground underneath this; all he has is a document about an offer of a right-of-way easement. He appreciates Darin Taylor's attempt but said the County does not have the authority to negotiate this kind of agreement. He needs to uphold the Director's decision. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek the Board voted unanimously, based upon the findings of fact and conclusions of law, to deny the appeal affirming the decision by the Director of DSD for Case No. AD2021-0060-MOD-APL. The signed FCO's are on file with this day's minute entry. The hearing concluded at 5:03 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2024 TERM

CALDWELL, IDAHO MAY 24, 2024

APPROVED CLAIMS

- The Board has approved claim 605715 to 605751 in the amount of \$23,380.58
- The Board has approved claims 605752 to 605808 in the amount of \$123,466.23
- The Board has approved claims 605809 to 605843 in the amount of \$59,384.90
- The Board has approved claims 605846 to 605885 in the amount of \$277,502.81
- The Board has approved claims 605886 to 605926 in the amount of \$49,334.25
- The Board has approved claims 605927 to 605964 in the amount of \$80,180.86

No meetings were held this day

MAY 2024 TERM

CALDWELL, IDAHO MAY 28, 2024

APPROVED CLAIMS

- The Board has approved claim 606083 to 606121 in the amount of \$52,416.08

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Rebecca Brumbelow, Customer Service Specialist, returning to Motor Vehicle division from Reappraisal
- Ryki Bowen, Customer Service Specialist, returning to Motor Vehicle division from Reappraisal

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- The End Zone to be used 6/15/24
- The End Zone to be used on 8/24/24

ALCOHOLIC BEVERAGE LICENSE

The Board approved the following alcoholic beverage licenses for renewal:

- SBS Enterprises, LLC dba Valhalla Pub; The Stil, LLC dba The Stil (1225 1st St., South, Nampa, ID); The Stil, LLC dba The Stil (712 Arthur St., Caldwell, ID); Sawtooth Sockeyes, LLC dba Sawtooth Sockeyes; Campos on Lonestar dba Campos on Lonestar; Fast Market Nampa, Inc., dba Fast Mart; Calle Café, Inc., dba Calle

Resolution no. 24-105

- Prabbhu G. Kripa LLC dba PK Mini Mart; Gallegos Meat Market Caldwell LLC dba Gallegos Meat Market; Abdu Utaev Holdings LLC dba Utaev Stores; City of Nampa dba Centennial Golf Course

Resolution no. 24-111

- Melba Pizza Extreme, LLC dba Melba Extreme Pizza; Tacos Y Mariscos El Compa, LLC Tacos Y Mariscos El Compa; Caldwell Bowling Center, Inc., dba Caldwell Bowl

Resolution no. 24-112

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

The Board met today at 9:36 a.m. for a meeting with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Brad Holton and Zach Brooks, Deputy P.A. Laura Keys, CCSO Customer Service Specialist Amanda Frailey (left at 9:42 a.m.), Assistant Facilities Director Carl Dille (left at 9:45 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a Resolution Classifying Records of the Canyon County Sheriff's Office and Authorizing the Destruction of Certain Criminal Case Files/Records: Ms. Frailey provided a review of the records to be destroyed which are also outlined in the resolution; all records are from 2021 or before. Upon the motion of Commissioner Holton and second by Commissioner Brooks the Board voted unanimously to sign the resolution classifying records of the Canyon County Sheriff's Office and authorizing the destruction of certain criminal case files/records (resolution no. 24-106).

Consider signing a Resolution Classifying Records of the Canyon County Prosecutor's Office and Authorizing the Destruction of Certain Juvenile Case Files/Records; and Consider signing a Resolution Classifying Records of the Canyon County Prosecutor's Office and Authorizing the Destruction of Certain Criminal Case Files/Records; and Consider signing a Resolution Classifying Records of the Canyon County Prosecutor's Office and Authorizing the Destruction of Certain Civil Case Files/Records: Ms. Keys explained that all the records to be destroyed have met the retention guidelines and are outlined in each resolution. Upon the motion of Commissioner Brooks and second by Commissioner Holton the Board voted unanimously to sign the resolutions Classifying Records of the Canyon County Prosecutor's Office and Authorizing the Destruction of Certain Juvenile Case Files/Records (resolution no. 24-108), Certain Criminal Case Files/Records (resolution no. 24-109) and Certain Civil Case Files/Records (resolution no. 24-107).

Consider signing Notice of Lowest Responsive Bid for the Canyon County Fire Protection Project: One responsive bid was received from Delta Fire Systems which Mr. Dille said came in under budget. Upon the motion of Commissioner Brooks and second by Commissioner Holton the Board voted unanimously to sign the notice of lowest responsive bid for the Canyon county Fire Protection project. A copy of the letter is on file with this day's minutes.

Resolution Approving a New Alcoholic Beverage License for S&G Retail, LLC dba Eskimo Hut: Commissioner Brooks noted that he reviewed the application and is in favor of approving. He then made a motion to sign the resolution approving a new alcoholic beverage license for S&G Retail, LLC dba Eskimo Hut. The motion was seconded by Commissioner Holton and carried unanimously (resolution no. 24-110).

The meeting concluded at 9:46 a.m. and an audio recording is on file in the Commissioners' Office.

The Board canvassed the May 21, 2024 Election results. The official documents were presented by Elections staff and were signed in the Elections Office.

MEET WITH COUNTY CLERK AND EIDE BAILLY FOR PRESENTATION OF THE FY2023 ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR)

The Board met today at 2:01 p.m. with the County Clerk and Eide Bailly for the presentation of the FY2023 Annual Comprehensive Financial Report (ACFR). Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Kailey Holt from Eide Bailly, Clerk Rick Hogaboam, Audit Supervisor Sarah Winslow, COO Greg Rast, Treasurer Tracie Lloyd, Assessor Brian Stender, Director of Court Operations Jess Urresti, Senior Systems Analyst Steve Onofrei, Constituent Services Director Aaron Williams, and Deputy Clerk Monica Reeves. The ACFR, as well as the letter dated May 2, 2024, from Eide Bailly, are on file with this day's minute entry. Kailey Holt's review of the components of the ACFR are highlighted as follows:

There was no single audit this year. There are no material misstatements from what they can see and what they were able to determine as a result of their audit procedures. It's a clean or unmodified opinion, which is what is preferred. Last year's opinion was different because of the modification to the Ambulance District report. This year that modification was removed.

The Change in Reporting Entity: This paragraph notes the fact that the Indigent Fund, which was previously reported as a major fund for the County, has since been closed out and is no longer presented as part of the basic financial statements.

Correction of an Error: They had a restatement of prior year balances that were presented to the Board and the result of that was from the opioid settlement amounts. There was a lot of nuance in the accounting practice for how those amounts were reported and treated and in figuring out the amounts the County was entitled to receive and had received thus far it did require a correction of balances previously reported in the ACFR.

Management's Discussion and Analysis is where the financial information becomes digestible and provides comparisons to prior periods.

Currently, countywide there is a \$25.1M unrestricted net position which is a strong net position.

There was a \$5M adjustment to the general fund (a restatement of beginning fund balance).

Eide Bailly performed some additional procedures, specifically over transfers where they looked at the authorization of transfers and how that worked in the accounting department and making sure transfers were appropriately supported and that they had a legitimate business purpose and that they could see a delineation of what was coming out and where it was going. Nothing came to their attention when they performed that procedure that was of concern.

Financial statements for the landfill and the self-funded health insurance.

- The big thing they saw was the purchase of new land, so they tested that transaction and made sure it was authorized and recorded appropriately.

There was a review of the Notes to Financial Statements: Note 3: Cash and Investments and Note 8: Capital Assets

Note 14: Pension Plan

- Net pension liability does not represent a future commitment of County resources that you are required to pay out. It's just one of those government accounting standards that is required to be reported as what the County's share of the overall liability is. The County makes statutorily required contributions in accordance with the standard rates.

Note 16: Restatement

- There are two elements that made up the restatement this year: Adjustment A is the transfer of fund balance (\$4,622,136) from Indigent Services moving to the General Fund. The total fund balance was moved from Indigent Services to the General Fund and there were some people and personnel that landed in the Justice Fund. The General Fund and Tort Fund are one of the same for financial statement reporting purposes. Adjustment B is specific to the opioid settlement amounts. There was some nuance with the account for the settlement amounts because the settlement checks showed up in the mail with little to no context of what it was for so people were catching up on how to record the information. This is the year they figured out the most appropriate way to present that information in the financial statements which resulted in the \$2.2M adjustment to the balance sheet. There is a future payout schedule; the settlement amounts for the State of Idaho were being managed through the Attorney General's Office so they have a schedule of future payout amounts of what we will receive each year and how much. The County is entitled to receive around \$2.6M so over the course of the next 16 years with the first round of settlements the County will receive \$2.6M. The \$2.2M is the receivable as of the end of the fiscal year for what hasn't been paid but has been agreed upon by each of the parties. \$457,444 noted in the general fund is the revenue the County should have recognized based on the cash receipts of what's been received so far.

Note 17: Discretely Presented Component Uni. This presents the most pertinent or material disclosures of the Ambulance District.

Page 120 is the Independent Auditor's Report on Internal Control Over financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards. This is otherwise referred to as the yellow book opinion or the government opinion. It is a clean opinion. There is a scale of severity of findings. The least severe is a significant deficiency in internal control, and then it steps up to a material weakness in internal control; and above that is material noncompliance. This year the County received a material weakness in internal control because of the dollar amount involved.

Schedule of Findings and Responses (Page 122)

2023-0001: Material Audit Adjustment and Correction of an Error Material Weakness in Internal Control:

The original trial balance provided to the auditors included a misstatement of \$2,004,636 relating to compensated absences in the governmental activities level. The journal entry was booked backwards and wasn't caught during the normal review processes. It was an adjustment they found as a result of their audit procedures and because of the way it doubled everything. The result was a material audit adjustment of \$2M. There is no material misstatement in the financial statements because it was posted and corrected but they are required to call it out because it was something Eide Bailly found.

The second one is in relation to the opioid settlement amounts. Whenever there is a restatement, the reporting of a material adjustment is a given. Ms. Holt said the Board shouldn't worry too much about this because it occurred with nearly every large general purpose government in the state because everybody is restating their financial statements to get this corrected. They had a conversation with accounting staff who said they will do things differently in their review process next year to make sure it doesn't happen again.

Ms. Holt reviewed Eide Bailly's letter dated May 2, 2024. Based on the correction of \$2M, it wasn't a bank issue, it was a liability issue; the accrual for the paid time off and leave. It was a liability amount and so liabilities originally were overstated on the balance sheet because of the double booking of that entry, and so when the entry fix it was posted the liabilities came down. Originally liabilities were overstated, an adjustment was posted and they came down to reflect what their true balance was. The other piece of that would be a payroll or benefit expense would have been overstated as well. Commissioner Brooks asked how in-depth the audit is for the internal controls? Ms. Holt said they found the adjustment was not the result of any changes in their audit process or procedures in how they approach their audit procedures. It was the result of normal testing they do over the compensated absences balance to make sure what's being reported in the general ledger agrees to the underlying support. An audit over internal controls is a different engagement than the audit of the financial statements. Clerk Rick Hogaboam said the management narrative was provided by the prior Clerk. What jumped out to him were some of the adjustments in the net position which is a factual recording of the position of the County and it states that the revenue reduction was an intentional policy decision made by the Board at that time for FY2023 to not collect as much via property taxes so he thinks the net position of the County was \$20M. The total net position decreased by \$20.8M. This was a policy decision to provide property tax relief so it's included in that second bullet point on Page 13. The total revenue decreased by \$12M due to property tax relief provided to property tax payers by a \$14M reduction in the amount of property tax levied. Our fund balance in how current expense is reporting doesn't look as bad as it would be if there wasn't an Indigent Fund transfer. Commissioner Van Beek said the intentional use of fund balance and the reduction of that was not intended to be a permanent and ongoing request for property tax in future years. She was not in

favor of that. Assessor Stender said property owners received their assessment notices and on the Canyon County budget line there is a stark increase. Eide Bailly's report acknowledged that we did budget for significantly less and it was attributed to helping give property tax relief. Commissioner Holton said the one-year choice to do that was absolutely unsustainable. Treasurer Tracie Lloyd said the percentages information shown on the assessment notices is very vague and it's comingling assessment value and property tax dollars so it does not provide a clear picture. It varies by the area and it's not helpful information to the taxpayers. She said they have been telling taxpayers for three years not to expect this to continue because we knew it wasn't sustainable. Regarding the County's internal controls, she said the segregation of duties and the separation of duties between offices is very important and she feels they have it well under control. Ms. Holt said the risk with internal control is lack of documentation and it's important to make sure things are documented, in place, and being followed. She said the County has good documentation from that perspective of what the expectations are in each department.

No Board action was required or taken as the meeting was informational purposes only. The meeting concluded at 2:49 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2024 TERM
CALDWELL, IDAHO MAY 29, 2024

FY2025 BUDGET WORKSHOP FOR THE ADVOCATES AGAINST FAMILY VIOLENCE

The Board met today at 9:31 a.m. for the FY2025 budget workshop for the Advocates Against Family Violence. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Clerk Rick Hogaboam, Auditing Supervisor Sarah Winslow, COO Greg Rast, Kim Deugan with AAFV, DSD Director Sabrina Minshall (arrived at 9:57 a.m.) and Deputy Clerk Jenen Ross.

Ms. Deugan spoke about how they used last year's funding, the increase in intakes this year vs. last year, outreach programs, increase in shelter nights, renovations and maintenance that need to be done to the building, reduced funding from the Idaho Council on Domestic Abuse and Sexual Assault, reduced staff/increased workload and services provided in other counties. At the request of Commissioner Van Beek, Ms. Deugan spoke about the working relationship she has with the Prosecutor's and Sheriff's Offices.

Commissioner Brooks asked about fundraising efforts and a sale of assets listed on their P&L sheet but not included in the budget. Ms. Deugan spoke about their fundraising efforts and how with the increased cost of everything, charitable giving has decreased. She addressed the question regarding the sale of assets stating that those monies have been earmarked for a new shelter; a new shelter will need to be built or the current shelter will need to be completely remodeled.

The FY25 budget request is \$75,000.

Commissioner Van Beek said she is in favor of AAFV soliciting partnerships with surrounding communities.

The Board is supportive of this request and will be carrying this requested amount forward into the budget workshops.

The meeting concluded at 10:04 a.m. and an audio recording is on file in the Commissioners' Office.

FY2025 BUDGET WORKSHOP FOR THE WEST VALLEY HUMANE SOCIETY

The Board met today at 10:05 a.m. for the FY2025 budget workshop for the West Valley Humane Society. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Clerk Rick Hogaboam, Auditing Supervisor Sarah Winslow, COO Greg Rast, DSD Director Sabrina Minshall, Jennifer Adkins and Shane McMichael with WVHS and Deputy Clerk Jenen Ross.

A presentation was provided to the Board which covered the following areas:

- Increased intake rate
- Graph indicating 'save rate'
- Lifesaving programming
- Review of financials – indicating growing county population along with growing costs for the shelter. It does not appear that there has been an increase in county funding since inception of the shelter in 2011.

Mr. McMichael spoke about some of the financial struggles the shelter has faced in recent years. To the best of his knowledge, it doesn't appear that there really has been any great accounting in recent years nor accounting policies and procedures which is something they are working to create and implement as soon as possible.

FY2025 funding request is \$300,000 which is a \$100,000 increase from previous years. Unfortunately, charitable giving has decreased and that impact has been felt by the WVHS.

Discussion ensued regarding the financial and accounting issues that have been discovered by Mr. McMichael and Ms. Adkins. Unfortunately, Mr. McMichael has only been a part of the Board for a short time and has not had the opportunity to do a thorough evaluation or implement any changes. The BOCC would like another meeting with WVHS staff and Board for a more in-depth conversation regarding the financials. Mr. Rast suggested meeting again on July 26th.

The meeting concluded at 10:56 a.m. and an audio recording is on file in the Commissioners' Office.

PUBLIC HEARING: APPEAL BY BRISTLECONE LAND USE CONSULTING, REPRESENTING JC EXCAVATION, OF THE P&Z COMMISSION'S DENIAL OF A CONDITIONAL USE PERMIT, CASE CU2023-0002-APL

The Board met today at 1:33 p.m. to conduct a public hearing in the matter of an appeal by Bristlecone Land Use Consulting, representing JC Excavation, of the Planning & Zoning Commission's decision to deny Case CU2023-0002 a conditional use permit (C.U.P.) to allow a staging area use within an "A" (Agricultural) Zoning District. Present were: Commissioners Zach Brooks and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planning Supervisor Carl Anderson, DSD Principal Planner Michelle Barron, DSD Director Sabrina Minshall, DSD Associate Planner Doug Exton, DSD Code Enforcement Officer Gary Westerfield, Constituent Services Director Aaron Williams, Elizabeth Allen, Juan Carlos Nieves, Andres Gordillo, Macario Gordillo, Grant Peterson, Harry Robinson, Barbara Harris, and Deputy Clerk Monica Reeves.

DSD Principal Planner Michelle Barron gave the oral staff report where she reviewed the case summary; the hearing criteria for a C.U.P; the P&Z Commission's basis for denial where they found that criteria #4 & #7 could not be mitigated; the applicant's request; site photos; agency comments; public comments; and the recommended conditions of approval if the Board approves the request. The subject property is located at 80 S. Robinson Road in Nampa, on Parcel R30624010. The case was originally heard and denied on June 15, 2023. The appellant is submitting the appeal on the basis that the decision was not supported by proper evidence, and that they were not provided with a fair hearing process. On September 21, 2023, the Board remanded the case back to the P&Z Commission to flush out possible conditions and more fully consider the evidence. The case was denied on January 18, 2024 by the P&Z Commission. An appeal was filed on the basis that the decision was not supported by substantial evidence and the concerns brought up during the P&Z Commission can be appropriately mitigated. The request is for a C.U.P. for a staging area to allow the property to be utilized for their excavation business. The request is to bring the property back into compliance after a code enforcement issue for storing the materials for the business without a C.U.P. No work will be conducted on site. There is adequate parking for the offsite employees who will utilize company vehicles. The appellant is offering to remove the dirt storage on the site to help mitigate many of the concerns. The property is located within the Nampa area of city impact, and the future land use is low-density residential. Canyon County designates the future land use of this area as agriculture. As a condition of approval, the appellant has proposed the use of the staging area shall terminate at such time that Nampa city limits are touching the property on two sides.

The following people testified in favor of the appeal:

Elizabeth Allen with Bristlecone Land Use Consulting testified on behalf of the appellants. The P&Z Commission identified actions that could be taken by the applicant to gain approval: Reduce the number of trips and equipment impact and provide buffers. The applicant has identified mitigation to address those concerns. JC Excavation, LLC, has been in business since 2017 and is owned by Juan Carlos Nieves and the manager is Mario Nieves. This is a staging area for materials

and equipment such as bulldozers, excavators, skid steers, loaders, dump trucks, and equipment buckets. She reviewed site photos showing the storage area noting that the previous dirt storage area along Robinson Road has been removed to mitigate the neighbors' concerns about noise and dust as well as the concerns about noise from when they unload the dirt for the backup alarms from the equipment. On the original site plan, they proposed a berm along Robinson Road with a six-foot sight obscuring fence and a site obscuring fence on the north side of the property and will plant landscaping to prevent erosion. Today she will present an updated site plan. Ms. Allen reviewed the analysis of the criteria discussed at the P&Z Commission hearing and said the request will not change or negatively affect the area. A lot of the equipment on site is the same type as used by farmers throughout the area. There are sporadic residential sites and there are staging areas for two excavation businesses within the vicinity. A majority of the properties in the area have unmitigated storage for personal property. She reviewed the agriculture and rural residential character. They will comply with the requirements of the Nampa Highway District. The applicant is proposing that when the City of Nampa touches the property on two sides the use will cease to operate.

Juan Carlos Nieves testified he is the owner of JC Excavation and is seeking a C.U.P. for a staging area for his business. They do not want problems with neighbors, but the neighbors across the street are unhappy with them. He has been trying to do the right thing to get the approval. They will not have any dirt stored on site. The plan is build a berm along Robinson Road and build a fence along the west, north and south sides to avoid noises. The noise coming from the property is from starting equipment for 10 minutes in the morning, and when they return to the site at the end of the day. He is amenable to changing the hours of operation.

Grant Peterson lives on Robinson Road and has no objections to the request by JC Excavation. He said there are two other excavation businesses in the area, so he doesn't see any problem with JC Excavation being there. He testified the property on the other side of his property has travel trailers and semis parked on it and they are in and out of the property quite a bit throughout the day.

Andres Gordillo testified that he lives on Robinson Road and he will be speaking on behalf of his father, Macario Gordillo. They are close neighbors with JC Excavation, and they have not noticed any disturbances, and they find them to be good neighbors. He said there are other similar businesses located along Robinson Road so it seems unfair that JC Excavation is not able to park their equipment on the site.

Testimony in opposition was as follows:

Harry Robinson testified that he lives directly across the street from the subject property, and he is a registered professional civil engineer with 50 years' experience in managing heavy engineering construction projects, building rapid transit systems, pump stations, airports, and bridges. He is not against construction; the activity at 80 S. Robinson is a busy construction yard, not a staging area. He said Bristlecone Land Consulting stated the P&Z Commission's denials were not based on

substantial evidence, but he disagrees because there was substantial evidence to justify the denial. They operate on the weekends and holidays and after 8 p.m. Future land use designations are low-density residential as Nampa wants to do. They state the closest home site is 300 feet away, but his living room window is 96 feet away. The operation has dramatically changed the character of the area and negatively impacted his quality of life. Trucks hauling trailers with large equipment have backed up traffic while trying to turn against 50 mph busy oncoming heavy traffic. He does not believe the applicant's representative has presented truthful information and he questions their credibility and whether they will honor conditions should the Board overturn the P&Z Commission's denial.

Barbara Harris testified that she lives directly across the street from the subject property and there is a mountain of testimony from herself and her neighbors. The land is designated as agriculture, but it is functionally residential with a lot of surrounding houses, and she doesn't believe the business belongs there. Robinson Road is a two-lane country road with no turn lanes and ever-increasing traffic. There are times when there are 6-10 cars backed up in both directions when trucks try to turn into the property which increases the risk for accidents. Trucks going in/out make a lot of noise. She appreciates they will not store dirt on the property. She said this case comes down to a choice between the convenience of a renter (JC Excavation is a renter) and the homeowners' expectations that they will be able to live in peace. The activity of trucks and trailers profoundly affects the surrounding homeowners' living environment. This should not be an industrial area. This is a staging area for construction equipment, not agricultural equipment.

Rebuttal testimony was offered by Elizabeth Allen who testified that she has a master's degree in planning and has been working in Idaho for jurisdictions and in the private sector for almost 10 years. With the house bill that just passed it clarifies that the County will have jurisdiction within the areas of city impact. Regarding the measurement from the site to nearby homes, she took the measurement from the staging area and said the home is just over 300 feet from the area as well as the property to the north. The property to the south is actively farmed as well as the one to the east. Farm equipment is always moving on these roads which causes traffic concerns. A CAFO is located to the north, and they use dump trucks and similar equipment as is used by the applicant. Farmers commonly use the same equipment: skid steers, trailers, etc., and if they wanted to change their business to a landscape business it would be the same equipment and it would be allowed in the agricultural zone. When employees leave the site it is their job to drive the equipment in a manner so as not to enter or exit the site unsafely. Mr. Nieves' sister lives on the property and the property owner has given authorization to proceed with a C.U.P. and for him to use his property as a staging area as he has for the past 2 years.

The Board had follow-up questions regarding conditions. Commissioner Brooks said not storing dirt on site would negate condition no. 5 that was presented to the P&Z Commission where it said stockpiles of dirt would be watered. Commissioner Van Beek said OSHA requires beepers on all heavy equipment and there was testimony at the P&Z Commission hearing that they didn't know if they could turn those off and the answer is no. That is not a noise that can be mitigated because the beepers stay with heavy equipment. Ms. Allen said if they have someone guiding them as they

backup they could turn the beepers off, or there are options that they reduce the amplifications of the beepers, they are not as loud as the traditional backup alarm. Planning Supervisor Carl Anderson the letter of intent February of 2024, appears to only show four conditions, but their presentation appears to show five. What are the conditions? Ms. Allen said they are proposing the following five conditions:

- #1 A sight-obscuring berm fence along the frontage of Robinson Road.
- #2 A sight-obscuring fence along the northern property line.
- #3 No dirt staged on the property.
- #4 Nampa Highway District requirements.
- #5 The use of the staging area shall terminate at such time Nampa city limits are touching the subject property on two sides.

Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks the Board voted unanimously to close public testimony. Commissioner Van Beek said Canyon County is an area that is changing and people who live next to uses are impacted differently than people who rent. Even though a C.U.P. allows a staging area it significantly changes the air quality, noise quality, and the quality of life in that area and the fact that other businesses are operating in proximity without a C.U.P. is irrelevant and it's probably a code enforcement issue the County needs to look at but it does not make it right and as a landowner that should take priority over what happens in the area over a land renter. She spoke about the heavy traffic on Robinson Road and the issues with making a left-hand turn. She finds the proposed use and the proposed mitigation measures to be problematic and she is in favor of upholding the denial by the P&Z Commission. Commissioner Brooks sees this completely opposite from Commissioner Van Beek because he travels the road daily, and he said the equipment that the applicant is trying to move around is not even close to the largest pieces of equipment that travel this road all hours of the day. He believes the additional conditions could mitigate a lot of the concerns. Commissioner Van Beek said it doesn't feel right to try to mitigate a problem for someone who is renting property. She made a motion to deny Case No. CU2023-0002, a C.U.P. for a staging area for Parcel No. R30624010, as per the P&Z Commission recommendation. The motion was seconded by Commissioner Brooks for the opportunity to address counsel on the issue of a split vote. Deputy PA Wesley said the Board could continue the hearing to a date certain so Chairman Holton could review the record and audio and participate in the deliberation. Commissioner Brooks said it is not fair for the applicant to receive a split vote when there are supposed to be three Commissioners present. A vote was taken on the motion with Commissioner Van Beek voting in favor to deny the appeal, and Commissioner Brooks voting against the motion to deny. The vote is negated. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to June 17, 2024, at 10:00 a.m. The hearing concluded at 2:54 p.m. An audio recording is on file in the Commissioners' Office.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Kelsey Rush, Deputy Sheriff, received intermediate certificate
- Giovanna Rosas, Emergency Communications Officer I, new hire

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$14,762.94 for the Information Technology department
- DataBank IMX in the amount of \$87,811.76 for the Information Technology department

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- Grant's Grill to be used 6/15/24; 6/22/24; 7/6/24; 7/13/24; and 7/24/24
- Three Girls Catering LLC to be used 6/7/24

ALCOHOLIC BEVERAGE LICENSE

The Board approved the following alcoholic beverage licenses for renewal:

- Nampa Wings, LLC dba Winger's Restaurant & Alehouse; Thrifty Payless, Inc. dba Rite Aid #5409; Pacific Sushi, LLC dba Pacific Sushi; Corona, LLC dba Los Mariachis Mexican Restaurant #2; The Sick Stag, LLC dba The Sick Stag

Resolution no. 24-113

- Parma Ridge Wine & Spirits Co. LLC dba Parma Ridge; Heather Zimmerman dba The Garage Café

Resolution no. 24-114

- The Orchard House Inc. dba The Orchard House; Verns Lounge LLC dba Vern's Lounge

Resolution no. 24-115

- Dynasty Diner LLC dba Coffee Cup Café; Valley Wide Cooperative Inc. dba Valley Country Store; Clifford Randall Raymond dba Red Dog Saloon; Cunningham Pastured Meats Inc. dba Cliff's Country Market; Umbra LLC dba Mongolian BBQ Nampa; La Morena LLC dba La Morena

Resolution no. 24-116

MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

Note for the record: As properly noticed the Board met today at 9:30 a.m. for a legal staff update. 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 9:31 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 and Deputy P.A. Zach Wesley. Mr. Ericson left the meeting at 9:39 p.m. and DSD Director Sabrina Minshall and Assistant DSD Director Jay Gibbons joined at 9:39 a.m. The Executive Session concluded at 10:25 a.m. with no decision being called for in open session.

FY2025 BUDGET WORKSHOP FOR VALLEY REGIONAL TRANSIT

The Board met today at 10:36 a.m. for a FY2025 budget workshop for Valley Regional Transit. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Clerk Rick Hogaboam, Auditing Supervisor Sarah Winslow, DSD Director Sabrina Minshall, COO Greg Rast, Elaine Clegg and Kate Dahl with VRT and Deputy Clerk Jenen Ross.

A PowerPoint presentation was present by Ms. Clegg and Ms. Dahl which reviewed the following items:

- FY2023 Services
 - Fixed Route
 - OnDemand
 - Specialized
- Route statistics including passenger miles, number of boardings, ridership percentage and changes to the route
- Access service statistics
- Beyond Access service statistics
- Lyft Late Night (LLN) service
- Treasure Valley Transit (TVT) service statistics
- Rides 2 Wellness (R2W) service statistics
- Breakdown of user and eligible services
- Breakdown of funding sources
- FY2025 budget request is \$72,997
- Assessment breakdown of allocation specific to Canyon County
- Advantages to providing support

At the request of the Board, information regarding the formula for the calculations will be emailed.

The meeting concluded at 11:17 a.m. and an audio recording is on file in the Commissioners' Office.

PUBLIC HEARING: APPEAL BY DANNY AND DEBRA CARDOZA OF THE P&Z COMMISSION'S APPROVAL OF CASE NO. CU2022-0036, A CONFINED ANIMAL FEEDING OPERATION FOR AK FEEDERS, LLC, CASE NO. CU2022-0036-APL

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of an appeal by Danny and Debra Cardoza of the P&Z Commission's decision to approve Case No. CU2022-0036, a request by AK Feeders for a confined animal feeding operation (CAFO) permit to expand the existing cattle feedlot operation, Case No. CU2022-0036-APL. The property is located in an "A" (Agricultural) zone at 21696 State Line Road in Wilder. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Deputy PA Laura Keys, DSD Principal Planner Debbie Root, DSD Planning Supervisor Carl Anderson, DSD Assistant Director Jay Gibbons, DSD Director Sabrina Minshall, and Deputy Clerk Monica Reeves. Those in favor of the appeal included: Debbie Cardoza, Danny Cardoza, Mike Lynn, Allie Schiebout, Christina Marston, Susie Lynn, Stephanie Gibbons, Leonard Larson, Joan Mathew, Rebecca Mathew, Derrick Marston, Janice Nowak, Anthony Isaak, Susan Isaak, Vernon B. Case, D. Hawe, Raleigh Hawe, Barbara Case, Dee Dee Alderson, Victoria Case, Vernon E. Case, Deidre Brown, Randall Brown, Nickie Shira, Nolan Shira. Those in opposition to the appeal included Todd Lakey, Matt Wilke, Matt Thompson, Thomas Haren, Alan Mills, Chalyse Edgar, David DeBenedetti, Christopher Rueth, Noel Gomez, Dan Weitz, Kaylee Stoddart, Ty Tolliver, Justin Bayes, Doug Mikelson, Courtney Rueth, Blaine Olmstead, Gabriel, and Zachary Anderson.

DSD Principal Planner Debbie Root gave the oral staff report. The appellants, Danny and Debra Cardoza, live adjacent to the subject property. The feedlot location will not be immediately adjacent to their house in accordance with the setbacks required through the CAFO ordinance. AK Feeders is requesting a conditional use permit (CUP) to provide for a 3,700-head confined animal feeding operation for beef cattle on approximately 80 acres of Parcel R37348010. The parcel is 163.23 acres, and the 80-acre site location is located at 21696 Stateline Road in Wilder. The property is zoned agricultural and a CAFO is an allowed use by CUP in an agricultural zone. On November 16, 2023, the P&Z Commission approved the CAFO permit subject to the conditions of approval as amended. On January 3, 2024, Danny and Debra Cardoza filed an appeal and are requesting the Board deny the permit. Their appeal indicates the following concerns: traffic impacts, impacts to wells, increased facility footprint, environmental impacts, reduced property values, violations of statutory and constitutional rights, violation of notice and hearing procedures, neighborhood meeting requirements, and violations of due process. In 2022, AK Feeders rebuilt and expanded the existing feedlot to accommodate the number of cattle that are permitted on the site, up to 999-head based on ordinance requirements and the amount of acreage owned by AK Feeders and the DeBenedetti Family. Therefore, the permit being sought is for a new CAFO

facility. Planner Root reviewed the regulatory jurisdiction; CAFO permit criteria; site history; and character of the surrounding area. The proposed application, as mitigated by the siting team and Idaho State Department of Agriculture (ISDA) requirements and by the proposed conditions of approval, meets the overall intent and purpose of the comprehensive plan. In response to neighborhood comments, the applicant reduced the original number of proposed animals from 6,000 to 3,700 and relocated the initial proposed facility to the current site location south of the Allen Drain. Staff received letters of opposition from the neighbors noting concerns about noise, dust, flies, odor, lighting, traffic and safety on multiple sharp curves on Stateline, Peckham and Red Top Roads, water contamination, nitrate pollution, shallow wells, a more intensive use of water at the facility, viewshed and changing character of the area, interference with wildlife including the migratory snow geese, and decrease in property values. Staff reviewed and incorporated many of the concerns and views in the findings for the P&Z Commission's consideration as well as the Board's consideration. Many of the concerns are woven into the fabric of living in a predominately agricultural area with intensive agricultural crop and livestock production. Staff has provided draft conditions of approval to provide for mitigation of many of the concerns as well as regulations that the CAFO operator is required to comply with. Planner Root was advised that during the process of document transmittal on April 7, 2024, some of the exhibits were not received. The appellants' attorney transmitted a link for staff to access the file; however, staff did not receive the appellants' presentation file nor the exhibits they marked as A through F. Following the staff report, Planner Root responded to questions from the Board.

Testimony in favor of the appeal/in opposition to the CAFO expansion was as follows:

Allie Schiebout, the attorney representing the appellants, asked to enter the missing exhibits into the record which includes her presentation as well as the nitrate reports which are one of the biggest components of their appeal. There was Board discussion regarding the request to enter the late exhibits. Director Minshall said this hearing was scheduled prior to the adoption of the new ordinance which says late exhibits cannot be accepted, but it is at the Board's discretion. If the Board chooses not to accept them there could be a verbal reading into the record of the information from the presentation and as long as in the findings you are not referring to something on the applicant's presentation then that would be an option if you do not want to enter it into the record. The other option is continue the hearing and keep the public comment period open to enter it at that point. The Board allowed Ms. Schiebout to read her presentation into the record which included the following nitrate information:

On February 10, 2021, tests were conducted at 26550 Upper Pleasant Ridge Road by Analytical Laboratories and the nitrate levels at that time were 4.7 milligrams per liter. On January 17, 2023, a test was conducted by Western Laboratories, Inc., at 31252 Peckham Road in Wilder and the nitrate level was 6.53. On December 12, 2023, a test was conducted by Analytical Laboratories, Inc., on the sample water discharge at Stateline Road and Peckham Road and the nitrate level was 9.4. On March 19, 2024, there was a certificate of analysis from the Idaho Department of Health and Welfare, and it was done on the private well on the Cardoza residence. The nitrate level was 13.3. A report was done on Stateline Road at the Allen Ditch on December 21, 2023, and that nitrate level was 10.7.

Planner Root noted that the analytical laboratory reports are in the staff report identified as Exhibits Y through EE and were provided by Ms. Cardoza. The Board had questions for staff.

Ms. Schiebout testified that the Cardozas are supportive of agricultural and have managed cattle and horse ranches for over 30 years, they are not however, supportive of large-scale agriculture that injures the environment, the residents, and the property surrounding it. She reviewed the FCO's dated December 21, 2023 where the P&Z Commission used the elements stated in County Code to outline their findings, unfortunately many of the findings were misplaced and disregarded evidence brought forward by their constituents and fellow residents. They showed the P&Z Commission that their rights have been violated and they are currently are and will be injured by the expansion of the feedlot. The conditions are not enough to address the concerns. She said the P&Z Commission acknowledges that the proposed use potential to impact water quality as evidenced by the high-risk score in the siting team report. There have been water analysis results read in to the record. The Idaho Depart. of Health and Welfare finds that high levels of nitrate in drinking water are often caused by groundwater contamination from animal waste runoff at dairies and feedlots. At the Cardoza home in August of 2019, the nitrate levels were 1.3, and in January of 2023, the nitrate levels were 6.53 before the feedlot was approved. In March of 2024, only 3 months after the feedlot was approved, the Cardozas' well tested at 13.3 milligrams per liter for nitrates. Even with setbacks and other conditions imposed on AK Feeders, the Cardozas' well has more than doubled in nitrates and is already higher than the safe levels permitted by the EPA and the Idaho Dept. of Health and Welfare. Testing was done in surrounding areas in December of 2023 and water discharge found on Stateline Road and Peckham Road tested at 9.4 for nitrates. The Allen Ditch tested at 10.47 milligrams per liter for nitrates. The P&Z Commission acknowledges that area residents are concerned about an increase in truck traffic to/from the proposed facility. There are several 90-degree or sharp turns on Peckham and Red Top Roads. They acknowledge this is an agricultural area that is expected to have agricultural traffic, including tractors, harvesting equipment, semitrucks and trailers as well as residential vehicles. The Cardozas' know this is agriculture, but introducing very large trucks and heavy traffic is unsafe. The P&Z did not find evidence supporting the claims of injury including loss of property value or enjoyment of their properties. It is displaced to expect property owners to show evidence of their specific properties' devaluation when the full expansion of the feedlot has not yet begun. Property values will decrease when there is noise, traffic, smell and high nitrates in the drinking water. The property was used to wean calves, it was never indicated to be a feedlot. Mr. Cardoza has COPD and asthma and has had to increase his dose due to the dry scraping. There is a Supreme Court case pending, Docket No. 514652024, which deals with some of the same issues we see here, and it has been in active litigation since 2021. The site committee found that the area is high risk. Ms. Schiebout said this feedlot is contrary to local and state law and the Board must reconsider the findings of the P&Z Commission and ensure it upholds the quality of life of its residents' right to freely use and enjoy their property.

Dee Dee Alderson testified that approving an expansion like this over a highly vulnerable groundwater a stone's throw away from the Snake River would be irresponsible. Industrial-scale agriculture and livestock operations in this area are going to have profound health impacts in the area. Last month groups in Iowa filed an emergency petition with the U.S. EPA to step in to protect

the public from nitrate contaminated drinking water. Canyon County should not become the next community to need emergency action just so the residents can drink their own water. The water table is too high which can be seen by the wetlands next to the Cardozas' property. The increase of calf cow numbers will contaminate the wells and the property in question is already deemed high risk.

Deidre Brown has lived in the Treasure Valley her entire life and in 2001 she moved to the area and raised her family there. She is pro-agriculture, but she is not pro-CAFO. She did not move next to a feedlot. The feedlot they are referring to did not exist in the 20 years she has lived in the area. They have fed some cows and they have installed fences in the last couple of years and that's probably why the Cardozas have seen an increased amount of nitrates. In the winter there are large puddles of water due to the amount of moisture out there. She has no faith in how this cattle operation is going to be run; there is no test water site or water testing to confirm whether they will impact the neighbors. She is frustrated by the underhanded things that have gone on and as a taxpayer and citizen she expects the government to enforce the regulations, but she has not seen that occurring.

Rebecca Mathew testified she purchased her property in the area for the views of the Owyhees, the fresh air, and the clean air and the people in the community. Consider the impact of 3,700-head of cattle on 80 acres. A cow will produce approximately 60 pounds of manure of day. 3,700 cows will produce 222,000 pounds of manure in a day. That is 81 million pounds a year. There are great concerns as to the location for the removal of the manure. This feedlot will result in the reduction of air quality and reduce property values and water quality. The Allen Drain runs across 80 acres of the feedlot and it empties into the Snake River on the Oregon side. It is a great concern that the air and water quality regulations are not and will not be enforced. The Cardozas spent their life savings to purchase their property which is located on the boundary of AK Feeders and where the feedlot will exist and at the time of their land purchase, AK Feeders grazed their cattle on the land, no feedlot existed. Moving forward with the feedlot will greatly reduce the quality of life as well as the value of their home and property and all the properties surrounding this area. Ms. Mathew said she would not have purchased her property 29 years ago had the feedlot existed.

Christina Marston testified that her property has been in the Marston Family for over 100 years and she and her husband have owned it since 2005. She was raised by a farm family that operated feedlot and a cow calf operation, and row crops in Iowa. She is pro-agriculture. She has lived across the road from AK Feeders for nearly 20 years and in the last year she has seen changes that have greatly affected her day-to-day life with the addition of the feedlot pens the flies have greatly increased to point her house needs scrubbed of fly waste. The smells have become so bad they are unable to open windows or enjoy their yard, and when it rains it takes your breath away. She is concerned about the loss of property value and quality of life, and the health risks. She runs a business from her property where the equipment gives off so much heat she has to open the garage doors but because of the flies and odor she is unable to do that. Flies poop on the clothes she stores in her shed, ruining them. This did not happen before last summer, and she is concerned if the CAFO goes across the road her business will fail and she will be unable to operate in the building she built for it. Red Top Road is dangerous and there are abnormally dangerous

intersections in the area. Stateline Road is crumbling into a drain ditch and it is so narrow a pickup and a semi cannot meet each other. The right-to-farm act does not give a farmer the right to make life-altering changes to their neighbors. AK Feeders has never been listed as a feedlot on previous paperwork.

Derrick Marston agrees with his wife's testimony and believes they will be injured with regards to property values with the possible contamination of their wells, and the enjoyment of property. The December 21, 2023, lab report says the Allen Ditch and Stateline Road area had a nitrate level of 10.7. The E. coli level was at 260 mpn per 100 milliliters which is very high to be draining into the Snake River. It was indicated the Allen Drain would be protected with berms but the water discharge at Stateline Road is obviously going under the road and draining that property which is likely where the wetlands indication is coming from. It's E.coli level was 74 which shows that's surface water that's getting into the drain and making it to the river.

Nicki Shira testified she agrees with the testimony given so far and said the greatest concern other than the tremendous impact it could have on the quality of life, is the water quality. The CAFO presents health concerns regarding groundwater contamination, and it poses a high risk for health and/or for contaminating ground or surface water.

Debbie Cardoza testified that her property shares a fence line with AK Feeders and the additional 3700-head of cattle should not be allowed. The Cardozas purchased their property in 2019 and when her well was tested it had 1.3 nitrate level milligrams per liter. Last year the nitrate level was 6.4 and in March of 2024 it was at 13.3. It's a high risk area because the soil is sandy loam right next to the Snake River. The Allen Drain is entirely on the DeBenedetti property or properties he leases for his cattle, and it starts underground and goes across Peckham Road and then behind her property, through where the feedlot area is going to be adjacent to, and into the Snake River. The cattle are constantly in the wetland behind her property. The Assessor has devalued properties that are adjacent to the feedlot on Peckham Road and if she tried to sell now it would be difficult. 3,700-head is not a family farm, or a small farm in a rural residential area and it is going to be difficult for the Cardozas to be next door to the operation. They are going to have three lagoons that will be open constantly and it will bring a lot more issues to the area. Mrs. Cardoza also spoke of the dangerous road concerns with cattle trucks.

Commissioner Van Beek had questions for staff and Debbie Cardoza regarding the Cardoza's property appraisal.

Danny Cardoza agrees with his wife's testimony. There is a 2-acre wetland behind his house that AK Feeders have filled with water, and they've had cattle and ducks in it. It's only 30 feet from the fence line and 50 feet from his house.

The Board took a break from 3:26 p.m. to 3:36 p.m.

Testimony in opposition to the appeal/in support of the CAFO expansion was follows:

Matt Wilke offered testimony on behalf of AK Feeders. The proposed site consists of 79.6 acres and they will have a 3,700-cow capacity with an average weight of 750 lbs. The area is predominately agriculture, and they feel the operation will benefit the local ag community by providing jobs onsite and offsite such as laborers, mechanics, truck drivers, veterinarians, equipment sales, and farmers. It will also create a local market for cattle feed and supplies. Studies have shown feedlots and dairies have a positive impact on crop and land values, and that for every dollar generated there is a multiplier effect; for example, beef has the largest output multiplier of \$2.05 meaning every dollar generated for exported beef and additional indirect output of \$1.05 from other industries, local labor, and locally produced hay comes in. After the beef multiplier, the other industries are considerably lower such as medical/health, entertainment, communications, fire personnel services, in nine other sectors between 1 and 1.2, including agriculture and hay. Indicating that most of those entities purchase most of their supplies, labor, and equipment from outside the study areas. Cattle feeding operations are a vital part of the sustainability of local farm producers who produce forage crops such as hay and corn. Manure produced is an excellent fertilizer and is a valuable resource. Manure produced onsite will be utilized on neighboring fields, third-party export. The organic material applied will improve soil structure, aeration, soil moisture, holding capacity and water infiltration. All manure will be contained and stacked in pens and removed from the pens to a third-party export. There is no need for a site to stack compost within the boundaries. Dry manure typically releases its nitrogen over a 5-year or longer period once it's applied to the soil. This slow release is much safer than chemical fertilizers and typically doesn't leach into aquifers and is the fertilizer of choice, especially in sandy soils where chemical fertilizers can leach the worst. It typically only releases 35% of its available nitrogen into the soil during its first year of application and for these reasons they believe groundwater and surface water pollution is an extremely low risk. The site will have three stormwater retention ponds. No waste water will leave the site. No wastewater currently leaves the site. Design and construction of the lagoons will be in compliance and will meet and exceed engineering requested by the ISDA. They have satisfied all setback requirements. They are west of the nitrate priority area, and they are downgradient of the nitrate priority area so it's interesting to hear the accusations of the operation increasing nitrates in the area when there are much higher nitrates to the east, and he said it could even be coming from the Wilder sewer plant which discharges into the drains. There is no proof the cattle are contaminating the water. This property is not in the floodplain. The Idaho Department of Water Resources has approved the stock water permit for 3,700 head of cattle, and they propose a second well that will help with redundancy. No cisterns will be required due to the ample water supply. The nutrient management plan was approved on March 15, 2023. The Golden Gate Highway District and the Oregon Department of Transportation have reviewed the plans and have no requirement for a traffic impact study due to the traffic generated being below the rule thresholds. They will require a paved approach onto Stateline Road upon approval. Traffic is only anticipated to increase from 13 to 24 average annual daily trips; that is 11 extra trips per day. They received a risk score of 40 from the site evaluation, and that is only 3 points above the cutoff for a moderate score. This score is the starting point to decided how to mitigate risks. The site was evaluated on September 9, 2023, management and mitigation are not factored into this determination; it is a physical characterization of the site only. Many improvements have been engineered into the plan to mitigate the risks. The site has had waste inspections since 2006. Prior to the increase in animals, improvement will take place to

prevent waste water from entering surface water bodies or entering groundwater. The risk factors can be easily mitigated. The waste management plan outlines how the applicant will control waste and nuisances, pen management, drainage, and regular manure removal. There will be stormwater pond management if necessary. Pests will be controlled by preventing food sources and habitat. For flies, regular pen scraping, baits, and chemical treatments work very well. The site has been used for cattle since 1907. They received over 155 letters of support from neighbors, businesses, area farmers and ranchers. The applicant will comply with the conditions of approval. Regarding home values, Mr. Wilke said the Cardoza property is at a 125% increase in assessed value in the last 5 years. They bought it for \$270,000 in 2019 and last year the assessed value was \$420,000. Following his testimony, Mr. Wilke responded to questions from the Board.

Todd Lakey testified he is representing AK Feeders and he thanked Planner Deb Root for her excellent analysis and recommendation of approval in her staff report. This property and all the property in the area is zoned agriculture. The comprehensive plan designates the property as agriculture and it states the land use designation is the base designation throughout the County and contains areas of productive irrigated croplands, grazing lands, feedlots, dairies, seed production and ground of lessor agricultural value. The agricultural zone and designation are where agricultural uses like feedlots exist and where they are supposed to be located. This property is not near any city, impact area, or any platted subdivision. There are a few residences in the area, but this is an agricultural area, not a residential area. Residences may require some mitigation through conditions of approval, but those residential uses should not be allowed to interfere, stop, or exclude agricultural uses. The siting team noted that the risks associated with the physical site are easily mitigated through the operational best management practices, compliance with applicable regulations, and the conditions of approval that are included on this application. This property has been a feedlot based on Mr. Bishop's letter whose family bought the property in the 1950's and it has been raising up to 1,500 head of cattle. There are also similar uses and large-scale agriculture in this area. This use does not change the agricultural character of the area and as conditioned will not negatively impact that agricultural character. Traffic will only increase by 11 additional daily trips. There are numerous goals and policies in the comprehensive plan that support the application, and there are 155 letters of support that show the multi-layered impact of this proposal.

Matt Thompson testified he is a professional engineer who works with agricultural professionals, and he was hired by AK Feeders to help with their permit application and in designing the site to meet county and state requirements. They developed the waste management plan, nutrient management plan, and submitted an engineering response to the appeal. The siting team's assessment is a physical assessment of the site, it doesn't take any consideration of the design or proposed management of the site, it's simply an evaluation to highlight the characteristics of the site and draw attention to the things we should be paying attention to. The best management practices can address the issues identified. This feedlot is proposing to put the grading on the site up front and they propose to establish a 2% slope inside those pens to encourage the drainage out of the pens to prevent nitrogen from leaching into the groundwater. The drainage and pen maintenance program will prevent bugs and flies from laying eggs and encourage the manure to

dry out. They propose a harrow that doesn't dig into the soil so they can maintain the integrity of the soil. Following his testimony, Mr. Thompson responded to questions from the Board.

Thomas Haren is the owner of Ag Professionals and they put together some of the application materials for this case. They are advocates of animal agriculture, CAFO's, and help develop dairies around the country and he believes this project has been vetted very well. They are going from a grandfathered animal feeding operation to a concentrated animal feeding operation. He said *concentrated* gets confused with *confined*. The regulatory one is concentrated animal feeding operations which under state regulations and the Clean Water Act is a 1,000-head or above which is the highest standard. There has been a lot of work to improve the operation, the function, the nuisance management. This facility will have the latest and greatest requirements from an engineering and EPA regulatory standpoint but also the 25 conditions of approval that are proposed to be placed on this facility and all of that makes for a better project and better outcome for the community because if this does not prevail you will have an older facility with less stringent requirements that would-even with the expansion of the new facility-be better in operation and nuisance management environmental controls than even the existing facility. Following his testimony, Mr. Haren responded to questions from the Board.

Alan Mills testified that he served on the committee that developed the CAFO ordinance and the intent was not to prohibit CAFO's but to reasonably place, site, and regulate them correctly. Regarding the effects of nitrates and illnesses, he previously looked into it could not find one case related to nitrate illnesses in hospital records. The information could be different today, and perhaps it should be checked into whether there are problems with nitrate-related illnesses.

Chalyse Edgar lives adjacent to the subject property and testified that she and David DeBenedetti are the current owners and operators of AK Feeders, and she presented their combined thoughts. The DeBenedetti Family has had a footprint in Idaho since 1943 starting with Idaho Meat Packers in Caldwell, and Idaho Meat and Provision in Boise. Their children have graduated from Parma, Vallivue, Boise State University, and Colorado State University and have owned and operated their own businesses, and two are managing the current operation of AK Feeders. They operate ranches in Idaho and Oregon and are seeking to expand the ranch that already has an existing feedlot that has been fully regulated and inspected on an annual basis by the ISDA. When they originally proposed to have an expansion of 6,000 head they had a neighborhood meeting and recognized the neighbors' concerns and they reduce the request to 3,700 animals after working with consultants and looking at the regulations and specifications. All feed is purchased locally, and goods, services, and maintenance are fulfilled by local suppliers. They have owned properties locally, as well as in Oregon and California. Ms. Edgar said her property has not suffered from property devaluation. As to why the Case Family placed concrete blocks in front of their fence on a corner, she said that has nothing to do with AK Feeders existing operation or future operations. There are a lot of issues, but it cannot be blamed or said to be increased by something AK Feeders is doing or proposing.

Dan Weitz testified the applicants have spent a lot of money hiring people to make sure this operation is going to work, and the ISDA, DEQ, EPA, and engineers are making sure it is compliant. As a large landowner Mr. Weitz said they appreciate the County's efforts to follow the

comprehensive plan and enforce the right-to-farm law. This is a small operation in the right place. He said people move to rural areas to get their piece of paradise and bring their beliefs of what land use laws should be. Agriculture has been displaced in the areas of impact and the County is holding the line on subdivisions outside of the area of impact and he appreciates that, but he takes exception to people moving to the area to try to control agriculture to drive it out. Regarding nitrates, it is generally a cultural practice in a local area on a domestic well that is shallow versus a deeper irrigation well.

Rebuttal testimony was offered by Allie Schiebout who said what needs to be considered is the substantial rights of the surrounding citizens and their properties and this is the exact reason there is litigation in front of the Idaho Supreme Court. Mrs. Cardoza informed her the new plan on slide 3 of the presentation was never brought up at a neighborhood meeting and she has not seen proof of the meeting, so she doesn't believe the noticing requirements have been met. The dates/times when traffic will occur are substantial and suggest the heaviest traffic will be in the morning from 7:00 to 9:00 a.m. and in the evening from 3:00 to 5:00 p.m., during commute times. The livestock facility reports were discussed and when requested from the ISDA they were told that from 2006-2023, seven of the reports are missing and the ones they do have indicate it was not a feedlot. The Assessor has shown a property value increase in the last five years, but that's not an indication that property values will not decline. The 2019 appraisal was brought in to show there was no indication of a feedlot in 2019 when the Cardozas' property was appraised. Mrs. Cardoza informed her that that P&Z Commission had told AK Feeders to move the pens to account for a 50-foot setback, but that has not occurred and is another example of a condition that is not being followed. When it comes to water and nitrates, it's not whether we are fearful of it, it's whether it could occur and if it did is that a violation of the Cardozas rights, and Ms. Schiebout thinks it is. There is a difference between getting approval for a feedlot and examining and determining the property rights granted by the US, Idaho, and Canyon County laws. She asked the Board to remember its mission statement which is in part to promote values that ensure quality of life for present and future generations of Canyon County residents.

Commissioner Holton asked staff to describe the neighborhood meeting process. Planner Root said the neighborhood meeting concerns came up from multiple citizens indicating the site plan presented at the neighborhood meeting was not the site plan being presented at the hearings. The County's legal counsel discussed that at the underlying hearing and indicated this is a typical issue with neighborhood meetings which are conducted prior to application and for the benefit of the applicant and property owners to show what they are proposing and what the concerns are and frequently those site plans are modified either after discussions with staff or as a result of the feedback from neighbors. In this case, the plan was modified and it reduced the number of cattle proposed and it moved the site facility from north of the drain and took one property out of the request for approval which would have allowed for that CAFO facility to be located closer to many of these property owners and so if the site plan or application had changed, such as if it had been increased or the acreage had been increased staff would have required that the applicant reconduct the neighborhood meeting to show that increase. Because it was a decrease and a relocation on properties that were part of the neighborhood meeting, there was not a need to reconduct the meeting because it was in response to feedback. The neighborhood meeting was

conducted, people were aware, the application was posted online, and the additional documents were posted online when the site plan changed so legal counsel and staff believe the meeting requirements have been met. Ms. Root further noted that there were no additional exhibits, and the Board did not accept the late exhibits that were proposed today. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to close public testimony. Commissioner Brooks said it would be unfair if the Board were to try to hurry through deliberations considering the staff report is 1,000 pages. Commissioner Holton agreed and said it's almost 5:00 p.m. at which time the courthouse will close so he thinks it's best to continue the hearing to another date. He then made a motion to continue the hearing to Monday, June 17, 2024, at 1:30 p.m. for Board deliberation. Public testimony has been closed. The motion was seconded by Commissioner Brooks and carried unanimously. The hearing concluded at 4:42 p.m. An audio recording is on file in the Commissioners' Office.

MAY 2024 TERM

CALDWELL, IDAHO MAY 31, 2024

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Jared Sermon, Juvenile Probation Officer I, new hire
- Joshua Jameson, Heavy Equipment Mechanic, new hire
- Roxana Lizarraga, Juvenile Probation Officer, new hire

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Right Systems in the amount of \$34,759.50 for the Information Technology department (PO #6040)
- Dell in the amount of \$6962.00 for the Information Technology department (PO #6042)

ALCOHOLIC BEVERAGE LICENSE

The Board approved the following alcoholic beverage licenses for renewal:

- Taqueria Mexico Chiquito LLC dba Taqueria Mexico Chiquito

Resolution no. 24-118

- Intermountain Food Stores, Inc. dba Franklin Junction; Intermountain Food Stores, Inc. dba M&W Markets #6; Krung Thai Restaurant LLC dba Krung Thai Restaurant

Resolution no. 24-119

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for:

- Uppercuts Barber Shop to be used on 6/9/24

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 9:36 a.m. to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Laura Keys, Deputy P.A. Oscar Klaas, Facilities Director Rick Britton, Landfill Director David Loper (left at 9:38 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider resolution increasing the credit card pre-paid expense account for the Pickles Butte Sanitary Landfill: Director Loper explained this account is used to pay credit card processing fees. Once the credit card bank statement is reconciled each month the account is replenished with fees paid by the user. This resolution will increase the account by \$5000, to \$20,000. Ms. Keys stated that legal has no issue with the resolution. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution (resolution no. 24-117). Director Loper indicated he will be taking the resolution directly to Auditing Supervisor Sarah Winslow for a check to be cut today in order to avoid the account being overdrawn.

Consider Addendum No. 1 to the Solicitation of Bids for the Fleet Shop HVAC Project: Director Britton explained the pre-bid conference was earlier this week and this addendum addresses questions that have been submitted since that time. Additionally, it addresses some date changes for the project. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign Addendum No. 1 to the Solicitation of Bids for the Fleet Shop HVAC Project.

The meeting concluded at 9:42 a.m. and an audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION TO DISCUSS RECORDS EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO IDAHO CODE, SECTION 74-206(1)(D)

Commissioner Van Beek made a motion to go into Executive Session at 3:04 p.m. pursuant to Idaho Code, Section 74-206(1) (d) regarding records exempt from public disclosure. 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, Clerk Rick Hogaboam, Auditing Supervisor Sarah Winslow, Sheriff Kieran Donahue, Chief Deputy Sheriff Doug Hart, Cpt. Harold Patchett and COO Greg Rast. Rick Hogaboam and Sarah Winslow left the meeting at 4:20 p.m. The Executive Session concluded at 4:41 p.m. with no decision being called for in open session.

CONSIDER RESOLUTION APPROVING A NEW ALCOHOLIC BEVERAGE LICENSE FOR BFC 12TH AVENUE, LLC DBA BOISE FRY COMPANY

The Board met today at 4:41 p.m. to consider a resolution approving a new alcoholic beverage license for BFC 12th Avenue, LLC dba Boise Fry Company. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, COO Greg Rast and Deputy Clerk Jene Ross. Commissioner Brooks said he has reviewed the application and is in support, he then made a motion to sign the resolution. The motion was seconded by Commissioner Van Beek and carried unanimously (resolution no. 24-120).

Commissioner Van Beek made a motion to adjourn the meeting. The motion was seconded by Commissioner Brooks and carried unanimously.

The meeting concluded at 4:42 p.m. and an audio recording is on file in the Commissioners' Office.

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

THE MINUTES OF THE FISCAL TERM OF MAY 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 10th day of October, 2024.

CANYON COUNTY BOARD OF COMMISSIONERS



Commissioner Leslie Van Beek




Commissioner Brad Holton



Commissioner Zach Brooks

ATTEST: RICK HOGABOAM, CLERK

By:  _____, Deputy Clerk