

SEPTEMBER 2024 TERM  
CALDWELL, IDAHO SEPTEMBER 3, 2024

SWEARING-IN CEREMONY OF CANYON COUNTY TREASURER JENNIFER WATTERS

The Board attended the swearing-in ceremony of Canyon County Treasurer Jennifer Watters this morning. Treasurer Lloyd was sworn in this morning at 8:15 a.m. by Clerk Rick Hogaboam in Courtroom #140, of the Canyon County Courthouse. Although the Board attended the ceremony, there was no Board action taken.

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- CDW-G in the amount of \$9,914.64 for the Information Technology Department (PO #6080)

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- County Line Wine to be used on 10/26/24 at the Venue at Wood Farms for the Weitz Wedding
- County Line Wine to be used on 9/22/24 at Deer Flat Ranch for the Mariana Wedding

**DETAILED MINUTES TO COME AT A LATER TIME**

Meeting with County Attorneys for a Legal Staff Update

- Action Item: Consider signing RE-T Broker Agreement Addendum
- Action Item: Consider signing Resolution to Waive Landfill Fees for One Canyon County Nuisance Property
- Action Item: Consider signing Resolution Classifying Records of the Canyon County Prosecuting Attorney's Office and Authorizing the Destruction of Certain Criminal Case Files/Records

PUBLIC HEARING: APPEAL BY SAMUEL PARRY, REPRESENTING CLEON AND PATTI HOAGLAND, REGARDING THE DENIAL OF AD2023-0110 FOR A NON-VIABLE PARCEL LAND DIVISION

The Board met today at 1:30 p.m. to conduct a public hearing in the matter of an appeal by Samuel Parry, representing Cleon and Patti Hoagland regarding the denial of Case No. AD2023-0110, a non-viable parcel land division. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Principal Planner Dan Lister, DSD Director Sabrina Minshall; In Favor: Samuel Parry,

Allison Hoagland, Darren Hoagland, Patti Hoagland, Jeff Hoagland, Kenny Hoagland, Daniel Temple, Mark Hoagland, Brandon Hoagland, Cleon Hoagland, Delores Hoagland; In Opposition: Kathy Alder, Joshua Alder, Norm Alder, Randy Holloway, and Judy Holloway, and Deputy Clerk Monica Reeves.

DSD Principal Planner Dan Lister gave the oral staff report. Samuel Parry, representing Cleon and Patti Hoagland, requests an appeal regarding the denial of AD2023-0110 for a non-viable parcel land division of R28146010, R28146010D, and R28279010, approximately 70 acres. The appellant requests the Board approve the appeal. The affected properties are adjacent to 746 and 1055 Southside Boulevard in Melba. The parcels are zoned "A" (Agricultural). The 2030 Canyon County Comprehensive Plan designates the future land use as "agriculture". Parcel R28146010 was created via an Administrative Land Division creating Parcels R28146011 and R28146010 (AD2021-0016). The parcel was then adjusted to its current configuration in 2021. Parcel R28146010D was created as an agricultural-only parcel in 2021. According to PI2021-0220, Parcel R28279010 was created via the land division process in 1980. The parcel has a building permit available. On October 6, 2023, the property owners, Cleon and Patti Hoagland, submitted an administrative land division application for non-viable parcels in the "A" Zone to divide the subject parcels into eight buildable parcels. The application was updated on February 23, 2024, to adjust the proposed parcel boundaries and include a private road name. On May 6, 2024, after considering all evidence provided by the applicant and letters received by neighbors, Case No. AD2023-0110 was denied by the Director of DSD for the following reasons: Per CCCO §07-02-03, viable farmland is defined as "*Land that is capable of producing marketable farm animals or crops*". Information provided by the applicant, aerials, and letters of opposition demonstrate the subject properties consist of land capable of producing marketable farm animals and/or crops. The County Assessor's Office states the parcels have ag-exemptions. Upon conversation with the Assessor's Office, the applicant has benefited from the ag-exemptions for over 20 years. Irrigation water rights exist for the subject parcel. The parcels appear to be irrigated with sprinklers and a wheel-line. Slopes are predominantly between 0-3% except in certain areas of Parcel R28146010D where slopes can be 6-9%. Any lot size/configuration issues stated by the applicant were created by the applicant via land divisions. Parcel R28146010D is an agricultural-only parcel requested by the property owner (AD2021-0185). Per CCCO §07-17-03(3), an agriculture parcel is described as a parcel *used exclusively for agricultural purposes (on which there is no permanent dwelling)*. The letter of intent states the 5.93 to 11.81-acre lot sizes will allow forage production and grazing. The letter implies portions of the subject parcels are viable. Letters of opposition received demonstrate the parcels contain viable, profitable, agricultural uses and have been in active agricultural production since 1974. There is not enough evidence demonstrating the development will not be impactful to surrounding agricultural uses. The applicant does not propose any buffers, building envelopes, or other mitigating conditions to ensure residential development created by the request will not impact surrounding agricultural production. The following options were provided to the applicant:

- Reapply for an Administrative Division of a Nonviable Parcel in an Agricultural Zone (CCCO §07-18-05 & 09) and provide information demonstrating what portions of the subject parcels are non-

viable, what portions are still viable and what measures will be taken to ensure viable ground will be protected.

- Conditional rezone to an “R-R” (Rural Residential) zone with development agreement conditions limiting lot sizes to five acres or larger. The 2030 Comprehensive Plan allows five-acre lot sizes within the agricultural designation.
- Comprehensive Plan Amendment to the rural residential designation and Conditional Rezone to an “R-R” (Rural Residential, two-acre lot sizes).

On May 21, 2024, Samuel Parry, representing Cleon and Patti Hoagland, submitted an appeal to overturn the decision regarding AD2023-0110 finding the request meets the required standards, adequate evidence regarding productive agricultural constraints and resource issues was submitted, and that the decision was based on irrelevant facts such as tax exemption status, aerials and neighborhood comments. Planner Lister reviewed the comments received from property owners and agencies. The subject parcels, over 70 acres, consist of land that produces marketable animals and crops and has done so for over 20 years. The issue regarding the owner/operator not being able to make a profit from the marketable production of animals and crops is not a factor that can be reviewed based on the applicable code. Staff recommends the Board deny the appeal upholding the Director of DSD’s decision.

The following people testified in support of the appeal:

*Planner Lister stated that Samuel Parry submitted a PowerPoint presentation as a late exhibit and it was not part of the staff report. Mr. Parry said the presentation does not contain new information, it’s strictly illustrative and outlines what is contained in his appeal letter. He also said he did not receive notice that he would not be able to submit a PowerPoint. It is the Board’s policy not to accept late exhibits.*

Samuel Parry testified that he was raised in Canyon County and has a bachelor’s degree in animal science and a master’s degree in agricultural economics and he received his juris doctorate from the University of Idaho. Half of his practice is preserving farmland through private conservation practices. The subject property is not good farm ground. It is anyone’s guess why the relevant language from the ordinance was not applied in the Director’s decision. Section 07-18-09 (5)(c) states the parcel, in whole or in part, in order to be approved for this application shall consist of land with site constraints and/or resources issues such as lack of water, suitable soils, topography, land compatibility, lot size, or configuration that makes productive agriculture use extremely difficult. That sentence is not anywhere in the decision or the staff report. Section 07-18-09 gives the definition of viable farmland as land that is capable of producing marketable farm, animals, or crops; however, the nonviable ordinance does not reference that section of the code or use the term viable farmland. The Hoaglands only need to show that part of the land is nonviable in order to be approved for this request. Nevertheless, the whole property is not viable. They also have to show site constraints or resource issues or both. Productive agriculture describes commercial level, not hobby level agriculture. Productive is defined as exceeding or producing a significant

amount or result, or producing or able to produce large amounts of goods, crops, or other commodities. Productivity is inherently an economic metric; it measures the changes in output based on changes on input, more specifically the measurement of productive agriculture is the quantity of outputs for a given quantity of inputs and this code targets productive agriculture. The Hoaglands do not have to show that productive agriculture is impossible. They have to show it's extremely difficult. Mr. Parry said Cleon Hoagland had testified about the rocky, shallow soil, rock piles, visible exposed rocks, damaged farm equipment, and low yields. He tried to make the land viable for 60 years; his parents worked off the farm to finance farming efforts to no avail. The parcels are not weird shaped because of the parcel division that took place in 2021. The parcels in the center have been divided for decades and Mr. Hoagland has been trying to farm and finagle the irrigation around those for decades. The parcel division made one line between the north and central parcels. Prior owners sold the ground because it was not productive. Mr. Parry referred to his letter which outlines the testimony and evidence about the character of the ground. He noted that Jerry Neufeld, who was the crop extension agent for Canyon County for 23 years and he prepared a full report on his findings for the property. There is a significant amount of evidence that this is nonviable, and that production agriculture is extremely difficult. The soils are not very deep and significantly eroded, shallow rocky soils, visible rocks, rock piles reflecting attempts to remove rock and make the land more suitable. The property contains significant acres of Class IV soils. Yields for forage crops are less than half the county average, 3.7 tons per acre compared to 7.5 tons per acre. Productive agriculture on the Hoagland property is extremely difficult and nonviable to agriculture due to site constraints and resource issues that make productive agriculture extremely difficult. Mr. Parry said the Director's decision failed to apply the relative standard and it ignored all the evidence in support of the application. The decision did not summarize Mr. Neufeld's letter like it did all the opposition letters, nor did it summarize the letter from Lamar Harris. The Director's decision substituted the knowledge of people on the ground and the 23-year ag extension educator for their own apparent knowledge of agriculture.

Darren Hoagland testified about his agricultural educational degrees and experience including being hired as a general manager of a 30,000-head feedlot and as the beef on dairy specialist. He sees a lot of production agriculture as well as large agriculture and small agriculture and has tried to bring a lot of those ideas back to help his father and grandfather with their properties but it's just not viable. The ground is rocky and does not hold the water, it's not productive or viable ground. He believes people should be able to do what they want to with their property as long as it's legal and lawful.

Commissioner Van Beek asked staff to address the administrative divisions and boundary adjustments that have occurred on the property. It was stated that a division was done in 2021 to allow an amendment to two of the buildable lots and moving a buildable lot to a certain section while keeping one legal through the agricultural only process. It made it a legal parcel.

Kenny Hoagland testified that he started farming 1985 and sold out due to his own rocky property because he couldn't make a living and he went into fulltime law enforcement. He serves as an EMT and firefighter and said despite all the growth in Melba there hasn't been an increase in farming implement accidents or regular vehicles accidents. Mr. Hoagland testified that a subdivision was

approved on land near South Powerline Road that was farmed a year before it was sold and that ground didn't have rocks. He also spoke about driveway inspections he conducts which are on properties that used to be farmland.

Daniel Temple testified that he struggles with his rocky, lava debris soil and after realizing it would take a tremendous amount of work and money to make it a pasture, he put it off until he has more money. In this case he sees the Hoaglands trying to make a living off of their marginal land with old equipment and if they were to sell it, it would be a hobby farm at most because of the rock outcroppings and poor drainage. This is not an income property, it is marginal ground and the farmer should have the ability to access his assets so she does not lose his property.

Mark Hoagland testified that he bought the farm in 1959 from his cousin who was working at a lumberyard to make a living. Mr. Hoagland did custom farming with his father and eventually began teaching school. They tried row cropping sugar beets, potatoes, and sweet corn, but none were successful in the yields because the ground is rocky. He does not believe the Hoaglands proposal will impact the neighbors because there are already residences in the area.

Brandon Hoagland testified that he has a bachelor's degree in animal science with a minor in agronomy and ag systems. He grew up on this farm and spent time picking rocks and he wants to operate a farm and ranch, but said this property is nonviable farmland that has extremely difficult resource constraints against it with shallow soils and hot temperatures that do not allow crops to yield to their full production with the increase in the production costs. He has managed large expanses of land in Nevada from millions of acres in rangelands to thousands of acres in farmland and he knows this is not a piece of land he could raise a family on without a supplemental income.

Cleon Hoagland testified that his great grandfather homesteaded in Melba. He has farmed for 62 years and watched his family members struggle with the land and he said those who oppose his request have never been on/worked his farm ground nor do they have any idea of the hardships his family has gone through to keep the ground green. The neighbors who adjoin his property do not oppose his request, only those who are almost 600 feet away oppose what he is trying to do. He reached out to Jerry Neufeld, the former extension agent for Canyon County, who created a report about his property, but said DSD staff only looked at Google Earth and the comments from neighbors who have not been on his property. Mr. Hoagland believes he is being punished and said neighbors around him have stopped farming and have been allowed to develop their ground but he is not allowed to develop his. Regarding the 2021 decision, Mr. Hoagland said he has never heard of it and was never asked to appeal it. He made a boundary line adjustment because there was a north and south section; he did not ask for a farm-only parcel. When that piece was sub-irrigated it was three small fields, not one. He spoke about the struggles to irrigate the property.

DSD Planner Lister said the outcome of the 2021 property boundary adjustment was adjusting the lines between the properties. It was split, not per code at the time, and it had separate lots and Mr. Hoagland fixed those lines and it was decided that if they call it agriculture only and keep it as agriculture then it would be a legal lot but there were no building permits associated with it. Commissioner Brooks said the decision was not to create another parcel; it unmerged two parcels.

Planner Lister does not recall what the configuration was that required the action to be taken. Mr. Hoagland said it was never his decision it was staff's decision. It was always two separate sections; there was a north section and a south section and both were owned by his father.

The following people testified in opposition to the request:

Kathy Alder testified that her family has farmed in the area for many years and said the area has moderately suited soils and viable farm ground. If you are able to produce marketable farm, animals or crops it is considered viable farmland. This land has been farmed since 1915. She said the Hoaglands rented 33 acres from the LDS Church for 20-25 years and nobody forced them to rent it and when the church decided to sell the land, it was a private sale and the Hoaglands bought the land for under \$300,000 and they immediately put it on the market at a high price. They later pulled it and then put it on the market for \$1.5M and in their sales documents from 2022 they called it prime crop land with water rights. Mrs. Alder said probably isn't prime farm ground, but it is moderately suited but it can be worked made into successful farm ground. She said there are a number of people who have farmed it prior to the Hoaglands and it has been productive ground. She said most people have to have two incomes to function in today's society. When Mr. Neufeld and Mr. Parry have said the land is not viable, but they have not farmed in the area. The Alders have spent a lot of time picking rock and building up their farm to make it better and this land is no different. She said the land is correctly zoned as agriculture.

Joshua Alder testified that he is a fourth generation farmer who farms in the Melba area and he has a bachelor's degree in agronomy and a minor in soils. The ground is rocky, but with topsoil covering the rocks it can be productive. He said there are lot of things that can be done with less tillage that makes the land more viable and the organic matter in the soil that makes it productive.

Norm Alder testified that he was born in the late 1940's across from the subject property and he watched it when it was in gravity irrigation and raised productive crops. He's been on the ground with his farm equipment and said it has a rock outcropping which is common in Melba with the lava flows. He has put dirt over the top of rocks so he can farm; he dug potatoes for the Hoaglands several years ago and said what is being produced there has nothing to do with the ground itself. He believes the land is productive.

Rebuttal testimony was offered by Samuel Parry who addressed the ag-only issue and said it does not preclude approval of this request. This is a subsequent approval, there is no deed restriction. He said Mr. Hoagland did not negotiate ag-only and has no idea how that became a condition of approval. Perhaps there could have been an appeal, but it was certainly not requested by Mr. Hoagland. There was a development at Southside and Butte that relied on an ag exemption and their ground is much better than the subject property. The Hoaglands are watching people develop their ground all over Melba; there have been 50 new houses to the south in the last 5 years. They provided a lot of evidence but staff did not look at what the irrigation was. The Hoaglands have been trying things for 50 years (dairy, cattle, row crop) and they lost a corn contract and sugar beet contract due to yields and lack of water. Mr. Parry said the analysis was not done on the code language regarding the lack of water, suitable soils, topography, land

compatibility, lot size, or configuration that makes productive agriculture use extremely difficult. The irrigation water is not determinative of this application. The fact there might be 20 psi coming to the northeast corner doesn't mean it's viable for productive agriculture. You cannot say economics is not an important part of this question. The Hoaglands have provided a lot of evidence of agronomic factors that make production agriculture extremely difficult. This is not a referendum on development of ag land, this is strict application of the plain language of the code so that residents can plan and not get caught up in the technicalities. When asked if the division will create a negative impact to surrounding ag uses, Mr. Parry said an EMT and firefighter in the Melba Rural Fire District, Kenny Hoagland testified that he has not noticed any increases in agricultural accidents or other traffic incidences in the last 10 years from any of the growth and he doesn't anticipate seeing that. They also consulted with the highway district to design the private road placement in the north section and they did not note any issues or concerns. If the Board is worried about building envelopes or setbacks you can impose setbacks.

Director Minshall clarified the administrative splits discussion of what the previous applications were and were not. There were two administrative land divisions done in 2021; the properties were split in 1989 and were configured in a way that did not go through the county process. The first application in 2021 was to address that configuration and get it back into compliance. The third parcel at the time was only a railroad right-of-way and wasn't any sort of buildable parcel. It was amended the same year in a second administrative land division that kept three parcels. The ability to take the building permit and put it on the parcel that could be usable created the new configuration so and the way to do that was to keep one as an ag-only parcel to still stay in compliance with the code. The applicant had to be aware of that because the survey after an administrative land division is done they get the survey done to match that. The survey was done after the fact to show that as a non-buildable agriculture-only parcel, but it still was three parcels. She thinks what the applicant is explaining in terms of the configuration to try to adjust around building permits is an accurate representation and that's what we ended up with at the end was the configuration that Planner Dan Lister showed. In response to questions from Commissioner Van Beek, Planner Lister reviewed the property history. Regarding the subdivision that was referenced, that was an administrative land division for a nonviable, but there were some distinctions to that property: the parcel had not been farmed for many years and so through viewer visuals and aerials on site and pictures provided by the applicant in that case showed it had not been farmed for many years. They proposed clustering of structures and conditions on permitting and building process to keep the parts they might be able to make viable. We do not have a definition of economically viable in our code so we are basing it on just the language of the definitions in the code.

The Board took a recess from 3:06 p.m. to 3:12 p.m.

Commissioner Van Beek said she is in awe of the amount of educated and informed farmers on both sides of this issue. When looking at the inclusion or exclusion of economically viable ground we cannot include it in one and exclude it from another. There is a convoluted history on this property and she wants more time to look at the reasoning of the 2021 decision to merge the parcels and she wants more time to evaluate this. The applicant has said he has no knowledge of

that 2021 decision and that is concerning. There is no application for a building process out there, and it feels like there is more information to the story. She doesn't want repetitive testimony but she wants to leave testimony open on either side due to history of the parcels. Commissioner Brooks is uncomfortable with that because that information is not necessary to issue a decision. Commissioner Holton said whether the lot was buildable or transferred its building rights to another parcel is interesting but it is outside of what their appeal is for. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony.

Commissioner Brooks said the appeal underscores last week's discussion on agriculture. All agriculture is not the same. Viable ag definition is land that is capable of producing marketable farm animals or crops, but he is frustrated by the broad definition. There was testimony that in order to make much of the land in this area viable, topsoil needs to be brought in, but said nobody would determine Craters of the Moon to be viable and nobody would determine that we should bring in truckloads of dirt so we can farm it. If you have to bring dirt in to make it farmable that doesn't make it viable.

There was Board discussion about how decisions have to be based on the code that is in place, and how the definition of nonviable is vague. Director Minshall said in both the 2020 comp plan and the 2030 comp plan, this area is agriculture. That's a follow-up policy conversation that needs to be had on why we haven't proposed to update this section of code yet because it depends on what we are trying to achieve. If we are saying these areas are better suited for other types of development the right place for that resides in the comp plan maps. Those are other processes outside of the nonviable process - the nonviable code itself is vague but part of its vagueness is because it's a one-off from the comp plan and rezone process. In the 2020 and 2030 comp plans there were many terms that were defined but didn't get followed up with a zoning ordinance.

Commissioner Van Beek had questions for staff regarding a subdivision in the area that was approved in 2022. Director Minshall said there were substantial differences between the applications and it was a different type of location which is part of the challenge of why nonviable at all is a challenging part of the code. There has been consistent comp plan designations and what we've seen in similar areas is a comp plan amendment and a true subdivision application; the difference here is it's through the administrative land division part in the code only under nonviable. Commissioner Van Beek said the Hoaglands have an outlined process by the Director that they could go through that's not an administrative land division process. Commissioner Holton said they could do what they are trying to do and pull out portions that are still viable. The issue he sees is they have declared the whole thing un-valuable farming-wise, and although he understands their argument he doesn't have ordinances that he can defend. They could reapply as an administrative division on nonviable parcels if they included some viable parcels for farming and in his opinion, we would have leeway to move forward. Commissioner Van Beek said we need to look at updates to ordinances and the comp plan because it's not right to include a definition in one and exclude it from another so you cannot use the argument that prime farm ground is economically viable and exclude that statement from an argument that it's not. Commissioner Brooks said he will use Exhibit J of Exhibit No. 5-107 for his criteria. He has enough evidence to



consider upholding the appeal. It can be used as justification for the quality of productivity of ground. He said evidence was presented that someone in the emergency medical community has not seen an increase in farm equipment accidents or various forms of negative interactions with the public. Commissioner Holton said traffic congestion is only one component of farming and there are other impacts to consider such as what if a new owner plants crops that interfere with seed crops? He has not heard the applicant demonstrate that there will not be impact on agriculture. Commissioner Van Beek said she wants to deliberate the road users maintenance agreement that was included. If a county subdivision is approved and variances are put in that later become incorporated into a city, she doesn't know if we have enough information on the variance that says it can't be any less than 28 feet. It doesn't mean people cannot ask for further divisions. She understands what the Hoaglands are trying to do but it represents a big change. Commissioner Holton said the original parcel has been divided multiple times and had a nonconforming division that had to get rectified and so they have divided it multiple times and the County has been very responsive for continual divisions on the land but the applicants may have failed to produce an application that can be defended. There was discussion about possibly continuing the hearing, and further discussion about what Director Minshall said the applicants could do such as show the parts that are nonviable and how the rest is protected. Staff has said they are not getting enough information to show as a whole this is nonviable and that is why they suggested showing the pieces that are nonviable. Staff has tried to get the applicant to submit additional information but they did not want to. Director Minshall said the applicants are discussing the economic viability of it and whether it's farmable or not so that may not be a connection for the applicant as an option. Commissioner Van Beek said the applicant should continue to work with DSD and provide the information that would have a potential path forward such as demonstrating where there are areas they could mitigate or minimize the impact, and they have to know how to manage weeds. This is an unexplored avenue that could be a win for the Hoaglands and the surrounding farmers. Commissioner Holton agrees and said he feels totally unqualified to arbitrarily place building envelopes. Commissioner Van Beek made a motion to uphold the staff recommendation and deny the appeal on Case No. AD2023-0110-APL as recommended by staff. The motion was seconded by Commissioner Brooks. Commissioners Holton and Van Beek voted in support of the motion to deny the appeal. Commissioner Brooks was opposed to the motion to deny. The motion carried by a two-to-one split vote. Commissioner Holton said there was discussion about what the applicant could do to come back with an application that would closely meet the criteria to make it passable. Upon the motion of Commissioner Holton and the second by Commissioner Brooks, the Board voted unanimously to sign the FCO's. The hearing concluded at 4:13 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2024 TERM  
CALDWELL, IDAHO SEPTEMBER 4, 2024

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Dura Trac Flooring in the amount of \$15,000 for the County Fair (PO #5547)

#### APPROVED CLAIMS

- The Board has approved claims 609044 to 609083 in the amount of \$38,466.24
- The Board has approved claims 609084 to 609122 in the amount of \$255,099.00
- The Board has approved claims 609161 to 609182 in the amount of \$17,658.00
- The Board has approved claim 609365 ADV in the amount of \$15,000.00

#### APPROVED SEPTEMBER 6, 2024 PAYROLL

- The Board approved the September 6, 2024 payroll in the amount of \$2,340,069.05

#### APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- The Swanky Saloon to be used on 10/6/24 for a flower picking at the farm event
- The Swanky Saloon to be used on 9/15/24 for a flower picking at the farm event
- The Swanky Saloon to be used on 9/8/24 for a flower picking at the farm event

#### **DETAILED MINUTES TO COME AT A LATER TIME**

Action Item: Consider Taxing Districts Extension Requests

Meeting with the Interim IT Director to Discuss General Issues, Set Policy, and Give Direction

Meeting to Consider Matters related to Indigent Services

Meeting to Consider the Final Plat for Burris Ranch Estates Subdivision, Case No. SD2022-0058

**SEPTEMBER 2024 TERM**

**CALDWELL, IDAHO    SEPTEMBER 5, 2024**

#### APPROVED CLAIMS

- The Board has approved claims 609366 to 609401 in the amount of \$292,003.37
- The Board has approved claims 609123 to 609160 in the amount of \$76,034.31

### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Cody Cannon McCade, CCSO Inmate Control – new hire
- Jess William Varner, CCSO Inmate Control – new hire
- Christopher Angel, CCSO Inmate Control – new hire
- Kona Marie Bustos, CCSO Booking – new hire
- Anthony Clark, Inmate Control, received intermediate detention certificate

### APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for:

- Cinders to be used on 9/13/24 for the Sheckherd wedding

### FILE IN MINUTES

The Board filed the Treasurer’s monthly report from July 2024 in today’s minutes.

### **DETAILED MINUTES TO FOLLOW:**

#### Meeting with County Attorneys for a Legal Staff Update and Consider Action Items:

- Action Item: Consider Signing a Resolution Classifying Records of the Canyon County Clerk and Authorizing the Destruction of Certain Records
- Action Item: Consider Signing a Resolution Authorizing the Issuance of a Quitclaim Deed for PIN 34980000 0, 0 Pond Lane, Caldwell Idaho
- Action Item: Consider Signing Quitclaim Deed for PIN 34980000 0, 0 Pond Lane, Caldwell, Idaho

### DSD GENERAL BUSINESS

The Board met today 9:45 a.m. for a DSD general business meeting. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Director Sabrina Minshall, Assistant DSD Director Jay Gibbons, DSD Office Manager Jennifer Almeida, DSD Planning Supervisor Carl Anderson, COO Greg Rast, Constituent Services Director Aaron Williams, and Deputy Clerk Monica Reeves. Director Minshall provided multiple handouts today, copies of which are on file with this day’s minute entry, and are summarized as follows:

Review of the updated general business topics that are being worked through and gave a recap of where we have been, where we are headed, and the areas where staff needs direction.

Review of the zoning application count and revenue by type.

Land Use Case Status

- DSD will provide updates on the land use case status, the point in time of where cases are.
  - 26 cases are in the hearing process
  - Will provide a monthly report that include case type and caseload by planner

#### Parcel Inquiries

There was discussion regarding parcel inquiries, both the process used by DSD and the fee charged to make sure the costs are being covered.

- When is staff just answering a question versus when to do a parcel inquiry?
  - Training team to answer basic questions
  - Staff is getting into a lot of interpretation which needs clarification to provide better service. If they are interpreting things often, an ordinance update is needed.
  - Charge more and charge what is happening
  - Address and fix over the next year what is causing the underlying issues
  - Two different categories of questions that come in through parcel inquiries
    - Is a split available? Is a building permit available?
      - Require the applicant to submit a title report with the PI's. If an interpretation of originality is needed we would solicit a surveyor with fees
    - What is the zoning of the property? What are the types of uses, etc.?
      - When questions that go beyond a 15-20 minute conversation, staff steers people towards a parcel inquiry to recoup staff time.
    - May require future text amendment updates to the definition of originality to make things clear and try to reduce the ambiguity.
      - Changing the originality date complicates other things and opens up additional splits.
      - Future discussions will be held.
- First step is implementing a fee schedule and retraining staff and change management to the public to help them know what their path forward is to apply.

Commissioner Holton does not want to consider changing the date of originality before we are done with the fee schedule and ordinance updates, and until he is comfortable with what we need in the background supporting the comprehensive plan. With regard to fees, he suggested starting with a base fee of 15 minutes, and pay a base rate of the portion of an hour above that because applicants need to pay what it costs to get through the system. Director Minshall said she will seek a title change for the permit technicians to DSD technicians who can answer the first 20%-25% of questions that are coming in and not have to call on a planner. She is hesitant to start into a pay-as-you-go billing concept because they will need another employee for billing due to the volumes. DSD Assistant Director Gibbons said we need to update the fee schedule to address the applications they see on a regular basis based on what the time tracking and research indicate. Commissioner Holton is uncomfortable with the dollar amounts on the proposed fee schedule

because they are inadequate, particularly the additional per lot fee of \$10. Director Minshall said it's a base assumption of what is the average amount of time that we know based upon time tracking and averages by type of case and by efficient service provisions of what we know historically and we can update year-to-year. What Commissioner Holton is communicating is a completely different approach of where we have a basic base fee and are time tracking all the times that go into each application and billing each month for that application to move forward. That's a very different approach but if the Board wants them to pursue that they will although implementing it will be very, very challenging and does not fit the department for how many applications and how many people touch an application. They would have to adjust a lot of their systems. Commissioner Holton said the 6-lot subdivision is paying its way while the 20-lot and 50-lot subdivisions are getting a freebie; it's not equitable. He is willing to get away from the time structured issue, but he wants staff to dial it in. Commissioner Van Beek likes what DSD has presented, but said we need to talk more about the specificity and line item details and have further discussions about the fee structure. Director Minshall said they will look at the acreage and the lots and meet with her staff and bring it back for discussion next week. The Board action was required or taken. The meeting concluded at 11:07 a.m. An audio recording is on file in the Commissioners' Office.

#### CONTINUED MEETING WITH COUNTY ATTORNEYS FOR A LEGAL STAFF UPDATE

The Board met today at 2:32 p.m. for a continued legal staff update from earlier this morning. The Executive Session was held as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 2:32 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Brooks. A roll call vote was taken on the motion with Commissioners Van Beek, Holton 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, Deputy PA Zach Wesley, Norm Brown, and COO Greg Rast. The Executive Session concluded at 3:10 p.m. with no decision being called for in open session.

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

SEPTEMBER 2024 TERM  
CALDWELL, IDAHO    SEPTEMBER 6, 2024

APPROVED CLAIMS

- The Board has approved claims 609235 to 609276 in the amount of \$49,243.67

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Angela Harrigan, Deputy Prosecuting Attorney III – Criminal, rehire
- Jennifer Watters, Appointment to Treasurer
- Erik Ellis, Appointment to Interim Chief Public Defender

#### FILE IN MINUTES

The Board filed the following documents in today's minutes:

- Letter to the State Public Defense regarding designated office space
- LGIP letter naming current Board members and agency contact information change form

#### MEETING TO CONSIDER ACTION ITEMS

The Board met today at 9:35 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. Trent McRae, HR Director Marty Danner, COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider a Services Agreement with Right! Systems Inc.:*** This agreement is a \$5000 flat fee agreement as part of purchase order no. 5998 submitted in April 2024. The agreement has been reviewed by legal and COO Rast acting in the CIO capacity. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the services agreement with Right! Systems Inc. (agreement no. 24-092).

***Consider Adoption of the Updated Job Description for the Director of Information Technology/Chief Information Officer:*** Director Danner explained that HR is working to redesign the format of the job description template so this one looks slightly different from what the Board has seen before. The new format lists key responsibilities in a bulleted format in an effort to attract the best candidates possible. COO Rast noted that one change specific to this position is that the CIO will report directly to the COO under the authority of the BOCC in an effort to create a seamless transition. Once the new CIO is in place for a period of time they will have the opportunity to choose their chief deputy. Mr. Rast feels that eventually the job description can be rewritten to phase out his responsibilities and have the CIO report directly to the Board. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to approve the updated job description for the Director of Information Technology/Chief Information Officer (resolution no. 24-167).

Mr. Rast noted that the revised job description template will be added as an action item for Board consideration at a later time.

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

SEPTEMBER 2024 TERM  
CALDWELL, IDAHO SEPTEMBER 9, 2024

APPROVED CLAIMS

- The Board has approved claims 609183 to 609234 in the amount of \$77,346.34
- The Board has approved claims 609277 to 609329 in the amount of \$76,965.50
- The Board has approved claims 609402 to 609406 in the amount of \$32,870.10
- The Board has approved claims 609407 to 609408 in the amount of \$4,425.07

SEPTEMBER 2024 TERM  
CALDWELL, IDAHO SEPTEMBER 10, 2024

APPROVED CLAIMS

- The Board has approved claims 609330 to 609364 in the amount of \$126,952.45
- The Board has approved claims 609409 to 609411 in the amount of \$713.00

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Faster Asset Solutions in the amount of \$93,832.96 for the Fleet Department (PO #5954)
- Mountain Home Auto Ranch in the amount of \$289,236.00 for the Fleet Department (PO #5955)
- NWestco in the amount of \$32,694.28 for the Fleet Department (PO #5957)

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved employee status change form for:

- Luis Angel, Deputy Sheriff - Patrol

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- The Tower Grill to be used on 9/28/24 for the Durran wedding
- The Tower Grill to be used on 9/28/24 for the Bolinske wedding

## SEPTEMBER 2024 TERM

CALDWELL, IDAHO    SEPTEMBER 11, 2024

### APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- Legends Sports Pub & Grill to be used on 9/27/24 for the Winn wedding
- Legends Sports Pub & Grill to be used on 10/4/24 for the Elliott wedding
- Legends Sports Pub & Grill to be used on 10/6/24 for the Riley wedding
- Legends Sports Pub & Grill to be used on 10/11/24 for the Valdez wedding
- Legends Sports Pub & Grill to be used on 10/12/24 for the Jefferies wedding
- Legends Sports Pub & Grill to be used on 10/26/24 for the Sanches wedding
- Legends Sports Pub & Grill to be used on 11/2/24 for the Fino wedding
- Legends Sports Pub & Grill to be used on 11/9/24 for the Johnson wedding
- Legends Sports Pub & Grill to be used on 11/16/24 for the Hirsch wedding
- Legends Sports Pub & Grill to be used on 12/13/24 for the Agri-Lines Christmas party
- Legends Sports Pub & Grill to be used on 12/21/24 for the Knowles wedding
- Barley Pops to be used on 9/21/24 for the Paulson wedding
- Barley Pops to be used on 9/22/24 for the Hampton wedding

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

The Board met today at 10:02 a.m. with the HR Director to discuss general issues, set policy, and give direction, and to consider a resolution adopting a new job description template. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, HR Director Marty Danner, COO Greg Rast, Chief Civil Deputy PA Aaron Bazzoli, Deputy PA Zach Wesley, Controller Kyle Wilmot, and Deputy Clerk Monica Reeves. Director Danner said upon reviewing the County job descriptions she found them to be wordy and confusing to the candidate, so in trying to streamline and make things simpler she prepared a template that is simple, but informative and to the point and it will be customized to every position. Commissioner Van Beek said she likes the simplified form and she submitted one from the City of Nampa for comparison. There was discussion on her suggested edits to Director Danner's template pertaining to revision/effective date and the skills and abilities section. Commissioner Holton likes the language about clarity of speech and hearing and he spoke about the importance of effective communication. Director Danner will meet with Legal and look at what the City of Nampa has and make something more detailed and expand on what we have in our essential physical abilities. Commissioner Brooks said the introduction of the



Nampa job description is derailing what should be a benign acceptance of a resolution, and he said he supports what the HR Director has presented and is in favor of the resolution moving forward. Commissioner Holton said the first step is having boilerplate language that is common to all and there can be further discussion about the other nuances. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to sign the resolution approving a new job description template. (No. 24-168.) COO Rast asked if the rest of the directives on the small changes can be treated as an administrative matter. Deputy PA Wesley said yes, we have a process to adopt the individual job descriptions and as we go through the 900 positions, we can simplify them and bring them into the new standard and then bring them back. There will be an administrative portion and then a final action.

Director Danner gave an update on the following topics:

**Revamp of the Employee Status Change Form, and Review of Options Offered through ADP:**

- They had to revamp the form outside of the Sheriff's Office based on changes made in payroll.
- Recruitment module
  - She was tasked with looking into ADP and she has found somethings within ADP that could work for us better than what we currently have. The County currently uses Job Score as our recruitment tool but with more research they can identify if the Job Score is the right tool. She will obtain a cost estimate on adding the recruitment module through ADP.
- Performance review module for a County-wide performance review program. Hopes to bring a report to Board by the end of September.
- Through ADP she found a way to split out specialty pay
  - Starting October 1<sup>st</sup> specialty pay will be split out
  - HR will own the specialty pay portion and Auditing will pull it into payroll
  - CCSO leadership supports this
- The current status change form doesn't work for what they're going to do so HR altered it to include base pay, market adjustment, merit pay, and other; total requested pay; specialty pay for BOCC review; a notes section; and an increased font size. (This is not the form the Sheriff's Office will use.) The Board likes the new form.

Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to amend the agenda to consider the employee status change form approval and to give direction to HR to proceed with the new form as presented. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to approve the draft employee status change form as presented this morning and give HR the authority from the Board to use it as the official form.

(Deputy PA Wesley left at 10:43 a.m.)

### **Employee Handbook Update:**

- It's antiquated and Director Danner is looking forward to working on it with the Prosecutor's Office.
- There are policies that have to be rolled prior to the entire handbook being revamped. She created a pet policy for Legal review and it can be addressed at another meeting.
  - Commissioner Van Beek said the Courts have experience issues with people bringing birds, snakes, dogs and they have said you cannot bring anything in to court and so she was curious if Director Danner looked at that. Director Danner said Legal put together a policy about service animals in County buildings whether you are an employee or a visitor. Chief Civil Deputy PA Bazzoli said they looked at the ADA and some Supreme Court cases dealing with service animals as well as emotional support animals to make sure we are compliant with the law.
- COO Rast said there are three changes that need to be added to the handbook before we do a full revamp: new pet policy; years of service/prior employment; and vacation granted for recruitment.
- The update can be sent through ADP to all employees who will have to acknowledge they received it. The acknowledgements will be tracked by HR.

### **HR Support of the Ambulance District:**

Currently there is an agreement between the County and the Ambulance District where they are billed \$50 per hour based on the support they receive from their HR business partner. Director Danner said HR has pulled the average hours through 2024 and determined what they spend in time and she would like to move to a flat monthly fee of \$350 rather than tracking time. Commissioner Van Beek is in favor of that. COO Rast said the typical structure has been per fee, per hour because there are ebbs and flows on services. Director Danner said if the practice has been to bill hourly then HR will have a spreadsheet to track time and stay consistent with the rest of the County.

### **Climate Checks:**

Director Danner has done some climate checks in specific departments based on information that's come through the HR Department. She has spoken with multiple directors and elected officials and they are on board with HR doing climate checks which has let HR know where there are opportunities inside the office/department that will help guide a bimonthly training schedule for 2025 such as leadership, sensitivity, etc.

### **Exit Interviews:**

HR conducts exit interviews for every person that leaves in order to give the Board some insight on a monthly basis about why people are leaving the County. Currently, they do not do exit interviews for the Prosecutor's Office of the Sheriff's Office, although Director Danner believes they will be conducting exit interviews for the Sheriff's Office in the next month or so. COO Rast

said we should not have a process where a director or elected official does an exit interview before the person goes to HR, and said if we are trying to change the culture it should be going through HR to establish those trends and statistics and opportunities for leadership and sensitivity trainings. He asked if the Board wants to endorse that or leave it to discretion of the elected officials and directors. Commissioner Van Beek said the Board is the policymaker and the policy should be that the exit interview should lie with the HR professional team. Elected officials should not opt out of the process because it undermines HR. It's been brought up in public meetings and the Prosecutor has been very resistant to that and not open to any change. Commissioner Holton does not want anyone singled out and said there are other players involved, not just the Prosecutor. The Board can set any policy it wants and it seems illogical that an elected official or director is telling the Board what the procedure or policy will be for the County. He doesn't care what the Prosecutor's opinion is about an exit interview; he authorizes the paychecks for employees, not the Prosecutor, they are the Board's employee working for the Prosecutor. All employees will get an exit interview. Commissioners Van Beek and Brooks concur. Director Danner asked the Board to support HR and notify directors that no other exit interviews should happen prior to the HR interview. If they want to speak to the people afterwards or if their exiting employee wants to speak with them she doesn't see any issues with that; however, she doesn't want them to speak with their exiting employee before HR speaks with them.

#### **HR Appreciation Day:**

September 26 is HR Appreciation Day so the department will host an open house from 2-4 p.m. with cookies. Everyone from the County will be invited and she would like the Board to join.

#### **Vacancy Reports:**

HR will send monthly vacancy reports to the Board.

The meeting concluded at 11:05 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING: A REQUEST BY SHAWN AND RAE LYNN KELLEY FOR APPROVAL OF ALPINE VIEW ESTATES SUBDIVISION, CASE NO. SD2022-0056

The Board met today at 1:30 p.m. to conduct a public hearing in the matter of request by Shawn, and Rae Lynn Kelley, for approval of Alpine View Estates Subdivision, a three-lot subdivision served by a private road lot. The request includes a waiver of subdivision improvements such as sidewalks, gutters, street lighting, and landscaping. Present were: Commissioners Brad Holton and Leslie Van Beek, DSD Planning Supervisor Carl Anderson, DSD Principal Planner Dan Lister, Shawn Kelley, Rae Lynn Kelley, Constituent Services Director Aaron Williams, and Deputy Clerk Monica Reeves. Principal Planner Lister gave the oral staff report. The 4.12-acre parcel, R38194010A, is zoned to a "CR-R-1" (Conditional Rezone – Single Family Residential; one-acre average minimum lot size). The subject property is located at 24720 Harvey Road in Caldwell. On July 11, 2024, the Planning and Zoning Commission recommended approval of the request. The Board approved a conditional rezone request on May 6, 2024 which limited the development to three buildable lots. The development agreement approved as part of the approved rezone (CR2022-0033) requires a utility easement along Harvey Road to be established to ensure development does not impede the city's

ability to extend services to the area in the future. The plat shows a 10' utility easement along Harvey Road. Plat Note #4 states the different utilities that can be established within the easement including public utilities. Current access is via a 25' unmaintained right-of-way established by Drake Subdivision. The applicant proposes a private road, Kelley Lane to serve the three lots. The proposed private road does not meet County requirements. A private road must be located within a road lot (60' wide unless reduced through the director's decision to 50' wide). Lot 4, the private road lot, shall be dedicated to the highway district to make the total width of the right-of-way 50' or the 25' public right-of-way must be abandoned and shown within the private road lot as 50' wide. If the highway district determines the 25' right-of-way is adequate to provide access to the subdivision, then Lot 4 shall be removed. Irrigation water will be provided to each lot through a pressurized irrigation system owned and maintained by Drake Subdivision Homeowner's Association. The proposed irrigation complies with Black Canyon Irrigation District's letter. As a condition of approval, Black Canyon Irrigation District shall review the final plat and provide comment; and a water user's maintenance agreement between Drake Subdivision HOA and the proposed subdivision shall be recorded. There was a review of the agency and public comments.

### **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.
  - a. Black Canyon Irrigation District shall review the final plat to ensure all concerns in their comment letter (Attachment B & C) are addressed. Evidence of compliance shall be submitted to DSD prior to the Board's signature on the final plat.
3. Finish grades at subdivision boundaries shall match existing finish grades. Stormwater runoff shall be maintained on the subject property.
4. The development shall comply with Southwest District Health (SWHD) requirements. Evidence shall be SWDH's signature on the final plat.
5. The development shall comply with the requirements of the Highway District #4. Evidence shall be the Highway District's signature on the final plat.
  - a. Lot 4, the proposed road lot, shall either (1) be dedicated to the highway district to make the total width of the right-of-way 50', or (2) the 25' public right-of-way must be abandoned and shown within the private road lot as 50' wide. If the highway district determines the 25' right-of-way is adequate to provide access to the subdivision, lot 4 shall be removed.
6. The shared 60' wide access easement (unless reduced to 50' via an easement reduction application pursuant to CCZO Section 07-10-03(1) D) 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.

7. A water user's maintenance agreement between the subdivision and Drake HOA shall be recorded. The agreement with the instrument number shall be added as a plat note on the final plat.

8. Compliance with the international fire code and Fire district review of the access and turnaround is required. Evidence of compliance shall be submitted to DSD prior to the Board's signature on the final plat.

9. The recorded development agreement shall be referenced as a plat note on the final plat.

Following Planner Lister's report, the Board had follow-up questions for staff.

Shawn Kelley testified in support of his request and responded to questions from the Board regarding irrigation and access. Upon the motion of Commissioner Van Beek and the second by Commissioner Holton, the Board voted unanimously to close public testimony. Commissioner Van Beek said the case was well prepared and presented by staff and she appreciates the applicant's testimony. Commissioner Holton is satisfied with the conditions of approval. There was discussion with staff regarding a pre-annexation agreement and how the P&Z Commission did not require one. Upon the motion of Commissioner Van Beek and the second by Commissioner Holton, the Board voted unanimously to approve the preliminary plat for Alpine View Estates Subdivision, Case No. SD2022-0056, subject to the conditions of approval as outlined. The signed the FCO's are on file with this day's minute entry. The hearing concluded at 2:00 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2024 TERM  
CALDWELL, IDAHO SEPTEMBER 12, 2024

#### APPROVED CLAIMS

- The Board has approved the August jury claim in the amount of \$2,845.59
- The Board has approved the grand jury claim in the amount of \$3,436.23
- The Board has approved claims 609412 to 609413 in the amount of \$704.00

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Sam Dickinson, Deputy Prosecuting Attorney II - Criminal
- Christopher Wilcox, Deputy Prosecuting Attorney I, Limited License - Criminal
- Celena Romo, Legal Assistant II - Criminal
- Daisy Olmedo, Legal Assistant I - Criminal

## **DETAILED MINUTES TO FOLLOW**

### **Meeting with County Attorneys for a Legal Staff Update**

Action Items: Consider signing amendments to intergovernmental and joint powers agreements for the collection and expenditure of development impacts fees with the following districts:

- Caldwell Rural Fire Protection District
- Canyon Highway District No. 4
- Kuna Rural Fire District
- Marsing Rural Fire District
- Middleton Rural Fire District
- Nampa Fire Protection District
- Star Fire Protection District
- Wilder Rural Fire Protection District

Action Items: Consider signing intergovernmental and joint powers agreements for the collection and expenditure of development impacts fees with the following districts:

- Homedale Rural Fire Protection District
- Parma Rural Fire Protection District

### **Action Items: Consider Resolutions Approving New Alcoholic Beverage Licenses for:**

- Kindred Vineyards, LLC dba Kindred Vineyards
- Video Mexico Nampa, LLC dba Video Mexico Nampa (521 Caldwell Blvd., Nampa)
- Video Mexico Nampa, LLC dba Video Mexico Nampa (417 11th Avenue North)

## **DSD General Business**

### **PUBLIC HEARING - A REQUEST BY DANIEL CALDWELL FOR SHORT PLAT APPROVAL OF BASIN VIEW SUBDIVISION #2, CASE NO. SD2022-0053**

The Board met today at 1:40 p.m. to conduct a public hearing in the matter of a request by Daniel Caldwell for approval of a short plat for Basin View Subdivision #2, Case No. SD2022-0053. The result divides Block 1, Lot 1 of Basin View Subdivision into two lots. The request includes a waiver of subdivision improvements. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Principal Planner Dan Lister, DSD Planning Supervisor Carl Anderson, Daniel Caldwell, and Deputy Clerk Monica Reeves. Principal Planner Dan Lister gave the oral staff report.

The property is zoned “R-R” (Rural Residential, two-acre average minimum lot size), and is located at 217 S. McDermott Road in Nampa (Parcel R30606100). It is located in the Nampa area of City Impact. Nampa Subdivision requirements must be met unless waived per CCCO §09-11-19(6). Comments from Nampa Engineering did not find the proposed subdivision inconsistent with the City subdivision requirements. The city deferred subdivision improvements. The County will not sign a final plat, or authorize the plat to be recorded, before the city engineer's signature is on the plat. The subject parcel has frontage and driveway access onto McDermott Road. A 60’ easement is proposed along the north boundary as a shared driveway. The existing shared access located along the south boundary will continue to serve Lots 2 and 3 of Basin View Subdivision approved in 2018. The owner does not want to make the access a private road which requires the easement to be a road lot. Therefore, secondary dwellings or inhabited structures other than a primary dwelling on each lot are prohibited. Additionally, a road user’s maintenance agreement shall be recorded before the approval of the final plat. There was a review of agency comments. The Planning & Zoning Commission heard the case at a public hearing held on July 11, 2024. After deliberation, the Planning & Zoning Commission recommended approval with 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 unless approved by the irrigation district.
3. Finish grades at subdivision boundaries shall match existing finish grades. Stormwater runoff shall be maintained on the subject property.
4. The development shall comply with Southwest District Health (SWHD) requirements. Evidence shall be SWDH’s signature on the final plat.
5. The development shall comply with the requirements of the Nampa Highway District. Evidence shall be Nampa Highway District’s signature on the final plat.
  - a. Per CCCO §07-11-19(5), the county will not sign a final plat, or authorize the plat to be recorded, before the city engineer's signature is on the plat.
6. Compliance with the international fire code and fire district review of the access and turnaround is required. Evidence of compliance shall be submitted to DSD prior to the Board's signature on the final plat.
7. The shared 60’ wide access easement shall have a recorded road user’s maintenance agreement in accordance with CCZO §07-10-03(1)B3. The agreement with the instrument number shall be added as a plat note on the final plat.

8. Secondary dwellings or inhabited structures other than a primary dwelling on each lot are prohibited unless the subdivision is amended to include a road lot and a private road is established.

Daniel Caldwell testified in support of his application. The property has been in his family for a lot of years and he is still farming a piece of it. He split the first 7 acres from his parents and he completed all of the road work. There is ample room and road base for turnaround.

Commissioner Van Beek had questions regarding the engineer's review and access, specifically the driveway. Planner Lister said staff has received the required information and they were able to amend the plat which is what has been presented today. With regard to the driveway, he said this is the only division the Caldwells can have under the current zone, and their access is consistent with the City of Nampa's regulations; it is wide enough to accommodate future access roads. Upon the motion of Commissioner Holton and the second by Commissioner Brooks, the Board voted unanimously to close public testimony. Following the Board's deliberation, Commissioner Brooks made a motion to approve the preliminary plat for Basin View Subdivision No. 2, Case No. SD2022-0053, subject to the conditions of approval. The motion was seconded by Commissioner Van Beek and carried unanimously. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to adjourn. The hearing concluded at 2:01 p.m. An audio recording is on file in the Commissioners' Office.

SEPTEMBER 2024 TERM  
CALDWELL, IDAHO    SEPTEMBER 13, 2024

#### APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for:

- 4T Sports Bar to be used on 9/22/24 for the Tellez Horseraces

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Uplift Desk in the amount of \$6372.00 for the Facilities department (PO #6025)

#### MEETING WITH THE HARTWELL CORPORATION TO DISCUSS THE 2024/2025 RENEWAL TERMS

The Board met today at 11:37 a.m. with The Hartwell Corporation to discuss the 2024/2025 renewal terms. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Zach Wesley, Clerk Rick Hogaboam, Brian Baughman and Shannon Kinney with The Hartwell Corp. and Deputy Clerk Jenen Ross.

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



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

Commissioner Van Beek made a motion to go into Executive Session at 11:38 a.m. pursuant to Idaho Code, Section 74-206(1) (d), (f) and (i) regarding records exempt from public disclosure, to communicate with legal counsel regarding pending/imminently likely litigation and to communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner 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. Aaron Bazzoli, Deputy P.A. Zach Wesley, Clerk Rick Hogaboam and Brian Baughman and Shannon Kinney with The Hartwell Corp. The Executive Session concluded at 12:44 p.m. with no decision being called for in open session.

At the request of Commissioner Holton, Mr. Baughman provided a brief synopsis stating that there is a 12.3% premium increase this year and the county will be staying with the carriers of Travelers/Munich Re, Tokyo Marine. There was an option to decrease the premium thru a deductible, however, Mr. Baughman and Ms. Kinney do not feel that is the best move for the county at this time.

The Board is in favor of the recommendation made by The Hartwell Corporation and provided support for a formal proposal/contract to be prepared and forwarded to legal for review followed by Board consideration.

Commissioner Brooks motioned to adjourn the meeting at 12:47 p.m. The motion was seconded by Commissioner Van Beek and carried unanimously. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

SEPTEMBER 2024 TERM  
CALDWELL, IDAHO    SEPTEMBER 16, 2024

APPROVED CLAIMS

- The Board has approved claims 609414 to 609455 in the amount of \$16,707.70
- The Board has approved claim 609456 ADV in the amount of \$2,800.00

SEPTEMBER 2024 TERM

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Northwest Land Services in the amount of \$5,600.00 for the Development Services department – Code Enforcement (PO #6094)

#### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- William Brust, Emergency Communications System Administrator I
- Melody McCombs, Deputy Prosecuting Attorney I – Criminal
- Kitt Gorman, Inmate Control – Deputy Sheriff
- Christopher J. Wilcox, Deputy Prosecuting Attorney I – Criminal
- Monica Lucille Frasier, SILD Customer Service Specialist
- Chelsie Jean Engle, Dispatch Customer Service Specialist
- Delia Hanes, Deputy Prosecuting Attorney (reinstate on-call pay)

#### DETAILED MINUTES TO COME AT A LATER TIME

Meeting with County Attorneys for a Legal Staff Update

- Action Item: Consider Resolution Approving a New Alcoholic Beverage License for Bi-Mart Corp. dba Bi-Mart #628 - Amended to continue this action item to 11:30 a.m.
- Action Item: Consider Services Agreement (Crimestoppers) with Crime Stoppers of Southwest Idaho
- Action Item: Consider Engagement of Services with Mark Pomykacz and Federal Appraisal, LLC for appraisal and related services regarding the CF Hippolyta/Amazon litigation
- Action Item: Consider Agreement for Legal Services with William D. Shepherd, P.A. regarding the CF Hippolyta Nampa LLC/Amazon litigation
- Action Item: Consider Legal Notice of Public Hearing for Assessor's Fee Increases for Title & Registration Administrative Fees

#### **DSD General Business**

AMENDED AGENDA: Continued Action Item: Consider Resolution Approving a New Alcoholic Beverage License for Bi-Mart Corp. dba Bi-Mart #628

Public Hearing: Request by Tanner Verhoeks of Haven Idaho for a Conditional Rezone of approximately 43.95 acres, from an “A” (Agriculture) to a CR-R-1 (Conditional Rezone – R-1 Residential) zone, Case No. CR2022-0005

SEPTEMBER 2024 TERM

CALDWELL, IDAHO SEPTEMBER 18, 2024

#### APPROVED CLAIMS

- The Board has approved claims 609542 to 609582 in the amount of \$180,234.11

#### PUBLIC HEARING: REQUEST BY JOE RUMSEY FOR APPROVAL OF A PRELIMINARY PLAT, IRRIGATION AND DRAINAGE PLAN FOR HORNET COVE SUBDIVISION, CASE NO. SD2022-0024

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of a request by Joe Rumsey, for approval of the preliminary plat, and irrigation and drainage plan for Hornet Cove Subdivision, a seven (7) residential lot development with an average lot size of 2.08 acres, Case No. SD2022-0024. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Principal Planner Deb Root, DSD Planning Supervisor Carl Anderson, Joe Rumsey, Terrel McHenry, and Deputy Clerk Monica Reeves. Principal Planner Deb Root gave the oral staff report. The subject property consists of 16.19 acres, Parcel R37877011B is zoned “R-R” (Rural Residential) and is located on Monarch Road, 200 feet south of the intersection of Swallowtail and Monarch Roads in Middleton. The property is zoned rural residential, there were no restrictions on secondary residences therefore the current lot configuration could potentially end up with 14 houses and staff recommended the road be paved for that reason. The Notus-Parma Highway District approved the access location for the proposed private road, Yellow Jacket Lane to Monarch Road. Monarch Road serves the adjacent development, Butterfly Ridge. Yellow Jacket Lane is proposed to be a private gravel road. Seven lots have entitlements for 14 total residences under the current zoning code and exceeding the potential 100 average daily trips. The applicant has proposed deed restrictions and/or a final plat note as paving of the road is a barrier to development for him. The County Engineer indicated that the drainage plan for the roadside swales should provide for erosion control details with rock dams as part of the measure to slow velocities. A crossing agreement is required for Lot 5, Block 1 to access the portion of the lot south and east of the buried lateral-CGE 1.1-4.3-0.2. The property is located within Black Canyon Irrigation District (BCID) boundaries and surface water rights are available to the property. The rights have not been forfeited or transferred in accordance with state statute requirements. A challenge with the irrigation plan is the open ditches running to supply and drain both sides of the road; it will require a two-culvert access to every lot to contain the stormwater drainage and one for irrigation, either drainage or supply. The plat is in substantial conformance with the

requirements of the preliminary plat submittals, but there are many things that need to be addressed during the construction drawing phase. The P&Z Commission recommended approval with conditions. Following her report, Ms. Root responded to questions from the Board.

Joe Rumsey testified in support of his request and said the parcel is a poor piece of land that cannot be farmed and it does not irrigate very well and the only thing he can do is put houses on it. Paving of the road will be a deal breaker for him which is why he signed a deed restriction to limit the development to seven residences which kept him below the threshold to asphalt the road. County code allows someone to potentially build another house but he could have CC&R's that require anyone who wants a secondary residence to pave the road ahead of them and beyond their driveway. He initially had problems locating the laterals but it has been resolved. They have a crossing agreement on one road and are waiting for the final plat for the crossing agreement for the other lot.

Planner Root said when staff took the application to the P&Z Commission there wasn't a deed restriction. Rural residential zoning provides for secondary residences on parcels that can meet the requirements of the code and other agencies, therefore, staff required compliance with the private road and driveway code and they recommended paving and the P&Z Commission upheld that recommendation. Mr. Rumsey recorded the deed restriction after the P&Z Commission hearing and so the Board needs to determine if it wants to place restrictions on the development indicating the deed restriction is sufficient to only have seven homes. She noted deed restrictions are difficult for staff to catch or enforce and they are easily missed. It could be a final plat note, or a deed restriction, or it can be in the CC&R's.

Commissioner Holton asked about having a development agreement to close the door for accessory dwelling units or lot divisions in the future. DSD Planning Supervisor Anderson said the applicant received a straight rezone which is why staff recommended the road be paved at time of the plat because it was entitled for up to that secondary residence. The staff report outlines some options as alternatives to the road paving. Commissioner Holton asked Mr. Rumsey if he is opposed to paving the road even though it has a 10% grade? Mr. Rumsey said it would be cost prohibitive to pave the road and he would not be able to proceed further if he has to pave it and it will complicate things a great deal which is why he prefers a deed restriction.

Terrel McHenry testified in opposition to the request due to concerns about overpopulation, traffic issues, and light pollution. He said Mr. Rumsey wrote a letter of intent 2-3 years ago for one house per four acres, but now it's down to two acres. The countryside is gorgeous and being decimated by overpopulation and development and he is very concerned about the destruction of the wildlife habitat. He believes overpopulation and additional wells will destroy the environment and the quality of life.

Joe Rumsey offered rebuttal testimony and said all traffic is on Monarch Road, not Goodson Road; and for his ingress/egress, all traffic will go up to Monarch Road. He said the lights and traffic on Farmway Road are no reflection on what is occurring on the subject property and it's

unlikely that seven houses will make a big difference in the lighting situation that Mr. McHenry referenced.

Upon the motion of Commissioner Holton and the second by Commissioner Brooks, the Board voted unanimously to close public testimony. Commissioner Van Beek said she has a difficult time varying from the P&Z Commission's conditions of approval. Having the road system inconsistent with the access point is not advantageous to those who would buy there, and she is not in favor of a gravel road. There are questions about whether the project is entitled to 14 homes or 7 homes. Commissioner Holton has concerns about the irrigation and drainage issues. Commissioner Brooks said the applicant's letter stated they were going to petition the irrigation district to relinquish the water rights and so he is confused with the plan to have multiple culverts if we're not going to have water going to the lots. Planner Root said the applicant has had ample time to work with the irrigation district to relinquish those rights but he has not done so and therefore he had to have the irrigation plan in place and he chose to have it as an open surface ditch rather than a pressurized irrigation plan. Because of the accesses and how each lot has to be provided water lends itself to a different system, but that is not what was proposed and the plat complies with the state statute and County code for irrigation. It's challenging to think each individual lot owner will be able to utilize the irrigation. Commissioner Van Beek said this is minimally compliant and there has to be a better design. She said the Board could impose a condition that either a pressurized irrigation system be provided prior to submission of the final plat, and/or that proof of relinquishing the water rights back to BCID. The water rights are currently being sold to farmers downstream. Commissioner Brooks is okay with what staff has presented as far as limiting the development to seven residences, and he is okay with a gravel road because potential buyers will choose whether they want to live there with a road that is not paved. He also supports a condition for a pressurized irrigation system. Commissioner Holton said they have encroached into the 60-foot irrigation easement and that's a flawed detail. Planner Root requested the Board table the hearing to fix some issues and verify with BCID that there is an encroachment. Commissioner Holton does not want to approve a gravel road with a 10% grade; the road should be paved. Commissioner Van Beek doesn't want to hear this again unless the resources are there to provide the infrastructure that's going to carry this project into the future.

DSD Planning Supervisor Anderson summarized the issues the Board wants the applicant to address with their representative/surveyor or with DSD staff:

1. Paving of the road and the options available there; staff will explore with Legal the option for development agreement further beyond the rezone.
2. Encroachment of the turnaround into Black Canyon Irrigation District's easement; the applicant needs to work with BCID to ensure that it's outside of the easement.
3. Exploration of either a pressurized irrigation system or relinquishment of the water right, etc.

Commissioner Holton said there is a water problem out there so he does not want to give up irrigation rights on the lots and tell people to pump on their domestic well because he is sensitive about domestic wells sucking up the aquifer. Mr. Anderson recommends continuing the hearing

to a date uncertain and have the applicant reach out to DSD staff within 90 days. Commissioner Holton made a motion to continue the hearing to a date uncertain to allow for staff to receive additional information on the areas of concern as delineated by DSD Planning Supervisor Carl Anderson. The applicant shall provide a status update to DSD staff within 45 days. The motion was seconded by Commissioner Brooks and carried unanimously. The hearing concluded at 2:40 p.m. An audio recording is on file in the Commissioners' Office.

### DETAILED MINUTES TO FOLLOW:

Executive Session pursuant to Idaho Code, Section 74-206 (1) (d) and (f), records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation

Executive Session pursuant to Idaho Code, Section 74-206 (1)(e) to consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations

SEPTEMBER 2024 TERM  
CALDWELL, IDAHO    SEPTEMBER 19, 2024

### APPROVED SEPTEMBER 20, 2024 PAYROLL

- The Board approved the September 20, 2024 payroll in the amount of \$2,446,865.33

### APPROVED CLAIMS

- The Board has approved claims 609457 to 609488 in the amount of \$38,738.71
- The Board has approved claims 609489 to 609541 in the amount of \$373,361.19
- The Board has approved claims 609583 to 609624 in the amount of \$115,238.29
- The Board has approved claims 609625 to 609665 in the amount of \$243,558.07
- The Board has approved claims 609666 to 609699 in the amount of \$51,373.46
- The Board has approved claims 609700 to 609716 in the amount of \$11,885.00
- The Board has approved claim 609717 in the amount of \$3,200.00
- The Board has approved claims 609718 to 609755 in the amount of \$357,952.21
- The Board has approved claims 609756 to 609796 in the amount of \$268,157.04
- The Board has approved claims 609797 to 609824 in the amount of \$196,451.89
- The Board has approved claims 609825 to 609826 in the amount of \$357.00
- The Board has approved claims 609827 to 609848 in the amount of \$66,854.20

### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Greg Himes, Chief Deputy Assessor
- Colleen Lorenz, Temporary Hire for Elections Office

### Meeting to consider matters related to Indigent Services

- Action item: Consider approval/denial of indigent decisions and signing of liens

### Meeting with County Attorneys for a Legal Staff Update

- Action Item: Consider Treasure Valley Digital Forensic Task Force Cost Share Agreement for Cellebrite Pathfinder and Guardian Software
- Action item: Consider a Resolution Designating Polling Locations for the November 5, 2024 Election

### Meeting to Consider Certification of Levy Rates

- Action Item: Consider a Resolution to Set Tax Levy Rates for all Taxing Districts in Canyon County

### Meeting with HR regarding FY2025 Compensation

- Action Item: Consider Resolution Approving FY2025 Compensation and Employee Salaries

### APPROVED EMPLOYEE STATUS CHANGE FORMS - FY2025 COMPENSATION

The Board approved employee status change forms for FY2025 market adjustments for the **Assessor's Motor Vehicle Department:**

- Norma Centeno, Customer Service Specialist
- Jennifer Zapata, Customer Service Specialist
- Penelope Martinez, Customer Service Specialist
- Victoria Hampton, Sr. Customer Service Specialist
- Lola Andrews, Assistant Motor Vehicle Supervisor
- Cassandra Bertram, Assistant Motor Vehicle Supervisor
- Kimbra Asqueta, Motor Vehicle Supervisor
- Mary Miller, Customer Service Specialist
- Cortney Bravo, Customer Service Specialist
- Brenda Barrie, Customer Service Specialist
- Kellie Arte, Customer Service Specialist

- Melicah Andersen, Customer Service Specialist
- Colyn Young, Customer Service Specialist
- Heather Burton, Customer Service Specialist
- Mikaela Watkins, Customer Service Specialist
- Rebecca Brumbelow, Customer Service Specialist
- Misty Mitchell, Customer Service Specialist
- Kelsey Oviedo, Customer Service Specialist
- Jaycee Aldous, Customer Service Specialist
- Ashley Jordan, Customer Service Specialist
- Aubree Hernandez, Customer Service Specialist
- Amber Smith, Sr. Customer Service Specialist
- Ryki Bowen, Customer Service Specialist
- Tiffany Avila, Customer Service Specialist

The Board approved employee status change forms for FY2025 market adjustments/COLA/specialty pay for the **Assessor's Reappraisal Department**:

- Paul Prohl, Sr. Certified Property Appraiser
- Nicole Conrad, Sr. Certified Property Appraiser
- Burke Romans, Sr. Certified Property Appraiser
- Tracy Golder, Sr. Certified Property Appraiser
- Kenneth Allen, Sr. Certified Property Appraiser
- Kathy Kinney, Sr. Certified Property Appraiser
- Geraldine Tallabas, Sr. Certified Property Appraiser
- Joan Irby, Sr. Certified Property Appraiser
- Brett Hartley, Sr. Certified Property Appraiser
- Kenneth Walters, Sr. Certified Property Appraiser
- Norma Jimenez, Certified Property Appraiser
- Dawn Houghton, Sr. Certified Property Appraiser
- Autumn Wall, Sr. Certified Property Appraiser
- Katrina Ponce, Sr. Certified Property Appraiser
- Roger Craig, Certified Property Appraiser Supervisor
- Darryl Speiser, Sr. Certified Property Appraiser
- Kevin Sorensen, Sr. Certified Property Appraiser
- Mike Cowan, Certified Property Appraiser Supervisor

The Board approved employee status change forms for an FY2025 market adjustment for the **Constituent Services Department**:

- Chad Thompson, Communications Specialist



The Board approved employee status change forms for FY2025 market adjustments/breaking specialty pay from base pay/adding on-call pay for the **Clerk's Office**:

- Jennifer Odom, Case Manager
- Kellie George, Case Manager
- Yvonne Baker, Director of Indigent Services
- Pam Freeman, Sr. Audit Specialist
- Emily Howell, Recording Supervisor
- Mary Brown, Recorder/Passport Specialist
- Haley Hicks, Office Manager
- Jess Urresti, Director of Court Operations and Chief Deputy Clerk
- Kathi Cannon, Court Clerk III
- Marah Meyer, Court Clerk Lead
- Nicole Beverlin, Court Clerk II

The Board approved employee status change forms for FY2025 market adjustments/COLA/addition of on-call pay/jail specialty pay for the **Facilities Department**:

- Rickey Britton, Director of Facilities and Weed and Pest
- Melissa Gonzalez, Housekeeper
- Amy Kindberger, Housekeeper
- Brandon Lancaster, Housekeeper
- Sonia Juarez, Housekeeper
- Hayli Marcilliat, Housekeeper
- Ruth Natibura, Housekeeper
- Bianca Bustamante, Housekeeper
- Audiri Clausen, Housekeeper
- Elidia Housekeeper
- Tina Jones, Housekeeping Supervisor
- Edmundo Campos, Journeyman Electrician
- Bradley Banks, Journeyman HVAC
- Brian McClure, Maintenance Specialist
- Kelly Gardner, Maintenance Specialist
- Jose Carranza, Maintenance Specialist
- Dustin Moore, Maintenance Specialist
- Guy Bollinger, Maintenance Specialist
- Jeffrey Foreman, Maintenance Supervisor
- Jamie Toledo, Maintenance Supervisor
- Joel Barroso, Maintenance Technician
- Kenneth Chase, Maintenance Technician
- Chad Shumaker, Maintenance Technician
- Mark Ehrman, Maintenance Technician II

- Leslie Johnson, Security Supervisor
- Brandon Barker, Maintenance Specialist
- Garret-Cade Saucedo, Maintenance Technician
- Jacob Stuart, Maintenance Technician
- Maurissa Baxter, Housekeeper
- John Smith, Maintenance Technician
- Corey Hull, Maintenance Technician
- Jordan French, Maintenance Technician
- Matthew Vermon, Maintenance Technician
- Nolen Fisher, Maintenance Technician
- Nathaniel Campbell, Maintenance Technician
- Anthony Cassinelli, Maintenance Technician

The Board approved employee status change forms for on-call pay for the **Fleet Department**:

- Michael Thompson, Lead Shop Technician
- Ryan Magee, Shop Technician
- Deena Stephens, Service Writer
- Gino Furiani, Shop Technician
- Mark Hutson, Shop Technician
- John Brandel, Shop Technician

The Board approved employee status change forms for FY2025 market adjustments for the **Human Resources Department**:

- Daisy (Demi) Etheridge, HR Business Partner
- Jennifer Allen, HR Business Partner
- Cindy Lorta, HR Business Partner
- Rich Soto, HR Business Partner

The Board approved employee status change form for an FY2025 market adjustment for the **Information Technology Department**:

- Jairo Rodriguez, Operations Manager

The Board approved employee status change forms for FY2025 market adjustments for the **Juvenile Probation Department**:

- Hannah Heaton, Juvenile Probation Officer I
- Sydney Brown, Juvenile Probation Officer I

The Board approved employee status change forms for FY2025 market adjustments and COLA for the **Solid Waste Department:**

- David Loper, Solid Waste Director
- Lead Durfee, Heavy Equipment Officer
- Kip Wiemers, Environmental Compliance/Safety Operator
- Charles Manery, Hazardous Waste Screener
- Joshua Jameson, Heavy Equipment Mechanic
- Cole Morris, Hazardous Waste Screener
- Henry Briggs, Hazardous Waste Screener/Heavy Equipment Operator
- Guillermo Almaraz, Hazardous Waste Screener/Heavy Equipment Operator
- Julio Luna, Heavy Equipment Operator
- Chet Teats, Lead Landfill Heavy Equipment Operator
- Eric Eskew, Heavy Equipment Operator
- Clyde Alexander, Hazardous Waste Screener
- Rider Hofer, Heavy Equipment Operator
- Justin Hutton, Heavy Equipment Operator

The Board approved employee status change forms for FY2025 market adjustments/COLA for the **Trial Court Administrator's Office:**

- Christina Jeffes, Jury Commissioner
- Shelby McCain, Officer Administrator
- Tony Salazar, Lead Court Assistance Officer
- Trevor Lenz, Staff Attorney
- August Cahill, Staff Attorney
- Kaylee Mazo, Staff Attorney
- Robert Johnathan Shirts, Staff Attorney
- Alexa Medema, Sr. Staff Attorney
- Maraya Hanson, Staff Attorney

**Action Item: Consider Resolution Approving Employee Appreciation Days for FY2025**

\*THIS ITEM WAS CONTINUED TO A DATE UNCERTAIN\*

SEPTEMBER 2024 TERM  
CALDWELL, IDAHO SEPTEMBER 20, 2024

## CITY OF NAMPA WATER RENEWAL FACILITY TOUR

The Board toured the City of Nampa Water Renewal Facility today from approximately 2:00 p.m. to 3:30 p.m. The facility is located at 340 W. Railroad Street in Nampa. No Board action was required or taken.

## Action Item: Consider Resolution Approving Changes to the Job Title of Three Positions and the Job Title and Salary Range of One Position in the Development Services Department

SEPTEMBER 2024 TERM  
CALDWELL, IDAHO    SEPTEMBER 23, 2024

## COMMISSIONERS ATTENDING THE IDAHO ASSOCIATION OF COUNTIES CONFERENCE

Commissioners Brooks and Holton attended the Idaho Association of Counties Conference which was held at the Boise Centre, 850 W. Front Street, Boise, Idaho.

SEPTEMBER 2024 TERM  
CALDWELL, IDAHO    SEPTEMBER 24, 2024

## COMMISSIONERS ATTENDING THE IDAHO ASSOCIATION OF COUNTIES CONFERENCE

Commissioners Brooks and Holton attended the Idaho Association of Counties Conference which was held at the Boise Centre, 850 W. Front Street, Boise, Idaho.

## APPROVED CLAIMS

- The Board has approved claims 609849 ADV in the amount of \$325.00

SEPTEMBER 2024 TERM  
CALDWELL, IDAHO    SEPTEMBER 25, 2024

## COMMISSIONERS ATTENDING THE IDAHO ASSOCIATION OF COUNTIES CONFERENCE

Commissioners Brooks and Holton attended the Idaho Association of Counties Conference which was held at the Boise Centre, 850 W. Front Street in Boise, Idaho.

SEPTEMBER 2024 TERM  
CALDWELL, IDAHO    SEPTEMBER 26, 2024

### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Consolidated Supply in the amount of \$9,692.80 for the Solid Waste Department (PO #6095)
- AVI Systems, Inc., in the amount of \$34,285.72 for the Information Technology Department (PO #6082)
- Paessler AG in the amount of \$7,677.46 for the Information Technology Department (PO #6083)
- Motorola Solutions in the amount of \$56,092.10 for the Sheriff's Office (PO #6098)
- OCV, LLC in the amount of \$10,995.00 (PO #6097)

### APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Jordan Christopher Romeri, Deputy Sheriff - Inmate Control - 51003
- Alex Anthony Mercado, Sr. Radio Communications Engineer

### DETAILED MINUTES TO FOLLOW

#### Meeting with County Attorneys for a Legal Staff Update

- Action Item: Consider Resolution Terminating Public Defense Expenses and Contracts
- Action Item: Consider resolution reappointing Doug Amick to the SWAC
- Action Item: Consider Independent Contractor Agreement for Court Appointment Counsel with Rondee Blessing, Joshua Taylor, Alexa Perkins, Bethany Harder, Jolene Maloney, Krista Howard, Jeffrey Nielson, Shawn Miller, and CK Quade Law
- Action Item: Consider EagleView Master Services Agreement
- Action Item: Consider Emergency Operations Plan Consultant Agreement with High Focus, LLC

- Action Item: Consider binding insurance coverage with Travelers, Munich RE, Landmark American, and Tokio Marine/HCC
- Action Item: Consider approving and signing retail sales agreement with AVI Services
- Action Item: Consider Signing Notice of Publication of FY2024 Budget Adjustments

## DSD GENERAL BUSINESS

The Board met today at 10:48 a.m. to discuss DSD general business. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Director Sabrina Minshall, DSD Assistant Director Jay Gibbons, DSD Planning Supervisor Carl Anderson, DSD Office Manager Jennifer Almeida, DSD employees, Constituent Services Director Aaron Williams, COO Greg Rast, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 10:52 a.m. Director Minshall said over the last couple weeks they have discussed agriculture and rural living and what it looks like as well as coming back to the other state ordinances. However, they are trying to get to the scope of what the comprehensive plan is and where we are going to focus and what ordinances we are going to update. One of the pivot points is how does the County want to proceed, and a couple of key questions related to the area of city impact (AOCI). There has been great feedback from the two big cities and there was strong recognition from those conversations that we have dueling comprehensive plan visions. We want better predictability of what land use patterns look like and how we are looking at growing in impact areas. There are examples of past decisions where rural residential was approved in an area that a city was not far from serving in a couple years and that decision ended up blocking areas of annexation or blocking plans where the city was extending sewer and water lines.

Questions from DSD staff:

1. At what level do we want to engage in the cities' negotiation of those areas of impact, and what kind of level of evidence and true negotiation discussions do we want to have in terms of how to determine if the cities can have the ability to serve within 5 years?
2. Is the Board supportive of staff exploring more of how to utilize the cities' comprehensive plan designations, city ordinances, and how to incorporate that into our area of impact agreements?

Assistant DSD Director Jay Gibbons referenced impact area maps that have been submitted and reviewed in previous DSD meetings. The AOCI boundary is a transition zone and we need a better definition because from a city/county perspective we look at agriculture in a different way and subdivisions mean a different thing because of the density differences. Are we working with the city to achieve their goals or are we going to hold out for a lengthy transition period instead of working with the cities? Planners need to know what the Board's direction is. He referenced another map that shows the current comp plan vs. the older comp plan that illustrates what is currently shown and previously shown as agriculture as well as the areas outside the city limits that were commercial, industrial, residential. We need to figure out what the County's vision is

going forward on how to provide leadership and consistency with the landowners in those areas. What vision are we implementing? We need to work with the smaller cities are just as much as the larger cities. How much time do we spend with them and what do we bring back to the Board with regard to implementation plans?

Commissioner Van Beek said it's a hard conversation because there are people who don't want to live in high-density urban areas, but some city leaders have said the County should not be approving any subdivisions at all, although she is not sure that is the right answer. How do we tackle setting a vision for the County? Commissioner Holton said the joint powers agreement between the County and the cities hasn't been explored as well as it could have been, and this will force the County to consider the new options that the lion's share of the communities haven't taken advantage of. He believes the legislation has placed the County in a paradigm that is illogical. A 5-year window for Caldwell and Nampa is far more attainable than a 5-year goal for the rest of the small cities. HB389 is ravaging our budget but that doesn't mean we shouldn't have long-range planning; there is more to long-range planning than a 5-year window of providing utilities. The people who want to buy open space lots are not interested in living in the city limits and yet how do you do that without having separate land use ordinances you can agree to with the cities in the area of impact? He said at a recent IAC conference, the presenter was trashing Canyon County and how it's handled development, but the presenter was way off base because the majority of the development he is so angry about is within municipalities. There are things you can do to mitigate that such as transfer of development rights or setting aside land that is going to be dedicated for agricultural use only, but people want top dollar for their land. His preference would be to go to a two-mile city buffer rather than one mile because the small cities with expensive utilities need to do long-term planning and those developers who want the rural feel but want to be close to the city need to participate in bringing utilities to those developments. We owe it to the citizens to make land development as plannable as possible.

Commissioner Van Beek said we are 50 years behind in looking at TDR's and if you look at the one-mile and the two-mile city buffer and the difference between the 2030 comp plan and the older comp plan, the parcel identification on the buffer is really telling, for instance, when you look at divisions of parcels in the Melba area it's wide open ag, and it's curious to her that on the Gem County line you go from conservation open space to agriculture where it's poor ground. We might be overlooking the needs of the little cities in their long-range development and so in the planning effort we could say there have to be rural development allowances for the easements but even with that there are subdivisions that have come before the Board where easements have been planned for and built right over the top of. Director Minshall said if there is an assumption that AOCI boundaries are negotiated and make sense what does that mean for a property owner to be in an area of impact in terms of land use vision if we assume that there is an ability to serve within a reasonable 5 to 10-year period? Commissioner Van Beek wants to see an agreement on architectural overlays and designs for communities. How does the County assist? She doesn't want to give up ground if it's going to turn into something that is undesirable. We're talking about an economic commodity and if you want it you should buy it. We need standards in the city and the County that say if we repurpose this because we believe the highest and best use is this, then

we have a standard of development that perpetuates good things into the future and right now that is missing in some cities.

As to staff's question about what level does staff engage with the cities in negotiating and requiring evidence of meeting the criteria for the new areas of impact boundaries, Commissioner Holton said Parma, Notus, Greenleaf, Wilder and Melba do not have staff that handles this topic, but Star, Caldwell and Nampa have fulltime staff so it's two different issues and it's not fair or equitable for the County to spend a great deal of time with those three cities. Middleton is in a transition and they need to figure it out, it's not for the County's to figure out. There is a divergence of priorities and goals for DSD to deal with this new criteria we must meet. As to staff's question of whether the Board is supportive of utilizing the cities' comprehensive plan designations in the AOCI, he said his answer would be no because it would be arduous for the small communities to put together and they were not put together with the Todd Lakey bill being forced upon them and so there was no vision or consideration of that when those plans were put together. It would only be fair for those cities to reconsider their comprehensive plan and update that inconsideration of the new reality we're going to find ourselves in. Nampa and Caldwell have plenty of resources to figure out what they are going to do. There is no economic consideration in comparison to Nampa and Caldwell because the other communities do not stand a chance because they don't have state-driven consideration. Small communities aren't even at the table and the County needs to consider that because we are the only ones with the resources to help them. To have County rules right up against a city limit is not reality and it's convoluted. Over time there are islands of higher density and lower density and they are inconsistent moving further way from city limits. He looks forward to addressing the shortcomings that could be mitigated through the process. Commissioner Van Beek agrees with Commissioner Holton's position on staff's questions, and she wants to look at the joint powers agreements. If there is not an agreed upon standard and we still have the trump card for what happens in an area of impact she wants to be able to say here is the reason we are setting a standard, we'll help you get there if you're smaller community. (She left the meeting at 11:29 a.m. to attend a luncheon event.)

Commissioner Brooks questioned where the idea came from where the County sits and waits for the cities to grow and take over County ground? Director Minshall said in the law if you are in an AOCI, it is planned to be city. If you have an AOCI that says it's going to be city but yet can't get it to be city then the reverse is you have people wanting to apply and go through a process when it will stay County rural. Commissioner Brooks said the Board hears from city leaders where they want to move out, but others are mad that the County allowed ground to be annexed into the city and developed at densities that are akin to city developments. The law appears to blanket cover all cities, but there are disparities between the cities in Canyon County. The new comp plan comes across as a hammer to keep the cities where they are at which is unrealistic, but at the same time he doesn't see himself in a position where he has to kiss the ring of a city that wants to do whatever it wants. As to staff's second question, he said there needs to be negotiation. Commissioner Holton said the County has no authority on any municipality annexing ground. If a municipality wants to annex, it's nice to coordinate and have it within an area of impact but it doesn't have to be. Nampa is considering the area north of Lake Lowell as part of their impact area and he appreciates them talking the County about that, but over 90% of the ground in that area has long



ago been purchased by developers at a much higher price than farm ground. It's his opinion that when the pre-existing landowner, who was using the ground for ag purposes, chose to sell at development prices that started the ball rolling for the ground to become higher density. The AOCI is greatly misunderstood and there is a disconnect between the use and who is paying for public infrastructure. If you want to play ball in the impact area you are going to be considering a pre-annexation agreement on the ground.

For next week's meeting, Director Minshall will summarize the discussion and give some examples of how that will work and where we engage. The meeting concluded at 11:40 a.m. An audio recording is on file in the Commissioners' Office.

**Action Item: Consider notice of lien for property located at 0 Leigh Lane (R39481503)**

**Action Item: Consider Resolution Approving a New Alcoholic Beverage License for Campos Market, LLC dba Campos Market**

**Executive Session pursuant to Idaho Code, Section 74-206 (1) (d) and (f), records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation**

**Action Item: Consider position reclassification proposal for CCSO**

SEPTEMBER 2024 TERM  
CALDWELL, IDAHO    SEPTEMBER 27, 2024

**APPROVED CLAIMS**

- The Board has approved claim 609850 ADV in the amount of \$62,000.00

**DETAILED MINUTES TO FOLLOW:**

**Meeting regarding State Public Defense Transition/Court Issues**

SEPTEMBER 2024 TERM  
CALDWELL, IDAHO    SEPTEMBER 30, 2024

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Rachelle Hafen, Juvenile Detention Officer
- Lucy Ostyn, Development Services Technician
- Joshua Jameson, Heavy Equipment Mechanic
- Marcus Gomez, Development Services Technician

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

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

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

CANYON COUNTY BOARD OF COMMISSIONERS

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

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

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

ATTEST: RICK HOGABOAM, CLERK

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