

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

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

The Board met today at 9:32 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks Deputy P.A. Laura Keys, Deputy P.A. Oscar Klaas, Deputy P.A. Trent McRae, Landfill Director David Loper (left at 9:42 a.m.), Director of Constituent Services Aaron Williams, COO Greg Rast, HR Director Marty Danner (arrived at 9:33 a.m. and left at 9:51 a.m.), Assistant DSD Director Jay Gibbons (arrived at 9:39 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider RE-T Broker Agreement Addendum:*** This addendum extends the agreement with Norm Brown as a broker for the county. Legal has reviewed the addendum and has no issue. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the RE-T agreement addendum (see agreement no. 24-091).

***Consider Resolution to Waive Landfill Fees for One Canyon County Nuisance Property:*** Director Loper has been working with DSD on this property which has been a nuisance property for quite some time. The property recently sold and the new owner is now working to get it cleaned up and brought into compliance. Director Loper indicated that due to the size of the property at 10-acres, the landfill fee waiver will be in place for one month starting October 1, 2024. Upon the motion of Commissioner

Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the resolution to waive landfill fees for one Canyon County nuisance property located at 17493 Goodson Rd, Caldwell. (resolution no. 24-163).

*Consider Resolution Classifying Records of the Canyon County Prosecuting Attorney's Office and Authorizing the Destruction of Certain Criminal Case Files/Records:* This is a standard resolution for destruction of certain files/records. The determination of files to be destroyed is at the discretion of the PA's Office based on record retention guidelines. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution classifying records of the Canyon County Prosecuting Attorney's Office and authorizing the destruction of certain criminal case files/record (see resolution no. 24-162).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:45 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Deputy P.A. Laura Keys, Deputy P.A. Oscar Klaas, Deputy P.A. Trent McRae, COO Greg Rast and HR Director Marty Danner (left at 9:51 a.m.). The Executive Session concluded at 10:18 a.m. with no decision being called for in open session.

The meeting concluded at 10:18 a.m. and an audio recording is on file in the Commissioners' Office.

DSD GENERAL BUSINESS

The Board met today at 10:21 a.m. for a DSD general business meeting. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Assistant DSD Director Jay Gibbons, Director of Constituent Services Aaron Williams, COO Greg Rast and Deputy Clerk Jenen Ross. Mr. Gibbons spoke to the Board on the following:

- A revised acreage map was provided to the Board which depicts various parcel sizes.
- A Comprehensive Plan 2030 and Current Zoning map was provided to the Board with a revised legend which is easier to read. Discussion ensued regarding the stars on this map which represent a comparison of the 2020 and 2030 comprehensive plan maps showing the active conditional rezones and straight rezone cases. The Board expressed their frustration with the 2030 comprehensive plan.

- In a previous meeting there was discussion regarding agriculturally exempt areas which a large portion of the county receives. At a future meeting DSD hopes to have the Assessor's Office attend to provide additional information on how this is determined.
- Commissioner Holton noted for the record that 97% or greater of all new developments are within municipalities, they are not out in the general county which he feels should be the way it is considering the stringent requirements placed on environmental issues.
- Mr. Gibbons spoke to the benefit of the mapping tool in being able to look graphically at the fabric of the county/community, determine appropriateness and guide decisions and policies.
- In response to a question from Commissioner Van Beek, Mr. Gibbons spoke about how DSD will interface with COMPASS and city partners in regard to development of new roadways.
- Commissioner Van Beek asked about City of Nampa enclaves. Mr. Gibbons said he did not necessarily see that there is an "ag district". There needs to be a cooperative effort between the cities and the county in understating each other's definitions.
- Commissioner Holton spoke about the lack of main arterials in the valley and that there has been no long-range planning for main arterials.

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

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 a 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

#### MEETING TO CONSIDER TAXING DISTRICTS EXTENSION REQUESTS

The Board met today at 9:34 a.m. to consider taxing districts extensions requests. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Clerk Rick Hogaboam, Controller Kyle Wilmot, Sr. Systems Analyst Steve Onofrei, Accounting Supervisor Sarah Winslow, COO Greg Rast and Deputy Clerk Jenen Ross.

Mr. Onofrei explained that 9 of the 64 taxing districts in Canyon County have submitted letters requesting extensions. This year the majority of the requests are from school districts. If the Board chooses to approve the resolution and requests, the taxing districts will have until September 16<sup>th</sup> to submit the required information. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the resolution granting the taxing districts extension requests (resolution no. 24-164). The meeting concluded at 9:39 a.m. and an audio recording is on file in the Commissioners' Office.

#### MEETING WITH THE INTERIM IT DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 10:01 a.m. with the interim IT Director to discuss general issues, set policy, and give direction. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, IT Project Manager Shawn Adamson, IT Operations Manager Jairo Rodriguez, IT Business Manager Caiti Pendell, COO/Interim CIO Greg Rast, and Deputy Clerk Jenen Ross.

A PowerPoint presentation was provided to the Board and reviewed as follows:

- Alignment of 'like' positions between Canyon County Information Technology and CCSO Emergency Technical Services
- Overview of work done by the Development Team and applications/programs
- Brief review of past projects broken down by team efforts, development efforts, GIS, OnBase and web infrastructure
- Brief review of future projects broken down by team efforts, development efforts, GIS, OnBase and web infrastructure
- Operations Team (CCIT/ETS)
  - Operational Focus (top 6)
  - ETS Focus (top 5)

Discussion ensued regarding procurement and asset tagging/tracking. A copy of the PowerPoint reviewed is on file with this day's minutes.

The meeting concluded at 10:59 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER THE FINAL PLAT FOR BURRIS RANCH ESTATES SUBDIVISION, CASE NO. SD2022-0058

The Board met today at 11:17 a.m. to consider the final plat for Burris Ranch Estates Subdivision, Case no. SD2022-0058. Present were: Commissioners Leslie Van Beek, Brad Holton, and Zach Brooks, DSD Director Sabrina Minshall, Assistant Director of DSD Jay Gibbons, Indigent Services Case Manager Kellie George, COO Greg Rast, Representatives for Burris Ranch Estates, and Deputy Clerk Jenen Ross.

Mr. Gibbons said that staff and consultant engineers have reviewed the final plat which is in conformance with the 12 conditions that were set at the preliminary plat as exhibited in the staff report. The representative from Burris Ranch Estates expressed his appreciation of the help provided by Director Minshall and Assistant Director Gibbons; he also expressed his frustration with Black Canyon Irrigation District. Further discussion ensued regarding the concerns and frustrations with the irrigation district.

Commissioner Brooks made a motion to authorize the chairman's signature on the final plat for Burris Ranch Estates Subdivision, case no. SD2022-0058. The motion was seconded by Commissioner Van Beek and carried unanimously.

The meeting concluded at 11:28 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO INDIGENT SERVICES

The Board met today at 11:34 a.m. to consider matters related to Indigent Services. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Case Manager Kellie George, COO Greg Rast (left at approximately 11:40 a.m.), and Deputy Clerk Jenen Ross.

Case no. 2012-543 has met their obligation to the county and Indigent Services is requesting approval for a release of lien. Commissioner Van Beek made a motion to approve the release of lien for case no. 2012-543. The motion was seconded by Commissioner Brooks and carried unanimously.

Case no. 2024-36: An application was received from the funeral home on 8/6/24 and a case was opened on 8/22/24 for an abandoned body. The decedent passed on 7/19/24 in a Canyon County hospital and following the 40-day wait period the funeral home has cremated the body and are now seeking reimbursement from the county. Based on research done by the Indigent Services office, Ms. George is not able to confirm this person was a Canyon County resident. There may be

the asset of a vehicle in the hospital parking lot but that would be under the purview of the Coroner or Treasurer to open a public administration case. Additionally, the funeral home would have the option of applying to be the public administrator in order to seek relief thru the court system. Following Board discussion and deliberation, Commissioner Van Beek motioned that the Board denies case no. 2024-36 based on information that this individual is not a resident of Canyon County, standing squarely on Idaho State statute, with the caveat that additional coordination with other county offices needs to happen with the potential that this would come back. The motion was second by Commissioner Brooks.

Case 2024-37: An application was submitted by the funeral home on 8/26/24 for an abandoned body; the decedent passed on 7/21/24. Indigent Services did an investigation and determined that the decedent entered a rehab center in Owyhee County in May of 2024 and appeared to live there for 68 days prior to passing. As part of the investigation, a home seems to owned by someone with the same last name as the decedent but Indigent Services was unable to make contact with that person. Additionally, there was a fairly significant social security income and two vehicles that were purchased in the decedent's name. Commissioner Van Beek made a motion that the Board denies the cremation costs on case no. 2024-037 based on the information provided and the potential that this person is not a Canyon County resident. The motion was seconded by Commissioner Brooks and carried unanimously.

Case no. 2024-38: There is no family for public administration and/or probate. The decedent appears to be a Canyon County resident but had no spouse or children; an estranged sister has been located but refuses to participate in the process. A small amount of assets along with a 1996 Chevrolet truck and bank account have been identified but Indigent Services is uncertain about the value of the assets. The decedent's husband is buried at the Veterans' cemetery and there is an application process in which the decedent could also be buried there. Commissioner Van Beek moved to deny cremation costs for case no. 2024-38 because additional information, meaning there could potentially be resources, the county is not the payer of last resort, that question has not been answered. Commissioner Brooks seconded the motion.

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

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.

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

The Board met today at 9:34 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Oscar Klaas, Deputy P.A. Laura Keys, Controller Kyle Wilmot, Elections Supervisor Haley Hicks (left at 9:36 a.m.), Treasurer Jennifer Watters, Deputy Treasurer Tonya May, Assessor Brian Stender, COO Greg Rast, DSD Staff Sabrina Minshall and Jay Gibbons arrived at 9:39 a.m., and Deputy Clerk Jenen Ross. The action items were considered as follows:

*Consider Signing a Resolution Classifying Records of the Canyon County Clerk and Authorizing the Destruction of Certain Records:* Mr. Klaas explained this is a standard document destruction resolution in preparation of moving to the new elections' office. Ms. Hicks said these are election records that ready for destruction per statute. Documents to be destroyed are listed as part of the resolution. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the resolution classifying records of the Canyon County Clerk and authorizing the destruction of certain records (resolution no. 24-165).

*Consider Signing a Resolution Authorizing the Issuance of a Quitclaim Deed for PIN 34980000 0, 0 Pond Lane, Caldwell Idaho; and Consider Signing Quitclaim Deed for PIN 34980000 0, 0 Pond Lane, Caldwell, Idaho:* Ms. Keys said that legal has reviewed the documents following the sealed bid auction that was previously held. Commissioner Van Beek made a motion to sign the resolution authorizing the issuance of a quitclaim deed for PIN 3498000 0 to H&B Crushing and to sign the quitclaim deed for the same property. The motion was seconded by Commissioner Brooks and carried unanimously. See Resolution no. 24-166.

Commissioner Holton made a motion to continue the legal staff update to 2:30 p.m. today. The motion was seconded by Commissioner Brooks and carried unanimously.

Mr. Rast noted he has six topics for discussion he forwarded to legal which will be addressed at a legal staff meeting next week.

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

### 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

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

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

The Board met today at 9:31 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Oscar Klaas, Deputy P.A. Zach Wesley, Director of Juvenile Detention Sean Brown (left at 9:36 a.m.), Lt. Ray Talbot (left at 9:34 a.m.), Lt. Martin Flores (left at 9:40 a.m.), Facilities Director Rick Britton (left at 9:44 a.m.), Director of Constituent Services Aaron Williams, Representatives for the Voice of Idaho Amateur Radio Club, DSD Staff Sabrina Minshall, Jay Gibbons, Jennifer Almeida and Carl Anderson (arrived at 9:42 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

*Consider Memorandum of Understanding between Canyon County, Canyon County Sheriff's Office and Voice of Idaho Amateur Radio Club:* This MOU is related to resolution no. 24-131 signed in June 2024 and grants tower access to the club for installation and maintenance of the repeater for the emergency ham radio network. Upon the motion of Commissioner Van Beek and second by

Commissioner Brooks the Board voted unanimously to sign the memorandum of understanding between Canyon County, Canyon County Sheriff's Office and Voice of Idaho Amateur Radio Club (agreement no. 24- 095).

***Consider Juvenile Detention Housing Agreement with Elmore County:*** This is the standard agreement with the only change being to the daily rate from \$220 to \$235. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the juvenile detention housing agreement with Elmore County (agreement no. 24-093).

***Consider Canyon County Sheriff's Office Smartphone Application Development Services Agreement with OCV, LLC:*** Lt. Flores explained this is the Sheriff's app to directly connect with the populous and is in partnership with the Idaho Sheriff's Association. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign Canyon County Sheriff's Office smartphone application development services agreement with OCV, LLC (agreement no. 24-094).

***Consider First Amendment to Construction Contract with Veritas – Facility Services and Construction for the 2024 Celebration Park Deck Improvements Project:*** Director Britton explained that due to time restraints this project was pushed to FY25; this amendment revises dates for the later start time. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the first amendment to construction contract with Veritas – Facility Services and Construction for the 2024 Celebration Park Deck Improvements Project (agreement no. 24-096).

The meeting concluded at 9:45 a.m. and an audio recording is on file in the Commissioners' Office.

## DSD GENERAL BUSINESS

The Board met today at 9:54 a.m. for a DSD general business meeting. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Zach Wesley, DSD Director Sabrina Minshall, Assistant DSD Director Jay Gibbons, DSD Office Manager Jennifer Almeida, DSD Planning Supervisor Carl Anderson, Director of Constituent Services Aaron Williams, Code Enforcement staff Eric Arthur, Katie Phillips, Kathy Husted (arrived at 10:57 a.m.), Mitch Kiester with SWDH (arrived at 10:57 a.m.) and Deputy Clerk Jenen Ross.

When evaluating the fee schedule, Board direction was to evaluate items that were application/property related services and how to capture those to ensure the people using those services are paying for the services vs. the public/general fund paying for those. Additionally, the expectation is that DSD provide quality customer service, receptive and timely and that processes are explained in a way that follows good customer service. They are working to determine how to capture those costs once a discussion moves past the 15-20-minute timeframe.

There are 3 ways to approach fee schedules:

1. Determining how to increase while still making it palatable to the community; or
2. Making an educated estimate of time for certain activities and then average them. This route is the recommendation of DSD knowing that they will continue to track throughout the year and make adjustments as necessary; or
3. Tolling/tracking of time for each activity. This is the most clear, accurate and defensible. However, it is the most difficult to implement and estimate. This is the path that Commissioner Holton would like DSD to follow.

The concern staff has heard over the past few meetings is concern about all the fees being captured and if they're enough to cover costs. After following up with the DSD team, Director Minshall feels comfortable with where the fees are. However, in response to those concerns a few of the fees have been increased:

- Entitlement Research (per parcel) + (additional consultant fees may apply), increased from \$300 to \$350
- Consultation meeting has been added, \$50
- Application Completeness Review (per review, after 2), increased from \$50 to \$75
- It is also noted that planning case fees may also require engineering fees to be added and that entitlement research may be required if not previously completed.
- Rezones (or conditional rezones), the base fee has been reduced from \$2250 to \$1250 but if the property is over 10 acres there is an additional \$40 per acre charge.
- Planning and Engineering: Short plat, Preliminary Plat and Final Plat – conformity with development agreement fee (if applicable) and a per lot fee if greater than 29 lots.
- Contract/external engineering services: will be charged at actual cost.
- In regard to solar or wind farms, those would need to come before the Board for a fee resolution as there is no specific ordinance that addresses this.
- Following discussion regarding Commissioner Holton's concerns about the use of county legal time for review of development agreements, a decision was made to note that 1-hour of PA time is included in the \$500 fee, any additional time will be charged at actual cost.
- Mr. Gibbons reviewed a document with six examples comparing FY24 to proposed FY25 fees (a copy is on file with this day's minutes)
- Commissioner Van Beek expressed her concern with being able to manage the demand of Canyon County growth in way that is well planned.
- Discussion ensued regarding parcel inquiries which can be simple or very complicated. As a way of handling this, DSD has divided them into two levels:
  - Level I: 15 to 20-minute conversation at the counter with about an hour of follow-up research.
  - Level II: Entitlement research - how the parcel was created, where it stands in regard to splits, eligibility for development purposes which can take a fair amount of time. This can be done prior to an application being submitted or it can be bypassed but once a completeness review is done there may need to be additional research.
- Director Minshall requested direction from the Board in regard to moving forward with the revised fee schedule. Commissioner Holton said he is good with what has been presented, just an asterisk for the P.A. costs. The Board has confirmed they are good with this moving

forward to public hearing. The three items needing revision include contract/external engineering being changed to actual costs, P.A. costs over 1-hour will be billed at actual costs, entitlement research will be included under admin cases also.

- Discussion regarding refund guidelines. The policy at Ada County is a refund of up to 75% could be granted but only within the first 7 days. The Board is in favor of mirroring this policy. Director Minshall indicated she will have legal and the Clerk review in order to prepare for publication.

The meeting concluded at 11:08 a.m. and an audio recording is on file in the Commissioners' Office.

#### MEETING WITH CODE ENFORCEMENT TO DISCUSS PROPERTY ABATEMENT

The Board met today at 11:14 a.m. with Code Enforcement to discuss a property abatement and consider an associated action item. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Code Enforcement Supervisor Eric Arthur, Code Enforcement Office Katie Phillips, Sr. Administrative Specialist Kathy Husted, DSD Director Sabrina Minshall, Assistant DSD Director Jay Gibbons, Director of Constituent Services Aaron Williams, Mitch Kiester with SWDH, and Deputy Clerk Jenen Ross.

Mr. Arthur provided a history of the code enforcement issues associated with the property located at o Leigh Lane, Parma, Parcel no. R39481503 including sewage, general household debris and trash on the property and the notices that were issued. Mr. Kiester said that this property was reported to SWDH in December of 2021 and at that point they did go on site; a notice of violation was issued and submitted to DEQ and code enforcement. They were also notified of the March 2024 case where they again went out to the site and another notice of violation was issued to the property owner and submitted to DEQ. There is no waste water disposal and does not meet basic requirements, including being too close to irrigation water. Additionally, there are concerns about solid waste on the property. Mr. Kiester said that DEQ and SWDH have the regulatory authority to issue a notice of violation, however, SWDH does not have the mechanism in place for abatement or the ability to seek reimbursement and often DEQ lacks in taking over these cases. He also noted that DEQ can escalate to the Attorney General's Office but they often are not willing to take on these kinds of cases. The SWDH Director has the ability to escalate to the Prosecuting Attorney although did not confirm whether this particular case had been forwarded.

The Board expressed their frustration with the Prosecutor's Office in not taking additional action on this case as it appears to be a public health and safety issue.

Commissioner Van Beek made a motion authorizing the abatement of the property. The motion was seconded by Commissioner Brooks and carried unanimously.

The meeting concluded at 11:27 a.m. and an audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER MATTERS RELATED TO INDIGENT SERVICES

The Board met today at 11:31 a.m. to consider matters related to Indigent Services. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Director of Indigent Services Yvonne Baker, Case Manager Kellie George, Director of Constituent Services Aaron Williams, Jim Schmeier with All Valley Cremation, and Deputy Clerk Jenen Ross.

Case no. 2024-36: This case was heard last week and was issued a denial by the Board. The funeral home, All Valley Cremation, has requested an appeal of that decision. Ms. George explained that this person passed away in a Canyon County hospital but through their investigation were not able to determine them to be an Idaho resident. The assumption is they were traveling thru Idaho when they fell ill and ended up in the hospital so there may be a vehicle belonging to the decedent still at the hospital but it would fall under the purview of the Coroner to secure any assets and notify the Treasurer of possible public administration. Mr. Schmeier feels that this is an abandoned body and under state statute becomes the responsibility of the county.

Discussion ensued regarding policy and process for these kinds of situations.

Commissioner Van Beek moved that the Board approve the fee for cremation on case no. 2024-36 relating to abandoned bodies and that we notify the Treasurer's Office, and that if assets are secured those assets are liquidated and applied back against to reimburse Canyon County taxpayers. The motion was seconded by Commissioner Brooks and carried unanimously.

The meeting concluded at 11:45 a.m. and an audio recording is on file in the Commissioners' Office.

## 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 some things 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.

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

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

The Board met today at 9:33 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Zach Wesley, Deputy P.A. Trent McRae, Deputy P.A. Laura Keys, Attorney Bill Gigray via teleconference, Director of Constituent Services Aaron Williams, COO Greg Rast, Fire District representatives, DSD Staff Sabrina Minshall, Jay Gibbons, Jennifer Almeida and Emily Kiester arrived at 9:43 a.m., and Deputy Clerk Jenen Ross. The action items were considered as follows:

Mr. Wesley explained this is a project that has been a joint effort between himself, Aaron Williams, Bill Gigray and the districts that has been worked on over the past several months. Structurally these are uniform agreements with very few exceptions. The agreements do not change any of the impact fees or processes that already exist, they are mainly to get back in line with state law and to be a starting point for when districts need to ask for a change of fees or file an annual report. Specific to Homedale Rural Fire Protection District and Parma Rural Fire Protection District this is a starting point for them to organize, get their capital improvement plan done and work thru the process to have impact fees imposed. The primary purpose is due to change in the law that occurred in 2023, with the most significant change being that when new members are appointed to the impact advisory fee committees they have to reside within the service area. Mr. Wesley provided a brief summary of the work each of the committees will be responsible for and the roll the county will still have. Mr. Gigray offered his comments on the establishment of these agreements.

*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

Commissioner Brooks made a motion to sign the amendments to intergovernmental and joint powers agreements for the collection and expenditure of development impacts fees as enumerated. The motion was seconded by Commissioner Van Beek and carried unanimously (agreement nos. 24-097 thru 24-104).

*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

Commissioner Brooks made a motion to sign the intergovernmental and joint powers agreements for the collection and expenditure of development impacts fees with Homedale Rural Fire Protection District and Parma Rural Fire Protection District. The motion was seconded by Commissioner Van Beek and carried unanimously (agreement nos. 24-105 and 24-106).

Chairman Holton adjourned the meeting at 9:58 a.m. and went back on the record at 10:02 a.m. where a request to go into executive session was made as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 10:03 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Zach Wesley, Deputy P.A. Laura Keys, and COO Greg Rast. The Executive Session concluded at 10:19 a.m. with no decision being called for in open session.

The meeting concluded at 10:20 a.m. and an audio recording of the open portion is on file in the Commissioners' Office.

## DSD GENERAL BUSINESS

The Board met today at 10:20 a.m. for a DSD general business meeting. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Zach Wesley, Director of Constituent Services Aaron Williams, DSD Director Sabrina Minshall, Assistant DSD Director Jay Gibbons, DSD Office Manager Jennifer Almeida, DSD Associate Planner Emily Kiester, COO Greg Rast (left at 10:59 a.m.) and Deputy Clerk Jenen Ross.

Director Minshall spoke to getting into the conversation about determining what really is agriculture and how it relates to plans and land use, what is rural living and what is the compatibility of county land uses, getting into essential services and where things make sense and building a foundation. There are many ways to define agriculture: productive agriculture, prime agriculture, farming, hobby farming - additionally there is the tax side of what an agricultural exemption is which he hopes to have the Assessor's Office speak about next week.

Mr. Gibbons asked for Board impressions from the maps that were reviewed at previous meetings. There are many areas within the county that are agriculturally tax exempt but he noted there are some larger acreages that don't have an ag exemption. Over the course of the next few weeks DSD hopes to have the discussion as to what the vision or direction that needs to be reflected in their land use efforts. By the first of October they hope to have the policies, objectives and goals ironed out for the comprehensive plan to reflect this (maps provided at the September 3<sup>rd</sup> meeting). Director Minshall asked if the Board has any general input regarding the maps and noted that once agriculture is defined they will start working on cities areas of impact. Director Minshall asked the Board to start thinking about what they determine agriculture to be or if it needs to be defined differently such as productive agriculture or prime agriculture. They really need this feedback in order to determine how this looks on a land use map and ordinances.

Ms. Keister provided a packet of material which reviews several different agriculturally related items and definitions. The sections reviewed were:

- Idaho State Code 67-6502
- Idaho State Code 63-604
- 2030 Comprehensive Plan
- 2020 Comprehensive Plan
- Current Zoning Ordinance
- Chart for 2030 Comprehensive Plan to Zoning Ordinance Densities
- Chart of 2020 Comprehensive Plan to Zoning Ordinance Densities

Discussion topics during Ms. Kiester's review included the following:

- Commissioner Holton expressed his frustration that in the 2030 comprehensive plan there is no tie-in to the viability of agricultural lands to connect to water availability.
- Director Minshall noted that the chart depicting zoning regulations does not belong in the 2030 comprehensive plan. There cannot be just one agricultural designation, there will need to be other designations in some of the transition areas. There will



then need to be a crosswalk between the long-range vision and a comprehensive plan designation and determining what needs to be in the comprehensive plan and what ordinances need to be brought with it.

- Director Minshall feels there is a really good foundation to the 2030 plan but there just needs to be some determinations of “how does it work?” and “is it in the right place?”
- Agritourism and the potential issues and challenges that surround it.
- Definition of what qualifies as prime farmland.
- Commissioners Holton and Van Beek expressed their frustration with the 2030 plan and how this Board is working to tune it up.
- The need to figure out the compatibility between land divisions and what has already been done in the county and the preservation of ag land.
- Commissioner Van Beek would like to do a tour of the county to see what is really being done.
- Zach Wesley said there are conflicts all over the document, he doesn’t think that Canyon County’s administrative land division process/non-viable is repeated in the state, he thinks it does create this conflict and it’s difficult to apply and it’s going to be inconsistent for that reason. He believes the Board and DSD is on the right track.
- Commissioner Van Beek feels that input from large scale farmers is missing and that there is still feedback that could be given. Director Minshall wants to start looking at parcel ownership.
- Average minimum lot sizes and compatibility with cities. Director Minshall asked the Board to really start thinking about density and compatibility and how it applies to Canyon County.

A copy of the document reviewed by Ms. Keister is on file with this day’s minutes.

The meeting concluded at 12:00 p.m. and an audio recording is on file in the Commissioners’ Office.

#### MEETING TO CONSIDER RESOLUTION APPROVING NEW ALCOHOLIC BEVERAGE LICENSES

The Board met today at 12:00 p.m. to consider a resolution approving new alcoholic beverage licenses. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks and Deputy Clerk Jenen Ross. The licenses were considered as follows:

- 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)

Commissioner Brooks said he has reviewed the applications and is in favor, he then made a motion to sign the resolution approving alcoholic beverage licenses for Kindred Vineyards, LLC dba Kindred Vineyards, Video Mexico Nampa, LLC dba Video Mexico Nampa (521 Caldwell Blvd., Nampa), and

Video Mexico Nampa, LLC dba Video Mexico Nampa (417 11th Avenue North). The motion was seconded by Commissioner Van Beek and carried unanimously. See resolution no. 24-169.

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

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

EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206 (1) (B), (D) AND (F), PERSONNEL MATTERS, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 9:36 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Aaron Bazzoli, Clerk Rick Hogaboam (left at 10:22 a.m.), Director of Court Operations Jess Urresti (left at 10:22 a.m.), Chief Deputy Sheriff Doug Hart (left at 10:15 a.m.), Cpt. Harold Patchett (left at 10:22 a.m.), TCA Benita Miller (left at 10:22 a.m.), Family Court Services Manager Chris Paulsen (left at 10:22 a.m.), Facilities Director Rick Britton (left at 10:22 a.m.), Judge Gene Petty (left at 10:22 a.m.), COO Greg Rast, HR Director Marty Danner (left at 10:54 a.m.), and Erik Ellis with Idaho State Public Defense (left at 10:22 a.m.). The Executive Session concluded at 11:00 a.m. with no decision being called for in open session.

SEPTEMBER 2024 TERM  
CALDWELL, IDAHO SEPTEMBER 17, 2024

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)

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

The Board met today at 9:30 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek and Brad Holton, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Zach Wesley, Deputy P.A. Laura Keys, Deputy P.A. Trent McRae, Assessor Brian Stender, Administrative property Appraisal Supervisor Greg Himes, Lt. Martin Flores (left at 9:33 a.m.), Director of Constituent Services Aaron Williams, COO Greg Rast, Realtor Norm Brown (left at 9:53 a.m.), and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider Resolution Approving a New Alcoholic Beverage License for Bi-Mart Corp. dba Bi-Mart #628:*** Commissioner Holton motioned to amend the agenda to continue this action item to after the DSD meeting today. The motion was seconded by Commissioner Van Beek and carried unanimously.

***Consider Services Agreement with Crime Stoppers of Southwest Idaho:*** This is the same agreement that has been in place the past several years; the only change is a slight cost increase from \$5700 to \$5820. Lt. Flores provided comments on the service Crime Stoppers offers and the continued relationship with CCSO. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the services agreement with Crime Stoppers of Southwest Idaho (agreement no. 24-107).

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:34 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Holton. Commissioner Holton took a roll call vote where he along with Commissioner Van Beek voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton and Leslie Van Beek, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Zach Wesley, Deputy P.A. Laura Keys, Deputy P.A. Trent McRae, Assessor Brian Stender, Administrative property Appraisal Supervisor Greg Himes, COO Greg Rast

and Realtor Norm Brown. Mr. Stender, Mr. Himes and Mr. Brown left the meeting at 9:53 a.m. The Executive Session concluded at 9:56 a.m. with no decision being called for in open session.

***Consider Engagement of Services with Mark Pomykacz and Federal Appraisal, LLC for appraisal and related services regarding the CF Hippolyta/Amazon litigation:*** This agreement is to obtain a 3<sup>rd</sup> party determination of value. Assessor Stender indicated that if the outside appraisal is vastly different from Canyon County an adjustment will be made and the case can be settled, however, if the appraisal is similar to the county's appraisal they will continue with litigation. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the engagement of services with Mark Pomykacz and Federal Appraisal, LLC for appraisal and related services regarding the CF Hippolyta/Amazon litigation (agreement no. 24-108).

***Consider Agreement for Legal Services with William D. Shepherd, P.A. regarding the CF Hippolyta Nampa LLC/Amazon litigation:*** Prosecutor Taylor has provided a letter to Assessor Stender allowing for outside counsel in this case (a copy of the letter is on file with this day's minutes). Ms. Keys confirmed that the agreement has been reviewed by legal and there are no issues. She also provided explanation of how Mr. Shepherd was chosen as representation. Upon the motion of Commissioner Van Beek and second by Commissioner Holton, the Board voted unanimously to sign the agreement for legal services with William D. Shepherd, P.A. regarding the CF Hippolyta Nampa LLC/Amazon litigation (agreement no. 24-109).

***Consider Legal Notice of Public Hearing for Assessor's Fee Increases for Title & Registration Administrative Fees:*** The Assessor's Office is working to ensure that the fees cover the costs of the title and registration administrative fees. A public hearing will be held on October 1, 2024 at 9:30 a.m. to receive comments. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the legal notice of public hearing for Assessor's fee increases for title & registration administrative fees. Copies of the draft resolutions and fee calculations are on file with this day's minutes.

The meeting concluded at 10:14 a.m. and an audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS DSD GENERAL BUSINESS

The Board met today at 10:30 a.m. to discuss DSD general business. Present were: Commissioners Leslie Van Beek and Brad Holton, DSD Director Sabrina Minshall, DSD Assistant Director Jay Gibbons, DSD Office Manager Jennifer Almeida, Associate Planner Emily Kiester, Director of Constituent Service Aaron Williams, Assessor Brian Stender, Chief Deputy Assessor Greg Himes, COO Greg Rast, Deputy P.A. Zach Wesley (arrived at 10:36 a.m.), DSD Planning Supervisor Carl Anderson (arrived at 10:43 a.m.) and Deputy Clerk Jenen Ross.

Today's meeting is a continuation of the discussions from last week about determining what is agriculture in terms of a usable definition and where does it apply. As presented by Ms. Keister last week there are multiple terms throughout county ordinance and state law that apply in different

ways. Today's follow-up is related to Title 63, chapter 6, how agriculture and agricultural exemptions are determined. This statute is also used in the new state statute for agricultural planning area. They have been working to determine how much of this can be used as a proxy for some of the work they do in chapter 7 with non-viable. They've invited the Assessor's Office in today to talk about what this mean in their world and then follow-up with some recommendations as to whether it does or doesn't apply in the land use world besides the state law that requires it and what does it look like.

Greg Himes gave a reviewed statute 63-604 which covers revenue and taxation and exemptions from taxation as follows:

(a) The total area of such land, including the homesite, is **more than five (5) contiguous acres**, and is actively devoted to agriculture, which means:

(i) It is used to produce field crops including, but not limited to, grains, feed crops, fruits and vegetables

(ii) It is used to produce nursery stock

(iii) It is used by the owner for the grazing of livestock to be sold as part of a for-profit enterprise or is leased by the owner to a bona fide lessee for grazing purposes

Individually, any of the above noted would qualify as ag use.

(iv) It is in a cropland retirement or rotation program.

Commissioner Holton spoke to some developers in the area who have disturbed the ground in order to put in infrastructure but then want to drill it with wheat or oats without any way to irrigate but still want the ag exemption. Additionally, land use cases are coming before the Board where a person has taken the ag exemption for years, may or may not have taken off a crop each year, and suddenly that ground is non-viable farm ground once they're in front of the Board and want to change the use. One part of county government is recognizing it as a productive piece of farm ground, receiving a tax consideration at the same time telling the Board that the ground is useless and the best and highest use is to put houses on it. Assessor Stender said that per Idaho code for them, it doesn't outline anywhere that you have to be a good farmer, just that the intent is to make a profit. Also, his office appraises to the actual and functional use: "*actual and functional use shall be a major consideration when determining market value for assessment purposes*" ... property could be zoned residential, industrial... if they are actually farming it, they will receive an ag exemption.

(b) The area of such land is **five (5) contiguous acres or less** and such land has been actively devoted to agriculture within the meaning of subsection (1)(a) of this section during the last three (3) growing seasons

(i) It agriculturally produces for sale or home consumption the equivalent of fifteen percent (15%) or more of the owner's or lessee's annual gross income

(ii) It agriculturally produced gross revenues in the immediately preceding year of one thousand dollars (\$1,000) or more. When the area of land is five (5) contiguous acres or less, such land shall be presumed to be nonagricultural land until it is established that the requirements of this subsection have been met



Mr. Himes said this is the majority of the ways people qualify for an ag exemption.

Commissioner Holton asked if some of this could be translated over into land use. Mr. Wesley said there is some potential for them to relate. The issue is that the default is that default zoning is ag, something has to be moved out of ag, that is sort of how the county plan is based. You don't have to meet a certain criteria to get into ag. Mr. Wesley believes that, specifically in the nonviable parcels, there could be a tie-in although he's not sure where it would directly apply.

Director Minshall spoke about complexities in the new state law regarding the APA (Ag Protection Act) in regard to agricultural production and preservation. Further discussion ensued regarding the following:

- Timeframe within the APA, that if it's adopted for 20 years there can't be any changes to zoning or laws affecting the adopted area.
- As part of the APA, the county will need to create its own ordinance while also staying consistent with the land use planning act.
- Options for land owners to voluntarily be part of the APA
- Wildland conservation

Commissioners Holton and Van Beek expressed their thoughts on how they feel this will be impactful to land use decisions.

The meeting concluded at 11:21 a.m. and an audio recording is on file in the Commissioners' Office.

CONTINUED ACTION ITEM TO CONSIDER A RESOLUTION APPROVING A NEW ALCOHOLIC BEVERAGE LICENSE FOR BI-MART CORP. DBA BI-MART #628

The Board met today at 11:24 a.m. to consider a resolution approving a new alcoholic beverage license for Bi-Mart Corp. dba Bi-Mart #628. Present were: Commissioners Leslie Van Beek and Brad Holton and Deputy Clerk Jenen Ross. Commissioner Van Beek said she has reviewed the application and it appears to meet all the criteria, she then made a motion to sign the resolution approving a new alcoholic beverage license for Bi-Mart Corp. dba Bi-Mart #628 (resolution no. 24-170). The meeting concluded at 11:26 a.m. and an audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:33 p.m. to conduct a public hearing in the matter of a request by Tanner Verhoeks of Haven Idaho for a conditional rezone of 43.95 acres, from an "A" (Agricultural) Zone to a CR-R-1(Conditional Rezone - R-1 Residential) zone, Case No. CR2022-0005. Present were: Commissioners Brad Holton and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Sabrina Minshall, DSD Planning Supervisor Carl Anderson, DSD Principal Planner Michelle Barron, In

Favor: Tanner Verhoeks, Emily Nied, Jenallee Udy, Cody Ellis, Justin Ruthenbeck, Hethe Clark, Isaac Josifek, and Robbie Reno, In Opposition: DeWight Hagel, Ted Zahradnicek, Russell Johnson, Curtis Kessel, Luis Chavolla, Cynthia Atnip, Gary Geyer, Jim Danes, Larry Peterson, Sue Marostica, Victor Marostica, other interested citizens, and Deputy Clerk Monica Reeves. Deputy PA Wesley summarized what the Board requested from the applicant at the conclusion of the February 8, 2024 hearing. The applicant was asked to return with additional information regarding the viability of 29 septic systems on the property and how far they will migrate to any of the adjacent surface wells; address the concern about whether the ground would leach from the septic systems; obtain response times for fire, police and ambulance; and address the viability of the responsibility for schools. Testimony will be taken on those limited issues and the materials that have been provided by the applicant. The hearing will not be reopened from scratch; it's a continuation to talk about those narrow topics.

DSD Principal Planner Michelle Barron gave the updated staff report and noted that she inadvertently attached a public comment that was not intended for this application, and she asked that Exhibit G2 be removed from the staff report. On February 8, 2024, the Board heard the case and requested additional information to be brought forward, and today the applicant is back with that requested information. There was a review of the hearing criteria the Board must consider. The request includes a development agreement to limit residential development to 29 buildable lots with a public water system. The preliminary plat has been put on hold until a decision has been made for the conditional rezone. There was a review of agency comments and property owner comments. DSD Planner Barron summarized the areas the Board wanted additional information on:

- Address the viability of 29 septic systems.
- How far the septic would migrate to any of the other surface wells that are immediately adjacent?
- Address the Board's concerns about basalt, lava, and other rock close to the surface.
- Response times of fire, police, and ambulance.
- Address the viability of the applicant's responsibility for schools.
- Staff was requested to bring back draft conditions for a development agreement.
  - The applicant has additional recommended conditions they will address during their presentation

Regarding the proposed conditions, Commissioner Van Beek said she had suggested no secondary homes, but this would allow for a secondary dwelling with a nutrient pathogen study and that was not the proposal.

The following people testified in support of the request:

**Tanner Verhoeks** testified that they are confident the land will support 29 new septic systems. They completed a geotechnical investigation; they dug 18 test pits. The minimum rock depth was 4 ½ feet and the maximum rock depth was nearly 14 feet. The average rock depths are just over 8

feet which is more than adequate to support a traditional septic system. They performed a level one nutrient pathogen study, and the report was sent to DEQ and SWDH for review. They had a predevelopment meeting with SWDH and discussed details for the septic systems and because they are in a nitrate priority area, their septic systems will receive additional scrutiny and will have to meet a more stringent point of compliance for nitrate concentration levels. Standard septic systems such as the older ones on surrounding properties simply dump nitrates into the ground and the nearby dairy plays a large role in this; however, the septic systems proposed for this project are 60% nitrate reducing systems (advanced treatment systems). The proposed drain field locations are designed based on groundwater flow direction to avoid any point concentrations, and before any building permit is issued they will do more physical testing for each lot. SWDH is present for that test pit and only if they approve the soil conditions and septic design do they get a building permit for that lot. If a lot will not support a proper septic system then sanitary restrictions are not lifted for that lot, and it cannot be built on. Their proposed water users' association has the authority and responsibility to make sure what they build works as designed well into the future. Properly installed systems will have a negligible impact on surrounding surface wells in accordance with DEQ guidelines. Mr. Verhoeks testified that the Kuna Rural Fire District provided updated information about a new station that's going through entitlements that will improve already adequate response times. EMS provided a list of stations in the service area and quoted response times between 12-15 minutes as well as their funding goals to further improve response times. Police did not respond after multiple inquiries, and per County code a lack of response must be considered approval of the application. There is a history of correspondence from the agencies and the responses have been consistent throughout; each agency reports adequate coverage for the project. There has been written testimony from the school district and verbal testimony from the administration and teachers about why they support this project but what hasn't been heard before was the metrics and technical data as to why they can support the new students from this project. The letter from the school district includes the forecast number of students for this project, which is 14 students, along with current capacity levels at the elementary, middle, and high schools the students would attend. They also provided additional context on the long-term planning, how the project fits into the plan and reaffirmed that they are able to serve the students generated from this project. The letter marks the school district's sixth positive affirmation of this project. Regarding secondary houses, Mr. Verhoeks testified that per their updated draft development agreement secondary houses are fully restricted. Condition No. 5 of the updated agreement ensures all technical issues are septic systems are implemented. Condition No. 9 adds additional detail around the water users' association and the board that will govern it. They are trying to be very responsible and intentional when it comes to water resources and in lieu of a standard homeowners association their plan is to institute a formal water users' association that will be privately funded and available to neighboring landowners and operated based on assessments required in the CC&R's. It will be in charge of running the community water system, including retaining a certified operator; it will maintain the landscaping around the community well site; maintain the holding pond, pump equipment, and landscaping at the pond site for the pressurized irrigation; and ensure the advanced treatment septic systems on site operate as designed by retaining a certified operator. The development agreement creates the framework for this, and they plan to further flush out the details and legal documents at the preliminary plat phase. Mr. Verhoeks testified that the eight standards are evaluation are being met and they have provided

example language that can be used in the FCO's should the Board agree the project meets the standards. Following his testimony, Mr. Verhoeks responded to questions from the Board.

**Robbie Reno** offered testimony as an agent of the Kuna School District Board. He stated that developers come into the community and do not often involve the schools, but this developer has worked with the school district to provide a good opportunity for the kids. They are a model developer for working with the schools and he encourages all developers to do that. He hopes the project moves forward. Regarding the student generation rate, he stated that Tischler Bisch did a study 3 years ago and their generation rate is .52 students per single family and for multi-family it's .41; 29 homes at that generation rate equals 14 students. Following his testimony, Mr. Reno responded to questions from the Board.

The following people testified in opposition to the request:

**Dwight Hagel** testified about his concerns regarding the addition of 29 septic systems and the negative impacts on the aquifer and traffic. He also has safety concerns with the canal that goes through the property.

**Ted Zahradnicek** testified that he has lived adjacent to the subject property for 40 years and he is opposed to the project having 29 septic tanks and a public water system because it will cause adjacent wells to go dry. He would prefer the project utilize city services. He is concerned with houses being developed on farmland, especially in the middle of an agricultural area. He spoke about plans for the widening of Robinson Road and traffic issues in the area which impact EMS response times. He spoke of an emergency where he called 911 and it took 30 minutes for an ambulance to arrive. Following his testimony, Mr. Zahradnicek responded to questions from the Board.

**Curtis Kessel** testified about his concerns with septic systems. He had to use a jackhammer to dig fence post holes on his property and spoke about how 29 loads of rocks were removed from a high spot in his pasture. The land has big rocks and a lava bed and it's not safe or sanitary to put 29 septic tanks in this small of an area. He said the water pipe they intend to use was put in for agricultural use not to supply 29 homes with water.

**Gary Geyer** is opposed to the addition of 29 septic system drain fields. His house was built in 1973 and 4 years ago his septic tank collapsed so he installed a new one which is now sitting on top of the ground. He wanted to put a new drain field in, but the backhoe could only get down three feet and the inspector said they could install the septic tank and put mounds of dirt over it to have six feet from the top to the bottom of the drain field, but Mr. Geyer didn't do that; they went back to the old one and so far, it's still holding. Lava is all over and he questions how deep they can place the drain fields. Following his testimony, Mr. Geyer responded to questions from the Board.

**Jim Danes** testified that his house was built in 1975, and they had a problem 10 years ago with raw sewage coming up in the backyard. They drained his septic tank and it was a mess. The tank

had holes so they went through the health department and made a plan and when they dug up the old tank they found that a lava shell was 2 ½ feet below the ground and years ago the drain field pipe was put on top of it. In order to put the tank in and get below that shell, he had to rent a large backhoe and dig through the shell before they got to loamy soil that would properly drain. The subject property will not be any different, and he questions how the developers are going to address that.

**Larry Peterson** testified that the developer always presents the best-case scenario and, in this case, he believe their arguments for a public water system and septic systems, as well as the impacts on the school district are all best-case scenarios. He said the performed the pump test in the late spring/early summer when the canals and ditches were full and other pumps in the area weren't pumping much and claimed there was very little impact to the water table, but the worst-case scenario will be when we have a dry year and the pressurized irrigation is shut off in late August and the houses start pumping from the public water system to irrigate their landscaping and instead of pumping 400 gallons per day it will be 6,000-8,000 gallons per day and the impacts to the existing wells will be devastating. The ground is not ideal for septic systems and they will have serious issues. Once a municipal water system and wastewater system are available it may be a different scenario but until then, Mr. Peterson believes it will be a disaster for the existing residents. He is disappointed that Commissioner Brooks did not participate in the hearing. Commissioner Holton said Commissioner Brooks recused himself due to a conflict of interest.

**Sue Marostica** testified about a neighborhood with shared wells that has experienced water problems for years and is on the city's top priority list for connection to city services due to the issues with wells and septics. She testified that some of the builder associations wanted to bring a lawsuit against the Kuna School District because they are only welcoming subdivisions that are paying, but none of what they are doing will help build new schools and that is her major concern. She agrees with the neighbors' testimony about the water and septic concerns in the area.

**Lee Nichols** agrees with the testimony that has been given.

Deputy PA Wesley made a point of clarification for the record that the map that was referred to is the map that's in the PowerPoint presentation provided by staff, slide #12. Planner Barron said the subject property is approximately two miles from Nampa city services.

Rebuttal testimony was offered by Hethe Clark who said there are 13 subdivision and 140 lots in this area, which has already been planned by the County for residential use as designated by the comprehensive plan. If this property were to wait for the City of Nampa to bring services two miles and be annexed, the density would quadruple because the city cannot economically serve one acre lots or ¼ acre lots. This project helps transition and buffer that change. There was testimony about rocks and the lava rock interfering with plows, and so it doesn't sound like the property that should stay in largescale agriculture. Decisions have to be made based upon substantial and competent evidence in the record. The Supreme Court has been consistent in

saying, including in the Hungate vs. Bonner County case, that preservation for appeal also requires more than just supposition as to a particular issue. Regarding the septic systems, the matter has been fully investigated at a stage far earlier than is typical for a subdivision and the data shows the property can handle the septic system. SWDH has to review and approve each septic site, which the evidence shows is likely to happen. The applicant has provided assurances far beyond what is typically required for any subdivision in the form of their development agreement and the commitments they made. They dug 18 test holes, they know what the depths are, and they are confident they can meet SWDH requirements. Regarding water, they have talked about the additional requirements that have to be met in order to do a community water system and they have discussed doing a monitoring well and working with the Idaho Department of Water Resources to monitor levels. Water studies were done in the early spring and the levels were consistent as previously testified to by Terry Scanlan. There is adequate water. The Kuna School District has said it can serve the project's students. The development agreement reinforces the commitments and arrangements they have made.

Cody Ellis responded to questions from the Board regarding the test holes and how they will work with SWDH on the septic systems.

Tanner Verhoeks stated there are multiple checkpoints for septic systems and if they all fail then the lot will not get a septic or a house.

There was further review and discussion of the proposed conditions.

Regarding the applicant's commitment to be accountable to DEQ and SWDH, Mr. Clark said some of these items are required regardless and, in that case, their public water system is subject to an elevated level of review and oversight and they have to have a qualified operator to run that system. SWDH will review the initial installation of those septic systems, and what the developer is doing with the water users' board is to put an onus on them that all of those obligations are satisfied moving forward.

Deputy PA Wesley said the conditions would accomplish what is being proposed with a public water system and they are going to require agency approvals. This is more detail than we normally get about how it will be administered going forward but the detail is helpful. Perhaps another condition would be to have the O&M manual ready at the time of preliminary plat.

Upon the motion of Commissioner Van Beek and the second by Commissioner Holton, the Board voted unanimously to close public testimony. The Board's deliberation on the eight (8) criteria was as follows:

1. *Is the proposed conditional rezone generally consistent with the comprehensive plan?*  
Yes.

2. *When considering the surrounding land uses, is the proposed conditional rezone more appropriate than the current zoning designation?* Commissioner Van Beek said the 1.67-acre lots are much smaller than the surrounding lots at 5 acres, and this is an area that could be evolving toward a different zone classification but it's still pretty open. Commissioner Holton said all surrounding land uses consist of much larger parcels. He is on the fence for this question because of the other 13 subdivisions in the general area.
3. *Is the proposed conditional rezone compatible with surrounding land uses? And 4. Will the proposed conditional rezone negatively affect the character of the area? What measures will be implemented to mitigate impacts?* Commissioner Holton said it's a more intensive use than the surrounding uses. The rezone would be pieces of land that would not be used incidentally for agriculture where some of the lots definitely can be. Commissioner Van Beek said there is a section that looks to be one mile northwest of this area that is emerging, and it is in proximity of the Stewart Dairy. Commissioner Holton said it is low density residential, and if you look at the map that's just below that it gives the lot lines so you can see what the land divisions are. Commissioner Van Beek said the average lot size overall is significantly larger.
5. *Will adequate facilities and services including sewer, water, drainage, irrigation and utilities be provided to accommodate the proposed conditional rezone?* Commissioner Holton said they have met the burden of proof and made plans to adequately address the facilities and services of sewer, water, and drainage. Commissioner Van Beek asked if the report satisfies Commissioner Holton's request for information on whether the septic systems would have adequate drain fields, etc. He said it does and said they do not deny there is basalt below the ground. They have said they may not be able to develop all 29 lots because there may be a lot that is so difficult to deal with the basalt that it has to forgo a septic system which would mean no building permit. They have demonstrated they brought in a geotechnical engineer and have a concept of what they are up against and they are contractually tying themselves to DEQ and SWDH standards which makes that association very accountable. He is aware of the enhanced capabilities of septic systems and he has little to no faith in them if there isn't a plan for ongoing supervision and maintenance. The developers have demonstrated they recognize the issue and the challenge, and they have a long-term plan that makes them accountable to the same public agencies. They have demonstrated they have a plan to mitigate it that it would be adequate. Commissioner Van Beek said there was testimony from Mr. Danes about how they put mounds over the drain field, but that is not a viable solution. Commissioner Holton said they will be held to the standards of SWDH on how the design will be handled. Commissioner Van Beek said as to the efficacy of community systems, she's heard they fail and there are maintenance issues with them. Commissioner Holton said there is no comparison in the overall performance when comparing 29 wells to one well that is engineered and designed with redundant systems to operate. Commissioner Van Beek

wants to make sure what we approve is appropriate given the proximity to the city. It is essential to have a functional drain field.

6. *Does the proposed conditional rezone require public street improvements in order to provide adequate access to and from the subject property to minimize undue interference with existing or future traffic patterns? What measures have been taken to mitigate road improvements or traffic impacts?* Commissioner Holton said they have proposed mitigation for that. Commissioner Van Beek said it is recognized there is increased traffic to the area and there are road improvements underway.
7. *Does legal access to the subject property for the development exist or will it exist at the time of development?* The Board finds legal access does exist.
8. *Will the proposed conditional rezone amendment impact essential public services and facilities, such as schools, police, fire and emergency medical services? What measures will be implemented to mitigate impacts?* Commissioner Van Beek appreciates that the Kuna School District is looking for the career technical education portion of that but she doesn't know that the ability to provide that kind of hands-on vocational labor answers the question that it mitigates the load on the school system. The high school is at capacity and modular buildings are not a good option. She spoke about EMS response times in rural areas and with the additional traffic and road construction it could be a matter of life or death. It has not been mitigated in her mind. Commissioner Holton said he was not presented with overwhelming evidence that the application would flip the response times significantly one way or the other. Police, fire, and other EMS chose not to give an opinion that was derogatory towards the project.

The Board had questions for staff regarding the P&Z Commission's recommendation and draft FCO's. The Board was in recess from 3:56 p.m. to 4:06 p.m.

The Board found the request meets criteria Nos. 1, 5, 6, and 7. There was further discussion of the criteria that had been reviewed.

Commissioner Van Beek has concern with introducing an R-1 designation in a transition area in agriculture. Commissioner Holton agrees that it's a reach to go from 3.32 acres down what is proposed. He said the neighbors are concerned about density but it will become much denser when the city gets there. This is one of the better subdivisions proposals he has seen. Commissioner Van Beek likes the proposal, but there is still the question of is it more appropriate. She wishes the application met the rural residential definition because on the south that's exactly what it is. There were recommendations from the P&Z Commission that the applicant could have brought back that would have helped mitigate the concerns on some of those parcels where the surface to basalt was identified as less than average for a septic system. The proposed acreages are not compatible. The introduction of R-1 will create the potential for more approved



subdivisions and it will set a precedent. It is difficult to deny a request that has merit, but it is the Board's job to evaluate the testimony and evidence. The right application would have been for a rural residential designation. Commissioner Holton agrees. He heard the neighbors' concerns about septics, but said the applicant went beyond showing how they would mitigate that and set the development in a position that their septic systems would be far superior to the ones that surround the property. Regarding the concerns about density, he spoke about how the neighborhood will change when the city gets to the area and he suggested the neighbors work with a developer to reach a compromise.

Following deliberation, Commissioner Holton made a motion to deny the application and instruct DSD staff and Legal to provide FCO's which will be considered at another meeting. The motion was seconded by Commissioner Van Beek. DSD Planning Supervisor Anderson asked the Board to indicate what the applicant could do to obtain approval. Commissioner Holton said the applicant can work with the surrounding landowners to make an amenable subdivision or at least be reconsidered in the two-acre or larger plan the County has. Commissioner Van Beek said the proposal needs to be rural residential because this is a rural area, and an increased lot size would allow a greater margin for a challenging area where individual septic systems are proposed. The request is compatible with the land uses to the north, but not to the south and the EMS response times are outside of standardized times, and the entitlements for a fire station have not been granted. It is an issue of timing. The motion carried unanimously. The hearing concluded at 4:37 p.m. An audio recording is on file in the Commissioners' Office.

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.

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

Commissioner Van Beek made a motion to go into Executive Session at 3:05 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. 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. Laura Keys, COO Greg Rast, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, and Realtor Norm Brown. The Executive Session concluded at 3:17 p.m. with no decision being called for in open session.

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

Commissioner Van Beek made a motion to go into Executive Session at 3:34 p.m. pursuant to Idaho Code, Section 74-206(1) (e) regarding preliminary negotiations involving matters of trade or commerce. 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. Laura Keys, Deputy P.A. Trent McRae, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Certified Property Appraiser Supervisor Holly Hopkins, Robin Sellers with the City of Nampa, Representatives for Project Spud, COO Greg Rast. The Executive Session concluded at 4:39 p.m. with no decision being called for in open session.

**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

The Board met today at 9:15 a.m. to consider matters related to Indigent Services. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Director of Indigent Services Yvonne Baker, COO Greg Rast and Deputy Clerk Jenen Ross.

Case no. 2024-39: An application for cremation assistance was received for a decedent who passed on 8/29/24. Indigent Services was able to determine that the decedent was employed prior to passing but they were unable to confirm the amount of last deposit. Based on income and expenses, the decedent does not have the \$1000 for cremation costs and meets eligibility requirements for indigency. Bowman Funeral home will not accept the body until payment is determined so the body is being held in the Canyon County morgue. Indigent Services noted there is a ring and a phone but have not been able to determine possession of those items; additionally, there seem to be family members involved. Commissioner Holton made a motion with the evidence that has been presented this morning that this case is remanded to the Treasurer for her to do what she is statutorily authorized to do and seize the assets as enumerated this morning and if that doesn't work to come back before the Board. The motion was seconded by Commissioner Van Beek and carried unanimously.

Case nos. 2008-41 and 2015-1342 have been paid in full and Indigent Services is requesting releases of lien be signed. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the releases of lien on the cases as presented.

The meeting concluded at 9:24 a.m. and an audio recording is on file in the Commissioners' Office.

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

The Board met today at 9:33 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Oscar Klaas, Deputy P.A. Zach Wesley (arrived at 9:36 a.m.), Clerk Rick Hogaboam, Director of Court Operations Jess Urresti (left at 9:42 a.m.), Director of Constituent Services Aaron Williams, Elections Specialist Robin Sneegas (left at 9:42 a.m.), Elections Specialist Lucy Lanning (left at 9:42 a.m.), Lt. Martin Flores (arrived at 9:41 a.m. and left at 9:49 a.m.), COO Greg Rast and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider a Resolution Designating Polling Locations for the November 5, 2024 Election:*** These polling locations are similar to what was used for the May election with the addition of a 3<sup>rd</sup> early voting location at SWDH. Early voting will be available at the Idaho Hispanic Community Center, Caldwell Elks and SWDH and absentee ballots will start going out Friday. Registration continues to grow and the Elections office is anticipating 80% turnout. Early voting will be available 8:00 to 5:00 Monday thru Friday, October 21<sup>st</sup> to November 1<sup>st</sup>. Clerk Hogaboam spoke to some of the logistics of preparing voters for the election and the actual action of voting. In total there are 51 precincts with 45 polling locations. Upon the motion of Commissioner Van Beek and second by Commissioner

Brooks the Board voted unanimously to sign the resolution designating polling locations for the November 5, 2024 election (resolution no. 24-171).

***Consider Treasure Valley Digital Forensic Task Force Cost Share Agreement for Cellebrite Pathfinder and Guardian Software:*** The signature page that contains the Caldwell Mayor's signature is currently missing, he indicated it had been sent electronically but at this time it cannot be located. Commissioner Holton made motion to tentatively approve today and if the document can't be located with the Mayor's signature it will come back before the Board on Thursday to consider another option, in the meantime if the document is located with the signature the contract is in full effect. Commissioner Van Beek seconded the motion with questions to which Lt. Flores provided a brief history of this agreement. Last year this agreement was presented to CCSO as a cost sharing with other area agencies but came in higher than anticipated so the county declined to participate at that time. The county was asked again this year to join in conjunction with the cities of Caldwell and Nampa so there will be a 3-way cost sharing for the Digital Forensic suite, however, the county's portion will be slightly higher due the equipment that will need to be purchased. The contract will need to be renewed annually, it is not an automatic renewal. Lt. Flores said that both Nampa and Caldwell have had fruitful results in the past year while using the system.

Commissioner Van Beek made an additional motion to sign the Treasure Valley Digital Forensic Task Force Cost Share Agreement for Cellebrite Pathfinder and Guardian Software. This motion died for lack of second.

A vote was taken on the original motion which carried unanimously. See agreement no. 24-110.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:50 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Oscar Klaas, Clerk Rick Hogaboam, and COO Greg Rast. The Executive Session concluded at 10:03 a.m. with no decision being called for in open session.

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

MEETING TO CONSIDER CERTIFICATION OF LEVY RATES AND AN ACTION ITEM

The Board met today at 10:05 a.m. to consider certification of levy rates and an associated action item. 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, Controller Kyle Wilmot, Sr. Systems Analyst Steve Onofrei, HR Director Marty Danner, Treasurer Jennifer Watters, Accounting Specialist Syndi Whitmire, Auditing Supervisor Sarah Winslow, Coroner Jennifer Crawford, Parks Director Nicki Schwend, CCSO Financial Manager David Ivers, Lt. Martin Flores, Judge Davis VanderVelde, Assessor Brian Stender, Director of Juvenile Probation Elda Catalano, Director of Misdemeanor Probation Jeff Breach, Director of Juvenile Detention Sean Brown, Landfill Director David Loper, DSD Director Sabrina Minshall, Director of Constituent Services Aaron Williams, PA Office Manager Melinda Longoria, and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider a Resolution to Set Tax Levy Rates for all Taxing Districts in Canyon County:*** This resolution has been prepared by Mr. Onofrei and reviewed by legal. Today is the last day to certify and send to the State Tax Commission. Mr. Bazzoli spoke about his interaction with the Clerk's Office regarding this document and has no issues. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution to set tax levy rates for all taxing districts in Canyon County (resolution no. 24-172).

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

#### MEETING WITH HR REGARDING FY2025 COMPENSATION

The Board met today at 10:08 a.m. for a meeting with HR regarding FY2025 compensation, and to consider a resolution approving FY2025 compensation and employee salaries. Present were: Commissioners Leslie Van Beek, Brad Holton, and Zach Brooks, Chief Civil Deputy Aaron Bazzoli, Deputy PA Zach Wesley, Clerk Rick Hogaboam, Controller Kyle Wilmot, Sr. Systems Analyst Steve Onofrei, HR Director Marty Danner, Treasurer Jennifer Watters, Accounting Specialist Syndi Whitmire, Auditing Supervisor Sarah Winslow, Coroner Jennifer Crawford, Parks Director Nicki Schwend, Sheriff's Financial Manager David Ivers, Captain Ray Talbot, Lt. Martin Flores, Judge Davis VanderVelde, Assessor Brian Stender, Juvenile Probation Director Elda Catalano, Director of Misdemeanor Probation Jeff Breach, Director of Juvenile Detention Sean Brown, Landfill Director David Loper, DSD Director Sabrina Minshall, Constituent Services Director Aaron Williams, PA's Office Manager Melinda Longoria, and Deputy Clerk Monica Reeves. Director Danner reviewed the salaries for every department and office showing what the COLA is and if there are market adjustments included. COO Rast said the if you are eligible for the market adjustment that went through the budget you will not get the COLA, unless the market adjustment doesn't equal 2.5%, then you will get that 2.5%. Clerk Hogaboam said the number shown on the Treasurer's spreadsheet is the net cost to salary. The compensation program for the Treasurer's Office was \$16,000 in the approved budget, but it's \$9,000 on the spreadsheet but that does not include the benefit load. The resolution approving elected officials' salaries was approved on August 28, 2024. Commissioner Holton said over the years the COLA multiplier had been applied to the specialty pay on some but not on others so it was time to refresh the entire system. COO Rast said



historically with compensation it's been a challenge trying to separate the base pay and specialty and try to validate all of it, but Director Danner is working with ADP to split out specialty pay. Clerk Hogaboam said their goal was to have the compensation implemented on October 1<sup>st</sup> pending approval of the blue sheets/employee status change forms. The new positions will be a delayed discussion for one position in January and February for the other positions. Commissioner Holton made a motion to approve what has been presented concerning the COLA's and delineation of the specialty pay changes and the market adjustments and that Legal will follow-up with a written resolution substantiating the verbal motion of the approval so that the Clerk and HR can proceed with knowing what's been presented has been approved by the Board. The motion was seconded by Commissioner Brooks and carried unanimously. (Resolution No. 24-174.)

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
- Audri 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

The meeting concluded at 10:32 a.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER RESOLUTION APPROVING EMPLOYEE APPRECIATION DAYS FOR FY2025

The Board met today at 10:39 a.m. to consider a resolution approving employee appreciation days for FY2025. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, and Deputy Clerk Monica Reeves. Commissioner Holton said the Board was not ready to consider the resolution and then he made a motion to continue the matter to a date uncertain. The motion was seconded by Commissioner Van Beek and carried unanimously. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to adjourn. The meeting concluded at 10:39 a.m. An audio recording is on file in the Commissioners' Office.

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)
- High Focus, LLC, in the amount of \$62,000.00 for the Sheriff's Emergency Management Department (PO #6099)

#### 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

#### APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- H&M Meats and Catering be used on 10/26/24 at the Mint Barrel Barn for the Millard Wedding
- Raising Our Bar to be used on 10/1/24 at Still Water Hollow for the Sips for Hope Fundraiser
- Raising Our Bar to be used on 10/4/24 at Still Water Hollow for the Uffelman Wedding
- Raising Our Bar to be used on 10/5/24 at Still Water Hollow for the Livesay Wedding
- Raising Our Bar to be used on 10/11/24 at Still Water Hollow for the Warf Wedding
- Raising Our Bar to be used on 10/12/24 at Still Water Hollow for the Miller Wedding
- Raising Our Bar to be used on 10/13/24 at Still Water Hollow for the Kalnas Wedding
- Raising Our Bar to be used on 10/19/24 at Still Water Hollow for the Jeppesen Wedding
- Raising Our Bar to be used on 10/26/24 at Still Water Hollow for the Sandoz Wedding
- Mesquite Creek Outfitters to be used on 9/28/24 at Deer Flat Ranch for the Rex Wedding
- Danelion Brewery to be used on 9/28/24 at Vogel Farms for the Fall Runabout
- Treasure Valley Road Runners, LLC to be used on 9/28/24 at A Creekside Affair for the Barba Wedding
- O'Michael's Pub & Grill to be used on 10/4/24 at A Creekside Affair for the Koch Wedding

- O'Michael's Pub & Grill to be used on 10/10/24 at Red Roof Farm House for the Lowther Wedding
- O'Michael's Pub & Grill to be used on 10/13/24 at A Creekside Affair for the Maren Wedding

#### APPROVE COUNTY QUITCLAIM DEED

The Board approved a corrected County Quitclaim Deed for Parcel No. 34980000 0 to Hall & Sons, LLC, whose mailing address is 10801 W. Hubbard Road, Kuna, Idaho 83634. The deed corrects the grantee name and mailing address on the previously recorded County Quitclaim Deed Instrument No. 2024. New Instrument No. 2024-031109.

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

The Board met today at 9:32 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Zach Wesley, Deputy P.A. Laura Keys, Deputy P.A. Oscar Klaas (left at 10:07 a.m.), Clerk Rick Hogaboam (left at 10:07 a.m.), Chief Deputy Assessor Greg Himes (left at 9:50 a.m.), GIS/Land Records Supervisor Jacob King (left at 9:50 a.m.), EOM Christine Wendelsdorf (left at 9:54 a.m.), Cpt. Ray Talbot (left at 9:54 a.m.), Solid Waste Director David Loper (left at 9:35 a.m.), TCA Benita Miller (left at 9:45 a.m.), Case Manager Jennifer Odom (left at 9:45 a.m.), Interim Chief Public Defender Erik Ellis (left at 9:39 a.m.), Director of Constituent Services Aaron Williams (left at 10:07 a.m.), COO Greg Rast, Controller Kyle Wilmot (joined at 9:37 a.m. and left at 9:55 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider resolution reappointing Doug Amick to the SWAC:*** This resolution will reappoint Doug Amick as the representative for the Greenleaf/Notus/Parma area. Director Loper noted that a new representative is still needed for the City of Middleton. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the resolution reappointing Doug Amick to the SWAC (resolution no. 24-176).

***Consider Resolution Terminating Public Defense Expenses and Contracts:*** With the state taking over public defense starting 10/1/24, the following resolution memorializes the dissolution of the county public defender's office and any associated expenses and contracts. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the resolution terminating public defense expenses and contracts (resolution no. 24-175).

***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:*** Mr. Klaas explained that as a follow-up to the state taking over public defense, there are three areas where they will not take over and the county will still be responsible, those cases are Guardian Ad Litem, Adult Guardianship and Developmental Disabled commitment. Guardian Ad



Litem cases can be reimbursed thru the state. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the independent contractor agreements for court appointment counsel with Rondee Blessing (agreement no. 24-114), Jeffrey Nielson (agreement no. 24-115), Joshua Taylor (agreement no. 24-116), Alexa Perkins (agreement no. 24-117), Jolene Maloney (agreement no. 24-118) and Krista Howard (agreement no. 24-119). The agreements with Bethany Harder, Shawn Miller and CK Quade Law have not yet been returned and will be considered at a later time.

***Consider EagleView Master Services Agreement:*** This is for aerial images which is improved from what was previously offered and will assist the Assessor's office in assessing and evaluating properties. Legal has reviewed the agreement and has no issues. The Assessor's Office was able to negotiate prices for the next 8 years with appropriation and "out" clauses included. Flights with photos provided will be done once a year for \$62,499.97 annually. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the EagleView Master Services agreement (agreement no. 24-113).

***Consider Emergency Operations Plan Consultant Agreement with High Focus, LLC:*** Ms. Wendelsdorf explained best practice is to update the emergency operations plan every 5 years and High Focus will assist with that. Total cost of the project is \$100,000 which will be paid from EMPG grants; \$62K this year and \$38K next year. The last adoption of the emergency operation plan was April 2019. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the Emergency Operations Plan Consultant Agreement with High Focus, LLC (agreement no. 24-112).

***Consider binding insurance coverage with Travelers, Munich RE, Landmark American, and Tokio Marine/HCC:*** Zach Wesley explained that as part of the insurance renewal process for FY25 The Hartwell Corporation requested written documentation confirming acceptance of the policies. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the resolution binding insurance (resolution no. 24-177).

***Consider approving and signing retail sales agreement with AVI Services:*** This is the service support for The Center at the fairgrounds and the BOCC meeting room. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to approve and sign the retail sales agreement with AVI Services (agreement no. 24-111).

***Consider Signing Notice of Publication of FY2024 Budget Adjustments:*** In order to amend the budget, the budget process should be followed as practically as possible and this notice of publication is a good faith attempt to mirror that. The public hearing will be held on October 8<sup>th</sup> and notice will publish on October 1. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the notice of publication of FY2024 budget adjustments.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 10:07 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Zach Wesley, Deputy P.A. Laura Keys, and COO Greg Rast. The Executive Session concluded at 10:42 a.m. with no decision being called for in open session.

The meeting concluded at 10:42 a.m. and an audio recording is on file in the Commissioners' Office.

## 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 (AOI). 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)

The Board met today at 11:47 a.m. to consider a notice of lien for property located at 0 Leigh Lane, Parcel No. R39481503. Present were: Commissioners Brad Holton and Zach Brooks, DSD Director Sabrina Minshall, DSD Assistant Director Jay Gibbons, DSD Office Manager Jennifer Almeida, COO Greg Rast, and Deputy Clerk Monica Reeves. Director Minshall said the action item today is to file that lien for the abatement the Board already approved. The abatement was done yesterday. Upon the motion of Commissioner Brooks and the second by Commissioner Holton, the Board voted unanimously to sign the notice of lien for Canyon County Parcel No. R39481503 as presented. (The notice of lien was recorded as Instrument No. 2024-030901.) The meeting concluded at 11:50 a.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER RESOLUTION APPROVING A NEW ALCOHOLIC BEVERAGE LICENSE FOR CAMPOS MARKET, LLC DBA CAMPOS MARKET

The board met today at 11:48 a.m. to consider a resolution approving a new alcoholic beverage license for Campos Market. Present were: Commissioners Brad Holton and Zach Brooks, Chief Operating Officer Greg Rast, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Brooks and the second by Commissioner Holton, the Board voted unanimously to approve the beer and wine alcoholic beverage license for Campos Market, LLC dba Campos Market. (Resolution No. 24-178.) The meeting concluded at 11:50 a.m. An audio recording is on file in the Commissioners' Office.

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

Commissioner Van Beek made a motion to go into Executive Session at 2:02 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. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Clerk Rick Hogaboam, Controller Kyle Wilmot, Sheriff Kieran Donahue, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Zach Wesley, Deputy P.A. Laura Keys, Director of Constituent Services Aaron Williams, Cpt. Harold Patchett, Chief Deputy Sheriff Doug Hart, Facilities Director Rick Britton, Assistant Facilities Director Carl Dille, and COO Greg Rast. The Executive Session concluded at 3:43 p.m. with no decision being called for in open session.

ACTION ITEM: CONSIDER POSITION RECLASSIFICATION PROPOSAL FOR THE SHERIFF'S OFFICE

The Board met today at 4:00 p.m. to consider a position reclassification proposal for the Sheriff's Office. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, Chief Deputy Sheriff Doug Hart, Captain Chuck Gentry, HR Director Marty Danner, HR Business Partner Cindy Lorta, and Deputy Clerk Monica Reeves. Sheriff Kieran Donahue and Captain Harold Patchett arrived at 4:05 p.m. Chief Hart said the request stems from an ongoing analysis of the Sheriff's Office and its effectiveness and where they need to make some organizational changes that are long overdue. They want to reclassify a vacant Deputy PCN to a Patrol Administration Lieutenant to alleviate shift commander lieutenants who have significant duties from collateral duties. Some of those duties are carried out by sergeants who are supposed to be running their patrol teams but the collateral duties take them away from being able to supervise the deputies who are on the street. This represents an added expense but it will be

offset by two earlier reclassification requests that reduced the “A” budget by \$20,000 a year. Commissioner Holton said the leadership is showing in the fact that our liabilities are being reduced; it’s a good direction and he supports it. Commissioner Van Beek appreciates getting the gold standard in support and documentation from the Sheriff’s Office. She anticipates the budget impact will be very minimal going forward and noted there are anticipated revenue increases for it. Commissioner Brooks said the documentation is above and beyond to substantiate supporting the request. Chief Hart said the request includes the sergeant for the 5<sup>th</sup> patrol team and the adjustments that when they get the new PCN’s in FY2025 they will remove the request for the sergeant position in FY2025. Sheriff Donahue expressed his appreciation for the work his team put into this effort. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve the job title, job description, and salary grade of two positions in the Sheriff’s Office; one Deputy Sheriff salary grade D1 to one Sergeant; and one Deputy Sheriff to one Lieutenant as presented. (Resolution No. 24-179.) Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 4:10 p.m. An audio recording is on file in the Commissioners’ Office.

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:

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

### FILE IN MINUTES

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

### COMMISSIONERS ATTEND TREASURE VALLEY PARTNERSHIP MEETING

Commissioners Brad Holton and Zach Brooks attended the Treasure Valley Partnership meeting today at the Mountain Home Air Force Base from approximately 11:00 a.m. to 1:30 p.m. Although a Board majority attended and participated, this was not a Commissioner meeting. There were no motions, action items, or Board direction entertained or given.

### ACTION ITEM: CONSIDER APPROVING JOB DESCRIPTION FOR THE CHIEF DEPUTY ASSESSOR POSITION

The Board met today at 3:32 p.m. to consider approving the job description for the Chief Deputy Assessor position. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Greg Himes, HR Director Marty Danner, COO Greg Rast, and Deputy Clerk Monica Reeves. With the retirement of Joe Cox, who has filled the role of Chief Deputy Assessor for many years, Assessor Stender has been working with HR Director Danner on the job description which documents the role of the Chief Deputy Assessor. Greg Himes is now serving as the Chief Deputy Assessor. Following review, Commissioner Van Beek made a motion to approve the addition of one job description in the Assessor's Office: Chief Deputy Assessor with a salary grade of 17. The motion was seconded by Commissioner Brooks and carried unanimously (Resolution No. 24-181). The meeting concluded at 3:34 p.m. An audio recording is on file in the Commissioners' Office.

### MEETING WITH HR DEPARTMENT TO CONSIDER ACTION ITEMS FOR THE COUNTY AGENT'S OFFICE

The Board met today at 3:34 p.m. with the HR Department to consider the following action items: Cooperative Agreement for University of Idaho Extension Program; Agreements for Loaned Employee between Canyon County and the University of Idaho for M. Smith; D. Hoffman; K. Galloway; and J. Beaumont; and a resolution to approve the job title, job description, salary range and FLSA status for the 4-H Program Coordinator. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, HR Business Partner Jennifer Allen, COO Greg Rast, County Fair Office Coordinator Diana Hoffman, Interim County Agent Patrick Momont, 4-H Extension Educator Carrie Clarich, and Deputy Clerk Monica Reeves. Jennifer Allen said the resolution is for a new 4-H Program Coordinator position at the County Agent's Office which was approved during the FY2025 budget process. It is for the new employee that's currently in that role and who will be



transitioning to Canyon County. COO Rast said the position was paid through a contract on the “B” side of the County Agent’s budget and it is being transferred to the salaries side of the budget. Following comments, Commissioner Van Beek made a motion to sign the Cooperative Agreement for the U of I Extension Program; and the Agreements for Loaned Employee between Canyon County and U of I for M. Smith, D. Hoffman, K. Galloway and J. Beaumont, and to sign the resolution approving the job title, job description, salary range and FLSA status for the 4-H program coordinator as presented. The Clerk’s attestation will be corrected on the documentation to reflect the name of Rick Hogaboam rather than Chris Yamamoto. The motion was seconded by Commissioner Brooks and carried unanimously. (Agreement Nos. 24-121, 24-122, 24-123, 24-124, and 24-125, and Resolution No. 24-180.) The meeting concluded at 3:39 p.m. An audio recording is on file in the Commissioners’ Office.

ACTION ITEM: CONSIDER ADOPTING THE FY2025 BUDGET BOOK

The Board met today at 3:40 p.m. to consider adopting the FY2025 Budget Book. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Constituent Services Director Aaron Williams, Communications Specialist Chad Thompson, COO Greg Rast, Clerk Rick Hogaboam, Controller Kyle Wilmot, Auditing Supervisor Sarah Winslow, Senior Systems Analyst Steve Onofrei, HR Director Marty Danner, Assessor Brian Stender, Chief Deputy Assessor Greg Himes, and Deputy Clerk Monica Reeves. Director Williams said there are two draft versions of budget book; the main version goes over all the narratives as well as the requested budget, and the smaller version is an in depth breakdown of the approved budget without narratives. Each of the Commissioners offered comments in support of the budget book. Following comments, Commissioner Holton made a motion to sign the document and release it to the public. The motion was seconded by Commissioner Brooks and carried unanimously. The meeting concluded at 3:48 p.m. An audio recording is on file in the Commissioners’ Office.

ACTION ITEM: CONSIDER SIGNING CHIEF OPERATING OFFICER AT-WILL EMPLOYMENT AGREEMENT

The Board met today at 3:49 p.m. to consider signing the Chief Operating Employee Agreement. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, COO Greg Rast, HR Director Marty Danner, Constituent Services Director Aaron Williams, Communications Specialist Chad Thompson, Clerk Rick Hogaboam, Auditing Supervisor Sarah Winslow, Senior Systems Analyst Steve Onofrei, Controller Kyle Wilmot, Assessor Brian Stender, Chief Deputy Assessor Greg Himes, and Deputy Clerk Monica Reeves. COO Rast said he works on a contract with the Board, and it’s a volatile position so if it ever gets eliminated through new Boards coming in there is a severance package payout so he has the opportunity to find something else that is PERSI contributed, and if he finds something within 45 days the contract will be null and void. He reviewed a redlined version of the agreement noting the items that have changed:

- Page 2, Section 2.2 previously stated day-to-day activities will be guided by a workplan provided, but that language has been removed and now states the employee's day-to-day activities will be provided in the course of regular formal or informal meetings with the Board and by direction of the Board. All directives and assignments added to the employee's work shall require the consent of two County Commissioners. The Board agrees with this change.
- Page 3, Section 4.1 was updated to include the new FY2025 salary base of \$152,546.75. Commissioner Van Beek said the wage has been held at a minimum and this salary is a deal when considering if they had to go to market for the position. COO Rast noted that he took a \$10,000 salary reduction to go from the CIO (IT Director) position to the COO position.
- Section 5.5 is about training and education and it originally called out one out-of-town training, but he wants to change that because he wants to participate in IAC conferences and seminars and he wants to attend the ICMA - International City/County Management Association annual conference. The Board agrees with this change.
- Section 5.7 deals with the vehicle. He modified language so the section now reads that the County agrees to provide employee with a GPS-tracked vehicle, required insurance, maintenance and fuel. The vehicle is assigned to the Commissioners' Office to be used both by the Commissioners and the employee. He pays taxes on the vehicle on a quarterly basis. Commissioner Van Beek is in favor of this change.

The PA's Office has reviewed the agreement, but not the redlined changes. The Board is supportive without moving forward with Legal's review of the changes since they are de minimis.

There was a review of the changes made to the job description for the COO:

COO Rast will probably be the interim CIO for at least one year and there are specialty pays associated with that, but the additional salary will come off when new people are in place or redefined on that responsibility. Right now he serves as the CIO, Deputy CIO, 911 IT Director and the COO and is working to get the IT Department back on track. Commissioner Brooks said normally he would object to this but considering what we went through for the last 11 months he is in support. COO Rast said he will supervise the Director of IT, oversee all IT operations and functions, including the Sheriff's Office 911 ETS through the MOU between the Board and the Sheriff. HR has also added County policies, procedures, and practices to the job description. He will be working with the elected officials and department administrators to establish policy throughout the County. Commissioner Brooks said it's a big lift but come January 13, 2025 having a partner in the PA's Office to help the Board institute policy it would like to see will be a gamechanger and it won't be as heavy of a lift as it is now.

COO Rast reviewed his major achievements which are highlighted below:

- Observing the five-core values: TRUST (Transparency, Respect, Unify, Service, Teamwork)

- Shares risk management functions with the PA's Office and HR Department. The work environment, process, procedures, retention rates, overall employee satisfaction is the highest it's ever been. Litigious tort claims are at an all-time low and we are in a good position with our insurance carrier, and we now have insurance carriers fighting for the County's business.
- He was appointed to fill the roles of CIO, Deputy CIO, and the 911 IT Director for the Sheriff's Office.
- Working with the BOCC to do department administrator performance evaluations which he will be draft for the BOCC consideration. Exit interviews will be conducted through HR.
- Hired a new HR Director and a Constituent Services Director.
- Helped broker a deal between the Landfill, BOCC, the Solid Waste Advisory Committee, and Timber Creek Recycling to establish the first transfer station which will be in operation in 2025 by the Sugar Beet Factory in Nampa.
- Worked with the Constituent Services Director to re-establish the impact fee advisory committee. Now working on a capital improvements project and a plan.
- Budget process. Established on-call pay for Fleet Department and Facilities Department.
- Worked with the Sheriff's Office to establish new garnishment fees, and updated the towing ordinance.
- User fees at the landfill for user fees to start in October.
- Users fees and services in place for the Weed & Pest Department.
- Evaluate DSD fees for FY2025.
- Working with the Assessor's Office to evaluate admin fees and fees for the motor vehicle division.
- Working with Assessor and Treasurer to create a 5-year data hub on the website to give parcel information and a 5-year history of tax payments.
- New GASB 96 requirements for tracking assets.
- Worked with the ambulance district to establish the levy override on the ballot, and helping to reduce their costs by integrating the Fleet and Facilities Departments to utilize in-house resources chargeback model to save a lot of money. Upfitting ambulance and response vehicles with communication equipment, wiring, lights, overall technology; and HVAC, snow removal, groundskeeping and housekeeping services. In FY2026 they will chargeback for IT services.
- Assisted DSD with updating ordinances related to timelines of land use hearing processes and procedures.
- Partner with HR and PA's Office to analyze and make market adjustments to criminal and civil positions that were behind.
- Reorganization structures in DSD, Landfill, Assessor's Motor Vehicle and Reappraisal Departments.
- Worked with Clerk, Controller, Sheriff and BOCC on phase 1 of a new female detention center in FY2025.

- Partnered with PA and Facilities Department on plans and projects using ARPA funds
  - Completed the warehouse on Graye Lane
  - New Elections building will be completed in January of 2025
  - Completed the animal shelter roof and kennel improvements
  - Dedicated 6 new ambulance units in FY2025
  - Construction of a new Sheriff's administration building to be completed in January 2026. Looking to come in under budget.
- Involved in the gun range advisory committee. Getting architecture and engineer drawings and a site plan for improvements on one side, and a potential new Sheriff's training facility on the other side.
- Partnering with Parks to enhance safety and presence at Celebration and enhance facilities.
- Continued involvement in campus security discussions.
- Partnering with State Information Technical Services (ITS) in the technology transition of public defense services from the County to the State.
- Continued partnerships with Ada County, State of Idaho, CISA, Military Division, ITD, Idaho Supreme Court and other County affiliates.
- Addition of a fulltime Information Security Officer to oversee cybersecurity of County systems as well as to protect public information.
- Day-to-day tasks and projects for elected officials, department administrators and County affiliates to get those items prepped before the Board for a final decision or carrying out decisions that have been made.

Commissioner Van Beek said 3-4 years ago she started talking with leadership in Ada County about a chief operating officer position and she was advised that if Canyon County wanted to gain traction in efficiency it would need to have that position. She said it was a contentious offering to the public of what this would be, COO Rast does not function as a Commissioner but he does serve in a polished and professional political arena and has served Canyon County well. It's a tremendous list of accomplishments and she is pleased with the way it's been filled and the business that's been moved forward, and the buy-in from the other Board members in seeing the value of someone that knows the strategic and organizational component of moving a lot of business forward. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to sign the At-Will Employment Agreement with Canyon County and the Chief Operating Officer for FY2025 as presented. (Agreement No. 24-120.) Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 4:16 p.m. An audio recording is on file in the Commissioners' Office.

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

THE MINUTES OF THE FISCAL TERM OF 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