

JANUARY 2025 TERM
CALDWELL, IDAHO JANUARY 2, 2025

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- e-ImageData in the amount of \$9,786.92 for the Recorder's Office (PO #6197)
- Motorola Solutions in the amount of \$206,012.00 for the E911 Advisory Board/Sheriff's Office (PO #6112)

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for:

- Raising Our Bar, LLC, to be used on 1/17/25 at Stillwater Hollow for the NHS Wrestling Fundraiser
- Raising Our Bar, LLC to be used on 1/18/2025 at Stillwater Hollow for the Stein Wedding

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Holly Hopkins, Administrative Property Appraiser Supervisor
- Ryan T. Mills, Deputy Judicial Marshal
- Nazaret Garcia, Juvenile Detention Officer
- Letisia Heidel, Development Services Technician

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

- Action Item: Consider Resolution for Destruction of Records
- Action Item: Consider signing Independent Contractor Agreement for Interpreter Services with Young Lee
- Action Item: Consider signing Independent Contractor Agreement for Interpreter Services with Katherine Stewart-Hilkert DBA The Eurasian Translator Inc.
- Action Item: Consider Signing Legal Notice for Development Services Department's Revised Fee Schedule

ACTION ITEM: CONSIDER APPROVING FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR CASE NO. CU2021-0016-APL (JEFF RANSOM'S APPEAL FOR SPECIAL EVENT FACILITY)

The Board met today at 10:58 a.m. to consider approving the Findings of Fact, Conclusions of Law, and Order (FCO's) for Case No. CU2021-0016-APL in the matter of Jeff Ransom's appeal for a special event facility. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Principal Planner Debbie Root, and Deputy Clerk Monica Reeves. Principal Planner Root said

the appeal was denied by the Board on December 2, 2024 and it accepted the revised FCO's as written. Today the Board reviewed the FCO's to make sure they contain the information that was discussed. Commissioner Van Beek said this was heavily discussed and it's important to note that it continues to be brought forward the potential need for a public drinking water system. With regard to what, if anything, the applicant can do to gain approval, there has been a highlight on sanitary facilities as well the buildings that exist on the property that were not in compliance and that will be an issue that is addressed subsequent to the signing of the FCO's. It was a good application but it is missing some key components, with transportation being the biggest issue where they had not gained clear discovery on who had rights to what. She is in favor of signing the FCO's to deny the appeal and uphold the decision. Commissioner Brooks is in favor of signing the FCO's. Commissioner Holton said the Board has done its due diligence in trying to express its wrestling with the application and the many issues, and if the applicant wants to see if there is any light at the end of the tunnel they can listen to the public record and pick up many things that would need to be addressed. He is in favor of approving the FCO's as presented. Upon the motion by Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to deny the appeal and uphold the P&Z Commission decision and sign the FCO's as presented for Case No. CUP2021-0016-APL. Upon the motion by Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 11:03 a.m. An audio recording is on file in the Commissioners' Office.

Meeting to consider matters related to Indigent Services

Executive Session 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

Action Item: Consider Signing Expense Report for Public Defense in FY2024 (Showing Grant Expenditure)

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There were no meetings held this day.

APPROVED CLAIMS

- The Board has approved claims 612512 to 612517 in the amount of \$15,765.00

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CALDWELL, IDAHO JANUARY 6, 2025

APPROVED CLAIM

- The Board has approved claim 6125862 in the amount of \$612,862.00

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Southern Idaho Electric in the amount of \$16,900.00 for the Facilities department (PO #6134)

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Rachel Holeman, temporary assignment to the Treasurer's Office ended on 1/3/25
- Jaycee A. Aldous, temporary assignment to the Treasurer's Office ended on 1/3/25
- Charlie Hatfield, Landfill Hazardous Waste Screener/Heavy Equipment Operator
- Ryki Bowen, temporary assignment to the Reappraisal department to assist with PTR season

DETAILED MINUTES TO COME AT A LATER TIME

Action Item: Consider signing Notice of Publication for FY2024 Budget Amendments

Supporting Documents:

Meeting with Steve Jenkins from the City of Caldwell regarding Presentation on Proposed New Hotel

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CALDWELL, IDAHO JANUARY 7, 2025

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Command Sourcing in the amount of \$17,331.60 for the Sheriff's Office (PO #6113)

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

The Board met today at 9:32 a.m. for a legal staff update and to consider action items. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, Chief Civil Deputy+ PA Aaron Bazzoli, Deputy PA Laura Keys, Deputy PA Zach Wesley, HR Director Marty

Danner, Treasurer Jennifer Watters, Assessor's Business Manger Jennifer Loutzenhiser, Lt. Martin Flores, Forensic Services Supervisor John Sanchez, Chief Deputy Sheriff Doug Hart, Norm Brown, and Deputy Clerk Monica Reeves. The action items were considered as follows:

Consider Resolution Adopting Changes to the Employee Handbook eliminating Policy 5.02.07

- Donation of Sick Leave: Director Danner is recommending the elimination of the donation of sick leave policy because of the risk of exposure for a claim of discrimination or disparate treatment. It would be best to allow employees to use the sick time and vacation time they accrue themselves. Commissioner Van Beek supports the recommendation and believes it will improve the performance and the abuse of a sick time policy by harvesting from other people who tend to be on the workaholic side. Commissioners Brooks and Holton are in favor as well. Director Danner is open to having a deeper discussion to see if there is a better solution or different program that would not expose the County to risk. Commissioner Holton agrees. Commissioner Van Beek said the current policy also has a lot of administrative work tied to it for HR staff. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to sign the resolution adopting changes to the employee handbook eliminating Policy 5.02.07 regarding donation of sick leave as presented by Director Danner. (Resolution #25-002.)

Consider Idaho State Police NIBIN Memorandum of Agreement: This is a standard agreement with the Idaho State Police providing access and training to technicians regarding entry of evidence into the National Integrated Ballistic Information Network. The PA's Office has reviewed the MOU. Forensic Services Supervisor John Sanchez offered brief comments in support of the agreement. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to sign the Idaho State Police Forensic Services and Canyon County Sheriff's Office Memorandum of Understanding for the NIBIN agreement as presented. (Agreement #25-003.)

Consider Resolution Approving Award of Prosecuting Attorney's Badge to Bryan F. Taylor, and a Resolution Approving Award of Prosecuting Attorney's Badge to Douglas W. Robertson:

Chief Deputy Bazzoli said Prosecutor Bryan Taylor and Chief Criminal Deputy PA Douglas Robertson will be leaving office and it is common in the law enforcement and prosecutorial community to have badges awarded as recognition for years of service to outgoing prosecutors. The badges do not have any function, but are a ceremonial acknowledgment of the service provided by those two gentlemen. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to approve the resolutions awarding a Prosecuting Attorney's badge to Bryan F. Taylor, and to Douglas W. Robertson as presented. (Resolutions #25-003 and #25-004.)

At 9:42 a.m. an Executive Session was held as follows:

EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206(1)(C) AND (D),
REGARDING ACQUISITION OF AN INTEREST IN REAL PROPERTY AND RECORDS EXEMPT
FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 9:42 a.m. pursuant to Idaho Code, Section 74-206(1) (c) and (d) regarding acquisition of an interest in property, and records exempt from public disclosure. The motion was seconded by Commissioner Brooks. A roll call vote was taken on the motion with Commissioners Holton, Van Beek, and Brooks voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, Chief Civil Deputy PA Aaron Bazzoli, Deputy PA Laura Keys, Deputy PA Zach Wesley, Treasurer Jennifer Watters, Assessor's Business Manger Jennifer Loutzenhiser, and Norm Brown. Mr. Brown left at 9:50 a.m. The Executive Session concluded at 10:29 a.m. with no decision being called for in open session.

ACTION ITEM: CONSIDER CASUALTY LOSS APPLICATION FOR REGINALD AND MARY JONES, PIN
04149000 0

The Board met today at 10:37 a.m. to consider a casualty loss application for Reginald and Mary Jones, PIN 04149000 0. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, Treasurer Jennifer Watters, Certified Property Appraiser Supervisor Holy Hopkins, Director of Constituent Services Aaron Williams, COO Greg Rast, and Deputy Clerk Monica Reeves. Treasurer Watters said the application is for a person whose home burned in November of 2023 and they are asking for their 2024 taxes to be forgiven. Only the house burned; there were outbuildings that did not burn so the casualty loss will be for the value of the home only. The total value to be forgiven is \$128,750, with an estimated tax of \$791.51. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to approve the casualty loss application for Reginald and Mary Jones, PIN 04149000 ,in the amount of \$791.51. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 10:40 a.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2025 TERM
CALDWELL, IDAHO JANUARY 8, 2025

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for:

- Lindsey A. Harris, Drug Testing Technician – new hire

PUBLIC HEARING –APPEAL BY RICHARD AND LORNA PENNER FOR A NONVIABLE LAND DIVISIONS
OF PARCEL R37792, CASE NO. AD2024-0001-APL

The Board met today at 1:30 p.m. to conduct a public hearing in the matter of an appeal by Matt Wilke, representing Richard and Lorna Penner regarding the denial of AD2024-0001 for nonviable land divisions of Parcel R37792, approximately 120 acres. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Planning Supervisor Carl Anderson, DSD Associate Planner Emily Bunn, Interim DSD Director Jay Gibbons, Deputy PA Zach Wesley, Todd Lakey, Matt Wilke, Rick Penner, Devan Penner, Matt Wilke, TJ Wellard, Alan Mills and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that she is familiar with the area as her kids have participated in the Vandenberg Dairy for 4-H livestock judging, and her family has purchased hay from Nathan McKinney but she has not had conversations with them.

Todd Lakey testified that his clients, the Penners, have two original parcels based on a 1961 deed that does not establish its description of the property by a metes and bounds (precise measurement) description. The deed uses aliquot parts and describes two separate unique parcels within Section 10, and the County's code recognizes the nature of this description in the two original parcels. The zoning ordinance defines a parcel noting it can be described by metes and bounds, it can be by lot and block. The code notes that if you have multiple parcels that are separately defined then you use a metes and bounds description to establish a single parcel, but they did not do that here, they used aliquot parts. The parcels are separately described and they exist independently, thus the two original parcels are in conformance with the ordinance and the application of case law. Regarding the nonviable ag portion, we are talking about eight parcels, which is a very small impact on a very large 120-acre piece of property. The focus is whether it is extremely difficult to engage in production on this parcel and the lack of water definitively answers that question. The parcels are large which also provides natural buffering.

Matt Wilke offered testimony on behalf of the applicants and said the project consists of 120 acres with 8 residential lots and 2 ag-only lots. The applicants have received approval from Black Canyon Irrigation District (BCID), Bureau of Reclamation, and Highway District No. 4. They believe the property consists of two original parcels, and they believe the land is not viable for agricultural use. The Director's decision overlooked the critical factor of economic viability; ag land must be able to produce marketable crops and animals to be considered viable, but they have no water. They have mitigated agricultural impacts and minimized impacts to neighboring farms with internal traffic routes and clustering of parcels, and they have protected the irrigation lateral with barbed wire fencing and they have bridged the lateral and are not impeding water flow. They have also done residential impact mitigation with the southern neighbors with a future collector road that the highway district wanted on the quarter section line. The parcels are described as the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ which is 80 acres, and the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$. Those are two separate portions of land as defined on the original patent deed of 1961. The County definition has been followed for years and states that a tract of land described by aliquot parts is a parcel. Conversely, land that is described by metes and bounds that includes all parts of multiple pre-existing parcels or portions of platted lots, all of which are not separately defined, or labeled as separate parcels or lots, shall be considered one parcel. There is not a metes and bounds survey, there is an aliquot parts description which is defining exactly two separate portions of land. Mr. Wilke referred to a letter from Greg Skinner, a surveyor who stated he agrees with the applicants and noted that the

description of the land has been in existence since before 1979 and each parcel is clearly separately defined. The County ordinance has been interpreted for many years as defining original parcels by their aliquot parts descriptions and this tract of land should not be an exception. Mr. Wilke spoke about the demand for rural residential parcels, and how the land in this case is above the level of the water in the canal so you cannot gravity flow to the property and irrigate it. Other areas are irrigable but there are no water rights. 55% of the soils are class 4 and 32% are class 6. The property as it sits is not viable for agricultural use based on poor soils, lack of irrigation water, and rolling topography. Economic viability is a key part in determining whether land is viable for agricultural use, and this property has constraints and a lack of water making productive agricultural use extremely difficult. He reviewed the analysis of the cap rate and the feasibility analysis, and spoke about the mitigation of agricultural impacts. The applicants have been asked to name four road names on the short 4,000-foot road for eight homes and they would like to keep one road name of *"Heads Up Lane."* The applicants are building a barbed wire fence to delineate the irrigation lateral, as requested by BCID.

DSD Associate Planner Emily Bunn gave the oral staff report which outlined the applicant's request, location to parcel, background, and context, and the applicable sections of Canyon County's ordinance criteria of evaluation and recommendation. The result of the request would have created eight residential parcels and two ag-only parcels. The property is zoned agricultural and the 2030 comprehensive plan designates the future land use as agriculture. The parcels are designated as ag-only with no residential building permit available and the rest are proposed parcels with residential building permits. There have been three different recent parcel inquiries done on the property, two of which identified Parcel R37792 as having one original parcel, and one of which identified it as having two original parcels (Exhibit C4). On October 27, 2022, a conditional rezone from the "A" zone to the "CR-RR" zone on 55 acres of the parcel was denied by the Board due to the different conclusions previous planners made on how many original parcels made up Parcel R37792. DSD decided to send the deed to two contract surveyors to review the deed and see what their determination of originality is. Both surveyors found that Parcel R37792 contains one original 120-acre parcel which means the parcel would have three administrative land divisions available, or four parcels with a residential building permit available. Ms. Bunn reviewed the reasons the DSD Director denied the request, which can be found in the staff report summary (Exhibit C6). The denial was based on not meeting criteria in Canyon County Zoning Code 07-18-09(5) D, E. Staff recommends the Board deny the appeal. The following options were given to the applicant which included applying for the available administrative land divisions; a conditional rezone to the "R-R" zone with a development agreement with conditions limiting the lot sizes to five acres or larger; and a comprehensive plan amendment and conditional rezone to the rural residential designation.

Commissioner Brooks said it's frustrating that this case hinges on whether it is one parcel or two, and we have conflicting information on what it is. DSD Planning Supervisor Carl Anderson said the request is an appeal to the nonviable land division, and there is a portion that talks about whether there is one original parcel or two but that was not the basis for denial of the nonviable land division. Part of what the Board is seeing in the report is because they had conflicting parcel inquiries. There is a parcel inquiry from 2008 that showed this as one original parcel, so they sent

the deed to Keller & Associates and Centurion Engineers, and both responded that it was one original parcel. If the Board desires to uphold the Director's decision the applicant can still apply for the administrative divisions that are available. Should the Board desire to overturn the decision, Deputy PA Wesley may weigh in on whether we evaluate that based on one parcel or two parcels. Mr. Anderson said staff can read the emails from the surveyors into the record or they can be entered as late exhibits.

At the request of the Board, Planner Bunn read the response from Centurion Engineering dated September 18, 2024 stated, in part, that a property description is a precise and legally accepted definition of a parcel of land and is a unique identifier that includes enough information to identify the parcels location, boundaries, and area. As to whether a deed always defines a single parcel, or it can describe multiple parcels, depends more on the zoning ordinance rather than in surveying practice. From a land surveyor's perspective they would/could survey any parcel of ground that is properly described in a land legal description. Sometimes a client wants the separate parcels to be surveyed as separate pieces. The inclusion of the word *and* or other ways to add land in description does not make any difference to a land survey other than to figure out if the overall ground to survey is being added to or perhaps retracted from with a call as except or exception, this being said the surveyor asked a colleague to look at the County's zoning code and they offered their input. The Canyon County zoning code defines lot cross-references the definition of a parcel, the more common definition is that a lot is a defined area within a subdivision intending to be sold to a separate owner. The Canyon County code definition of parcel is a tract of land described by metes and bounds, chains, rods, or aliquot parts by lot and block. Land that is capable by metes and bounds that includes all or parts of multiple pre-existing parcels or portions of platted lots all of which are not separately defined or labeled as separate parcels of lots shall be considered one parcel. A particular interest of discussion is the definition of original parcel in Canyon County code which is a parcel of platted or un-platted land as it exists on September 6, 1979. Any area that is described by metes and bounds, chains, rods or aliquot parts is commonly referred to as section ground. The letter goes on to reference the information DSD provided to the engineering firm and their subsequent review. The final statement is that Parcel R37792, the section ground description is of one parcel.

Commissioner Van Beek asked what the process is for evaluating how either the Director or the team came up with having this shown as one parcel when there appear to be two separate descriptions on a 1961 deed. Planning Supervisor Anderson said part of the reason they sent it to the County's contract surveyors was to provide analysis and technical review and considering the County's ordinance. The response received was: it is one original parcel. Staff relies on the surveyors for their review and the records shows that there seems to be differences in how the code is interpreted. One review provided that perhaps there are three original parcels, and that was provided as part of the applicant's materials. There are different ways to interpret that and we want to make sure we get the right answer which is why they sent it to the County surveyor for review. Regarding the issue of one parcel vs. two parcels, Mr. Anderson said it was not part of the criteria the request was denied under.

The following people testified in support of the request:

Alan Mills testified that he agrees with Todd Lakey's assessment of two parcels, and he would challenge the County engineers to see if they can come up with one legal description that describes this property as 120 acres. He does not believe they can describe the property in one aliquot parts description, it has to be two. He served on the P&Z Commission in the 1990s when they incorporated the nonviable land divisions and he said they did it to cure some circumstances and because the backlog on hearings was getting bad and they wanted to make simple cases a Director's decision where families wanted to take their nonproductive ground and utilize it for this type of thing. This case is a prime example for nonviable land divisions. He spoke of the need for rural residential properties and said the subject property does not have water rights, most of it is above the canal and can never have BCID water rights because they do not want any water coming back at a risk to come into their canals. This area is not exclusively agriculture, there are other developments out there and he believes the applicants have done a lot to mitigate the neighbors' concerns.

Rick Penner testified that his realtor contacted DSD staff and had correspondence that they were entitled to five lot splits and they could apply for three nonviable splits as well. He dealt with BCID for over a year on the bridge process and spent a lot on fees and putting in over 3,500 lineal fencing on each side of the canal and installing a railing on the bridge. The highway district asked him to pave the road to the canal from Harvey Road and put a cul-de-sac at the end for a public road, but he did not want to impact his neighbors so he appealed to the district and they agreed that he could move it 300 feet away from the neighbors' property, but then they wanted the private road 600 feet further to the north and so now they are 900 feet from the neighbors' property line which he felt was the right thing to do. According to Mr. Penner, there has never been an agricultural use on the property; it has cheatgrass, weeds and gophers. A neighbor asked to put their cattle on the property while they were growing hay on their own property and Mr. Penner allowed them to do that, but now it's working against him because there are photos of cows on the property. He wants each of his four children to have a parcel of land and it is his intention to abide by the code and preserve the rural lifestyle of the neighbors.

Devan Penner testified that a lot of the neighbor's concerns were about mistruths and deception and what has been done in the past but he said his father is a man of his word and will do what he says. He is grateful his father purchased the property because he grew up with horses and agricultural pursuits and he wants to provide that for his kids, too.

TJ Wellard, who is a professional land surveyor with 20 years' experience, testified in favor of the appeal. He said DSD Planning Supervisor Carl Anderson said the denial was not part of the original parcel, but in the denial, it lists the options for approval and it did not include as if this were two original parcels and it is important that we get that nailed down. He agrees with Todd Lakey's legal analysis of the original parcel. An aliquot parcel description is much like a lot and block subdivision description, and the way the County has been looking at descriptions is if you own three lots in a block in a subdivision that is three individual lots, and it's the same thing with aliquot parts. When they list two aliquot parts in the same description those are two unique parcels of ground, and you cannot make those two aliquot parts one description without writing a metes and bounds

description. Additionally, just because the ground has been grazed three weeks out of the year does not make it viable farm ground. Following Mr. Wellard's testimony, he responded to questions from the Board.

Rebuttal comments were offered by Matt Wilke who said we have conflicting evidence from staff on whether the ground is viable. They provided extension office data from the University of Minnesota and the University of Mississippi whereas Mr. Wilke provided data from the Idaho Lands data report that broke down animal units per months, and he said given those two states' annual rainfall it does not compare to Idaho's weather, environment or conditions. Mr. Penner has not filed for an agricultural exemption on the property, but the previous owner did have one but that does not mean it is viable agricultural ground. Currently, there is no water on the property. There is not a well or water right for grazing and there is no irrigation water for surface or ground water. They have a farm disclosure that will be included in the CC&Rs which will be attached to the property forever unless amended in the future, and every buyer will see them and that is how we can enforce protection in the ag community. Mr. Wilke said the reason they cannot describe the property as one aliquot parts description is because the NW ¼ of the SE ¼ is 40 acres and it's in the SE ¼, we cannot describe the whole 120 acres in that SE ¼ because they have another 80-acre parcel in the NE ¼. You cannot describe this by aliquot parts description as a 120-parcel without using two separate quarter quarters. In theory, Mr. Penner could sell the NW ¼ of the SE ¼ as it is defined currently and it would meet the minimum parcel size for an agricultural parcel, and he could also sell the 80 acres separately without a survey and disperse it to a new owner if he so desired. They had a chain of title done by Pioneer Title and there has been no deed changes in seven or eight deeds since 1961, and they are separately defined portions of land and they are not overlying each other - they are exactly defined and are separate portions. He thinks if the County-contracted surveyors were here today they would look at the map and at the parcel definition in code and would say what the applicants' representatives are saying, when you compare this legal description to what a parcel is defined as you can see that those are two separate descriptions of aliquot parts. The reason they are going for eight permits is based on two original parcels. On the 80-acre piece they can do three permits without using nonviable, and with the 40-acre parcel they can do two, so they will ask for two more nonviable for a total of four because if they break four they would have to subdivide. On the 80-acre piece they will ask for one extra nonviable. He believes they have proven the nonviability of the property and the fact that it is two separate parcels, and we can all agree that anything prior to September 6, 1979 is an original parcel, so it really comes down to the parcel definition. Commissioner Holton said there is a statement from staff and a neighbor that you could attempt to buy water shares from BCID. Mr. Wilke said it's not possible to get water put back on the property. You cannot put water on land that's above the water level of the canal and there are no water shares available to put on 120 acres right now, it would have to be slowly accumulated and even if they could put it back on it would be difficult. To Mr. Wellard's point, he can see that the surveyors who did not compare this parcel definition from the County code to the deed and how there may have been an issue there and why they may have thought this was one parcel and if they were here today he thinks they would agree. Mr. Wilke said he asked staff for the information but he was not able to review their responses.

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

Commissioner Brooks said the Board needs to discuss whether it agrees with the Director. There is reference to the two contracted surveyors and their determination and the Director used that evidence in the findings, but he does not agree with the surveyors because there is enough evidence and with the plain language of the description of aliquot parts, in his opinion, it is two parcels. He does not agree with the premise that it's only one. Commissioner Holton had questions for Deputy PA Wesley regarding concerns about a procedural error where the Board is making a basis on a Director's decision and it's being referenced in the decision but the documentation of those decisions is not part of the packet, and the applicant did not have the opportunity to review it. Deputy PA Wesley said we could pause the hearing and provide the information to everybody and give an opportunity for any interested party to critique them and offer testimony. We could also bring the surveyors back to testify and inquire with them directly. The alternative is to just exclude those from the record and not rely on them and the Board could make its own independent determination without that evidence since it's not been available for comment by the people with the due process interest. Commissioner Van Beek agrees with Commissioner Brooks and said she is interested in gaining additional information to settle the question. DSD Planning Supervisor Anderson said based on today's testimony it likely warrants further discussion. One option may be to honor the latest 2020 parcel inquiry that provided two original parcels in this situation which the applicant applied under and still allow for further code analysis and exploration on the aliquot parts and how those play into originality. Commissioners Brooks and Van Beek agree. Commissioner Holton is uncomfortable with the Board attempting to make a decision whether it's going to uphold the denial or overturn the denial when we know we have a procedural failure coming out of the Director's decision that the applicants have not had the opportunity to rebut. They have given compelling testimony about their side of the issue, but he wants to hear the original land surveyor or see their written report and for the applicant to see the exact verbiage. Commissioner Brooks is in favor of ignoring the alternative viewpoint from the County-contracted surveyors. Commissioner Holton said if you take that part out of the decision he is confused as to how the Board can arbitrarily choose that it is eight (8). Deputy PA Wesley said if the Board excludes the two surveys that were relied on by the Director that were not made part of the record it could review the other evidence in the record to make its determination about the number of parcels. Commissioner Van Beek said even though this property can qualify potentially under a nonviable division it's still in big agriculture, and with 5 or 8 lots there is no subdivision plat, and we have letters of opposition from farmers who have been in agriculture and operating for many years and so there needs to be more vetting. Commissioner Holton made a motion continue the hearing to February 6, 2025 at 1:30 p.m. to take testimony concerning the debate about the original parcel, whether it's two or one, because it concerns whether there would be five buildable lots or eight buildable lots. The motion was seconded by Commissioner Van Beek. Deputy PA Wesley said the motion includes producing the two opinions from County-contracted surveyors today on the website and by email to those present. He asked if the Board wants to set a deadline for written responses. Commissioner Holton amended his motion to accept written comments submitted to DSD by 5:00 p.m. on January 30, 2025, otherwise the verbal testimony will be allowed at the continued hearing on February 6. The opinions from the

contract surveyors will be posted on the website and sent to the applicant. The amended motion was seconded by Commissioner Van Beek. Planner Bunn provided this clarification: The nonviable would be the deciding factor if the Board reverses the decision and allows the applicant to have the nonviable divisions then it would result in eight buildable lots, but if the Board decides not to reverse the decision on the nonviable part - not the original - then it would be down to five buildable lots. Eight is just the nonviable code, and five is if it's two originals outright in the code. The motion carried unanimously. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 3:39 p.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2025 TERM
CALDWELL, IDAHO JANUARY 9, 2025

APPROVED CLAIM

- The Board has approved claim 613070 ADV in the amount of \$7.00

APPROVED JANUARY 10, 2025 PAYROLL

- The Board approved the January 10, 2025 payroll in the amount of \$2,380,914.58

DSD GENERAL BUSINESS

The Board met today at 10:35 a.m. for a DSD general business meeting. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, Interim DSD Interim Director Jay Gibbons, Director of Constituent Services Aaron Williams, COO Greg Rast, Chief Civil Deputy PA Aaron Bazzoli, and Deputy Clerk Monica Reeves. Interim Director Gibbons provided the Board with application statistics for 2024 which included submitted administrative applications; closed administrative applications; scheduled pre-application conferences; closed pre-application conferences; parcel inquiry submissions; parcel inquiries closed; hearing level applications submitted; and hearing level applications closed. There was a review and discussion of the report, a copy of which is on file with this day's minute entry.

The planning staff has been meeting to discuss how the department can address the backlog issue; set expectations and team goals; special projects; division priorities; and how to fix where they are now and ensure they can get out of the hole.

There will be updates on focus areas with regard to reviewing all eight cities' areas of impact, and look at the recently implemented state code with regard to this review which has to happen at the end of the calendar year. They will reach out to cities and pair them up with staff to start that process the end of January.

DSD is tracking legislative priorities coming forward. Staff is ready to work on the ordinance updates for the Board's review. There have been discussions about where the Board stands on the comprehensive plan and what we need to do and they will come up with an implementation plan because one of the biggest problems with the current comp plan is it hasn't necessarily been implemented through ordinance. We need to identify what we can do in that regard and also go through the current plan and prioritize how we implement different aspects of it as a whole and bring those ordinances forward to do that so it's all in tandem with the ordinance updates. They are not planning to re-write the comp plan, they are going to work with what we have and clarify what may need to be fixed. Commissioner Van Beek said there are a lot of goals, policies, and actions and some of those do not make sense and some are grammatically incorrect or lacking in functional content. Interim Director Gibbons said they will look throughout the comp plan and clarify the action items and policies that don't make sense. Commissioner Van Beek said some of it is not the job of county government because we do not have the statutory authority to implement some of what's been proposed. Interim Director Gibbons said going back to the APA ordinance that was recently adopted, that was in Chapter 12 without any discussion and then it magically became statutory authority from the state down. Commissioner Van Beek said the Board is not looking for more government overreach. Commissioner Holton said there are special interest groups that like to whip up the public to be mad at government and he hopes we can refer to the past 10 minutes of dialogue to show where the Board and DSD are at. Interim Director Gibbons said many outside interest groups keep tabs on us and he has asked them to be part of the improvement process, not just stand back and throw darts.

Commissioner Van Beek said Rod Ashby with the City of Nampa is front-facing with the public in talking about Nampa's plans and impact area, and she asked if DSD is getting a handle on those? Interim Director Gibbons said staff has been involved with Nampa's planning processes the past year, and they are in the hearing process for the sub-area plan and when he receives comments asking what Canyon County is going to do about it he explains the process. The City of Caldwell is in the middle of a comp planning process too and staff is assigned to Caldwell so the Board will know where they are headed.

Commissioner Holton said there are a couple changes on the P&Z Commission membership and he was wondering if once we have some of those filled in we could have training for the entire P&Z Commission and have a joint meeting with the Commission and DSD staff. Interim Director Gibbons said anytime the P&Z Commission gets new members they have training and yes, he will work on setting up a joint meeting. Commissioner Holton said the public sometimes keeps score between the P&Z Commission and the Board and it's really not the point. When an application or topic comes before the P&Z Commission they are hearing it for the first time and by the time it comes to the Board it has had the opportunity to look at past meetings and findings and conclusions and it goes into their meeting with the background still needing to listen to what's been presented at the public hearing and so it isn't a score. Things can be brought out, such as with the APA where Legal needed to go back and look at in light of what the recommendations of the P&Z Commission were on the APA, and the Board had the luxury of time to have Legal look through those item-by-item and see how they fit within the statute and then also this Board is

having to deal with the new reconsidered areas of impact so we had to look at it significantly differently even though it's the same APA. He considered it a really good process that the P&Z Commission listened to the public and attempted to implement and recommend those to be instituted within our ordinance and unfortunately several of those were in conflict and that's not bad because the public can have a desire about something, but we got handed that from the legislature and so we have to work within the framework that the legislature intended the statute to operate in and sometimes that doesn't work with your personal opinion of how you think right should be, we have to follow that statute as best as we can. we did come up with a significantly different position than the recommendations from the P&Z Commission on the APA, but he totally appreciates the P&Z Commission and the work they have done. He was very pleased with the process. Interim Director Gibbons said the P&Z Commission vets applications for the Board and their job is to look at the application, take input, and make a recommendation to the Board, and that process needs to stay true. Chief Civil Deputy PA Aaron Bazzoli said the state legislature has many committees which people bring a lot of information to and a lot of bills start there and go through that group of 10-12 people, and ultimately the recommendations go up to the floor and there is a huge overall debate where it can be passed, denied, changed or modified so there is nothing inherently problematic with things starting in one area and getting modified and moving up because the Board is the legislative body for the County and things can be different than what it started with and there is nothing wrong with that.

Upon the motion of Commissioner Van Beek and the second by Commissioner Holton, the Board voted unanimously to concluded at 11:21 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION PURSUANT TO IDAHO CODE, SECTION 74-206(1)(B) AND (D), REGARDING A PERSONNEL MATTER AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE

Commissioner Van Beek made a motion to go into Executive Session at 2:04 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) to discuss a personnel matter and records exempt from public disclosure. The motion was seconded by Commissioner Brooks. A roll call vote was taken on the motion with Commissioners Holton, Van Beek, and Brooks voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, COO Greg Rast, and Fair Director Diana Sinner. The Executive Session concluded at 3:20 p.m. with no decision being called for in open session. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to adjourn.

There were no meetings held this day.

APPROVED CLAIMS

- The Board has approved claims 612919 to 612956 in the amount of \$138,024.22
- The Board has approved claims 612957 to 612996 in the amount of \$42,354.08
- The Board has approved claims 612997 to 613036 in the amount of \$62,719.23
- The Board has approved claims 613037 to 613069 in the amount of \$350,469.37

JANUARY 2025 TERM

CALDWELL, IDAHO JANUARY 13, 2025

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Three Girls Catering to be used on January 18, 2025 for a holiday party

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Ingrid Batey, Senior Chief Deputy Prosecutor
- Alana Minton, Chief Criminal Prosecuting Attorney
- Ted Lagerwall, Deputy Prosecuting Attorney - IV - Criminal
- Ben Cramer, Deputy Prosecuting Attorney - IV - Civil
- Garrett Swenson, Deputy Prosecuting Attorney - III - Criminal
- Kara Pryzbos, Deputy Prosecuting Attorney

SWEARING-IN CEREMONY FOR NEWLY ELECTED AND RE-ELECTED OFFICIALS; AND CONSIDER APPOINTING CHAIR OF THE BOARD OF COMMISSIONERS

A swearing-in ceremony took place this morning at 8:00 a.m. in Courtroom #140 of the Canyon County Courthouse where the following Canyon County officials were sworn into office: Clerk Rick Hogaboam, Commissioner Leslie Van Beek, Commissioner Zach Brooks, Sheriff Kieran Donahue, and Prosecuting Attorney Chris Boyd. Oaths of office for Commissioners Van Beek and Boyd were administered by Clerk Rick Hogaboam, and following that action, the Board of Commissioners convened to appoint a Chair. Commissioner Van Beek then made a motion to nominate Commissioner Brad Holton as Chairman. The Commissioner was seconded by Commissioner Brooks. Commissioner Holton remained neutral. The motion carried. The oaths of office for Clerk Hogaboam, Sheriff Donahue, and Prosecuting Attorney Boyd were administered by Commissioner

Brad Holton. The ceremony concluded at 8:17 a.m. Recorded oaths of office are on file with this day's minute entry.

JANUARY 2025 TERM

CALDWELL, IDAHO JANUARY 14, 2025

APPROVED CLAIMS

- The Board has approved claims 612863 to 612875 in the amount of \$8,021.99
- The Board has approved claims 612876 to 612881 in the amount of \$997.00
- The Board has approved claims 612882 to 612918 in the amount of \$551,673.43
- The Board has approved claim 613071 in the amount of \$135.00

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Christopher D. Boyd, Elected Prosecuting Attorney
- Cory Kondeff, Deputy Sheriff – removal of CERT pay
- Peter Jason Carpentieri, Records/Civil Supervisor, new hire

APPROVED PURCHASE ORDERS

The Board approved the following purchase order:

- BOE in the amount of \$7693.00 for the Information Technology department (PO #6186)

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with County Attorneys for a Legal Staff Update

- Action Item: Consider Agreement for Appraisal Services

Action Item: Consider Treasurer's Tax Charge Adjustments by PIN December 2024

Meeting to Discuss Canyon County Website Revamp

PUBLIC HEARING: CONSIDER PRELIMINARY PLAT, IRRIGATION PLAN, DRAINAGE PLAN, AND LANDSCAPE PLAN FOR SAGE GATE SUBDIVISION, CASE NO. SD2023-0011

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of the request by Blue Terra Development, represented by Focus Engineering, for approval of a preliminary plat,

irrigation plan, drainage plan and landscape plan for Sage Gate Subdivision, a mixed-use subdivision on approximately 20.8 acres of "C1" (Neighborhood Commercial) zoned property, Case No. SD2023-0011. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Principal Planner Debbie Root, Interim DSD Director Jay Gibbons, DSD Planning Supervisor Carl Anderson, Paul Hilbig, interested citizens, and Deputy Clerk Monica Reeves. Commissioner Van Beek disclosed that she has a relative within proximity who approached her about this case, but she told them she would have to hear it at a hearing.

Paul Hilbig testified that he has been working on this project for many years and is ready to move to the next step. He has met with the neighbors and agencies and tried to put together a project that works for everyone. In response to question from Commissioner Holton, Mr. Hilbig said the condominium storage units will have a specific building with restrooms and the users will have free access to; however, they will not have restrooms for the traditional unit areas.

Principal Planner Debbie Root gave the oral staff report. Sage Gate Subdivision is a mixed-use subdivision inclusive of a condominium piece ministorage, and five commercial business lots. The request was approved through a CUP on appeal to provide for the mixed use nature of the storage condominiums that are intended to be sold individually upon completion upon of that portion of the development. The subject properties, parcels R34535 and R34542, are located on the west side of Old Highway 30 approximately 865 feet north of State Hwy 44 in Caldwell. On September 19, 2024 the P&Z Commission recommended approval with conditions. Subsequent to that recommendation, the developer provided the landscape plan for review and DSD made some revisions which are being considered today. The preliminary plat has been reviewed by engineering and staff. A neighbor was concerned about the runoff that goes to the northwest corner of the property is worried that silting will continue. As conditioned, drainage must be retained on site, but there may be a need for that person to contact ITD and have that pipe cleared as it accesses under the interstate. The property is located within the Middleton Area of City Impact. The city did not provide any comments or conditions for the development. Primary access will be a single point of access onto Old Highway 30. The irrigation district has reviewed the construction drawings and plans and has sent a letter of approval of those plans. Highway District No. 4 has preliminarily reviewed the documents. The development is in substantial compliance with the requirements of the subdivision code, and is in compliance with the conditions of approval for the CUP, and the landscape plan is in compliance with the conditions as presented.

Commissioner Holton had questions regarding which portions of the property would be paved. Mr. Hilbig said the intent is to pave the entire section except a portion of the NW corner where they will have an all-weather surface for RVs and future expansion, but they would be willing to pave that extra acre if it makes a difference, although they don't typically do that for boat

and RV parking. There was follow-up discussion regarding the access points and mitigation requirements. Upon the motion of Commissioner Holton and the second by Commissioner Brooks, the Board voted unanimously to close public testimony. Commissioner Holton believes the project is well-drawn and he does not have any areas of concern about the plat other than what he has brought up. Commissioner Van Beek has no objection to the preliminary plat. Commissioner Brooks supports the proposal, and he has no objection if the applicant chooses not to do paving. Commissioner Holton has no problem if the applicant does not pave the one area for boats and RVs but he would like there to be a hard surface asphalt-type between the units where traffic is attempting to access. Commissioner Brooks is in favor of that. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to accept and approve the FCO's as drafted with the inclusion of Condition No. 18 (*which states "The storage access and circulation areas shall be paved. The area identified in the northwest corner and along the north fence line for boat/RV/trailer parking may be all-weather surface."*) Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 2:01 p.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2025 TERM

CALDWELL, IDAHO JANUARY 15, 2025

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- Craft Lounge to be used 4/27/25 for a Whiskey Club release event
- Craft Lounge to be used 5/31/25 for a Silo Saturday event
- Craft Lounge to be used 1/26/25 for a Whiskey Club release event
- Legends Sports Pub & Grill to be used on 2/22/25 for the Tscharanyan wedding
- Legends Sports Pub & Grill to be used on 3/15/25 for the Groesbeck wedding
- Legends Sports Pub & Grill to be used on 3/29/25 for the Henderson wedding

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Canyon County Sheriff's Office in the amount of \$22,950 for a uniform allowance (PO #6115)
- Absolute Software in the amount of \$15,782.00 for the E911 Advisory Board (PO #6116)

PUBLIC HEARING: APPEAL BY JEFFERY JACKSON AND MATTHEW BALDWIN, REPRESENTED BY WYATT JOHNSON, OF THE APPROVAL OF A PRIVATE ROAD NAME (DUENAS LANE), CASE NO. RD2023-0009-APL

The Board went on the record today at 1:31 p.m. to address take up the matter of the appeal by Jeffery Jackson and Matthew Baldwin, represented by Wyatt Johnson, of the approval of a private name (Duenas Lane), Case No. RD2023-0009-APL. Present were: Commissioners Leslie Van Beek and Brad Holton (who arrived shortly after the start of this meeting), Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Deputy PA Wesley said he has been in communication through DSD with the representatives of the appellants as well as the original applicant, and he believes there will be a resolution in place to change the name of the street to a name that is agreeable between all of the property owners in the area, but they are still working out some details and so he asked for the matter to be set to a date uncertain. If the matter is not resolved it will be brought back to the Board in March or April, but if there is a resolution he will file a stipulation between the parties with the Board and have it sent back to DSD to rename the road. Upon the motion of Commissioner Van Beek and the second by Commissioner Holton, the Board voted unanimously to continue Case No. RD2023-0009-APL to a date uncertain. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 1:33 p.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2025 TERM

CALDWELL, IDAHO JANUARY 16, 2025

APPROVED CLAIMS

- The Board has approved claims 613326 to 613327 in the amount of \$779.79
- The Board has approved claim 613072 in the amount of \$2,095.40

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Best Buy in the amount of \$5846.38 for the Information Technology department (PO #6188)
- Right Systems in the amount of \$5720.00 for the Information Technology department (PO #6187)
- Atlas in the amount of \$71,403.00 for the Information Technology department (PO #6141)
- Curtis Blue Line in the amount of \$44,900.00 for the Sheriff's Office (PO #6198)

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for:

- Joshua Jameson, job title change from Heavy Equipment Mechanic to Operations Supervisor/Heavy Equipment Operator

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for a legal staff update and to consider an action item

- Action Item: Consider a resolution to reappoint Nikki Gorrell to the Historic Preservation Commission
- Action Item: Consider Signing Risk Management Services Agreement Renewal Addendum

- Action item: Open Proposals for Human Resources and/or Payroll System Dispatched on time but Received After the Deadline - proposals were opened 1/14/25 during the legal staff update meeting
- Action item: Consider Notice of Acceptance of Late Proposals

*Agenda start time adjusted to 10:00 a.m. - updated January 15th at 3:23 p.m.

DSD GENERAL BUSINESS

The Board met today at 10:31 a.m. for a DSD general business meeting. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, Interim DSD Director Jay Gibbons, and Deputy Clerk Monica Reeves. The following topics were discussed:

- COMPASS is requesting a letter of support from the County as they pursue a federal grant for replacement of the Old Highway 30/ West Plymouth Street bridge reconstruction project. The bridge will be used as a pedestrian bikeway only, and a new bridge will be upriver for vehicle traffic. (An executive summary of the project is on file with this day's minute entry.) Commissioner Van Beek said it looks like a good project, but she would like to read more about it. Commissioner Holton asked if there are any other bridge projects that would be to the benefit of the County rather than the City of Caldwell? Mr. Gibbons said this project has been contemplated for 20 years, but he doesn't know if there are other bridge projects on the docket. Commissioner Holton asked if the County should negotiate over the bare lot in Caldwell? Commissioner Brooks is willing to explore that idea, and said this is a benefit to that portion of Caldwell and southwest Middleton., and the expansion of the road to go a different route would be appealing to someone in charge of north Caldwell. Staff was directed to draft a response letter for the Board to consider as an action item for next week.
- The City of Wilder has two city-owned parcels adjacent to each other that they want to consolidate and land apply treated waste water so they can grow alfalfa, but they need to submit a property boundary adjustment in order to accomplish that and they have asked to waive the \$330 application fee. Commissioner Van Beek said the County has given some thought to the smaller cities in Canyon County many of which may not be able to afford the DSD component of that. Commissioner Holton said it's an enterprise fund of the City of Wilder and he does not want his retirees paying for the enterprise fund because it's a cost of doing business that is shared back to the rate users. Commissioners Brooks and Van Beek support that position. Commissioner Holton said he has received phone calls from the adjacent farming operation voicing concern, and it will be interesting to see how the right to farm will be impacted with the onion crops

that will be adjacent to this facility if they continue with the design concept of having sprinkler systems with mist and water going downwind. He said the Board needs to be careful what portion of this it participates in. Commissioner Van Beek wants to know what the impact is and base a decision on the facts. Interim Director Gibbons said because it's an agricultural operation they do not have to come to the County for a permit.

- The P&Z Commission agenda has been filled through March, and the Hearing Examiner is scheduled for the first week of March as well. There was discussion regarding the parameters of when a case goes to the P&Z Commission and when one goes to the Hearing Examiner, which are generally the cases that are not complicated.

Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 10:53 a.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER RESOLUTION TO CHANGE THE JOB TITLE AND SALARY GRADE OF ONE POSITION IN THE SOLID WASTE DEPARTMENT TO A LANDFILL OPERATIONS SUPERVISOR/HEAVY EQUIPMENT OPERATOR

The Board met today at 11:31 a.m. to consider a resolution to change the job title and salary grade of one position in the Solid Waste department. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, Solid Waste Director David Loper, HR Business Partner Jennifer Allen, and Deputy Clerk Monica Reeves. Director Loper said this is the final step in the reorganization of the landfill structure where they are proposing to retitle the heavy equipment mechanic position to an operations supervisor/heavy equipment operator for span of control, accountability, and supervision. The fiscal impact for the salary is \$2,500. Commissioner Van Beek is in favor of this and said it was planned for in the FY2025 budget, and the County has been looking to update and standardize job titles. Director Loper said nationally the solid waste industry has moved up to the number 4 most dangerous job in the country, which is not a good trend. Additionally, they plan to recruit for the landfill operations manager this week. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve the job title and salary grade change of one position within Canyon County Solid Waste from the landfill heavy equipment mechanic with a salary grade of 13 to a landfill operations supervisor/heavy equipment operator with a salary grade of 14. (Resolution No. 25-006.) Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to adjourn at 11:37 a.m. An audio recording is on file in the Commissioners' Office.

Meeting with Constituent Services Department Regarding End of Year Online Networking Metrics and Draft Newsletter

JANUARY 2025 TERM

CALDWELL, IDAHO JANUARY 17, 2025

APPROVED CLAIMS

- The Board has approved claims 613073 to 613112 in the amount of \$141,673.26
- The Board has approved claims 613113 to 613152 in the amount of \$235,638.23
- The Board has approved claims 613153 to 613192 in the amount \$122,361.89
- The Board has approved claims 613233 to 613276 in the amount of \$101,411.46
- The Board has approved claims 613277 to 613325 in the amount of \$45,702.79

DETAILED MINUTES TO COME AT A LATER TIME

Public hearing for budgeting of unscheduled revenue, grants or donations from federal, state or local governments or private sources and budget adjustments pursuant to Idaho Code §31-1605 for Fiscal Year 2024

- Action Item: Consider Resolution amending the FY2024 budget pursuant to Idaho Code, 31-1605

Action Item: Consider authorization to expend FY2025 budgeted reserve funds for the 1302 E Chicago, Caldwell property in an amount not to exceed the actual appraised value to determine purchase price including earnest money

JANUARY 2025 TERM

CALDWELL, IDAHO JANUARY 21, 2025

APPROVED CLAIMS

- The Board has approved the December jury claim in the amount of \$10,075.24
- The Board has approved claims 613193 to 613232 in the amount of \$75,864.39

APPROVED CATERING PERMITS

The Board approved Idaho Liquor Catering Permits for:

- O'Michael's Pub & Grill to be used on 2/1/25 for the Chiles wedding

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Russell French, Judicial Assistant - transferring from Clerk of the Courts to TCA
- Mikell B. Torres, TCA Judicial Assistant, addition of specialty pay

File in minutes the Treasurer's monthly report for November 2024

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for a legal staff update

Action Item: Consider Approving Certificates of Noncompliance and Release of Lien on the following parcels:

Certificates of Non-compliance

- 21577 Grace Ln, Star (R34034)
- 20233 Linda Ln, Nampa (R27213)
- 1017 N. 52nd, Nampa (R25015)
- 5309 & 0 Sky Ranch, Nampa (R28752 & R29852010)
- 0 Lower Pleasant Ridge, Wilder (R36976010 & R36976010D)
- 3702 E Homedale, Caldwell (R24190502)
- 4009 Marble Front & 617 Mason, Caldwell (R35285 and R35284)
- 0 Howe, Caldwell (R35991)

JANUARY 2025 TERM

CALDWELL, IDAHO JANUARY 22, 2025

No meetings were held this day.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Mason Abbott, Deputy Sheriff -new hire
- Emma Sanford, Emergency Communications Officer I - new hire
- Megan Ong, SOR Supervisor – promotion
- Cynthia Polanco, Customer Service Specialist – new hire

JANUARY 2025 TERM

CALDWELL, IDAHO JANUARY 23, 2025

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Nemo Q in the amount of \$11,484.00 for the Information Technology department (PO #6189)
- Apex Integrated in the amount of \$10,000 for the Facilities department (PO #6140)

- CDW-G in the amount of \$86,987.04 for the Fleet department (PO #6179)

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Nicole Beverlin, Clerk III – promotion
- Randall deJong, Systems Administrator II – promotion
- Denise Himes, Victim Witness Coordinator – moving from lead position

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for a legal staff update

Meeting to consider matters related to Indigent Services

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

JANUARY 2025 TERM

CALDWELL, IDAHO JANUARY 24, 2025

No meetings were held this day

JANUARY 2025 TERM

CALDWELL, IDAHO JANUARY 27, 2025

Commissioners Attending the Idaho Association of Counties Mid-Winter Legislative Conference

JANUARY 2025 TERM

CALDWELL, IDAHO JANUARY 28, 2025

Commissioners Attending the Idaho Association of Counties Mid-Winter Legislative Conference

JANUARY 2025 TERM

CALDWELL, IDAHO JANUARY 29, 2025

Commissioners Attending the Idaho Association of Counties Mid-Winter Legislative Conference

JANUARY 2025 TERM

CALDWELL, IDAHO JANUARY 30, 2025

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Hailey Johnson, Juvenile Detention Officer – FTO pay
- Callie Dyer, Juvenile Detention Officer – FTO pay

- Bernie Ramirez, Juvenile Detention Officer – FTO pay
- Gary J. Clayman, Jr., Certified Property Appraiser – New hire
- Hilda Garcia, Court Assistance Officer – New hire
- Hayli Marcilliat, Sr. Administrative Specialist – Promotion into vacant PCN
- Michael Farrell, Assistant Director – New hire
- Marisa Fugate, Victim/Witness Services Coordinator – New hire
- Rachel C. Bottles, Staff Attorney – New hire

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Right Systems in the amount of \$9880.00 for the Information Technology department (PO #6190)
- Carbon Networks LLC in the amount of \$19,200.00 for the Information Technology department (PO #6191)
- LN Curtis (Curtis Blue Line) in the amount of \$12,240.00 for the Sheriff's Office (PO #6203)
- Leads Online in the amount of \$6905.00 for the Sheriff's Office (PO #6200)
- Police Service Dogs in the amount of \$15,200.00 for the Sheriff's Office (PO #6201)
- High Focus LLC in the amount of \$50,000 for the Sheriff's Office Emergency Management (PO #6202)

DETAILED MINUTES TO COME AT A LATER TIME

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

- Action Item: Consider a Resolution Approving Award of Officer's Badge, Duty Weapon, and Radio
- Action Item: Consider Supplemental 2022 Emergency Management Performance Grant
- Action Item: Consider State Homeland Security Grant Subrecipient Agreement
- Action Item: Consider EMS Grant Subrecipient Agreement
- Action item: Consider Canyon County Agreement with Docusign for Juvenile Probation
- Action Item: Consider Idaho Department of Parks and Recreation Waterways Improvement Grant Application for Boater Education Training Facility
- Action Item: Consider Idaho State Historic Preservation Office Certified Local Government Subgrant Application FY2025
- Action Item: Consider Idaho Department of Parks and Recreation Waterways Improvement Grant Application for Celebration Park Boater Improvements
- Action Item: Consider Signing: Legal Notice for Public Hearing to Consider Public Comment Regarding Setting a Fee Increase for participating in the Canoe Science Camp
- Action Item: Consider letters to parties in interest and owners of record regarding proceeds from the November 6, 2024 tax deed auction

- Action Item: Consider Nampa First United Methodist Church's Application for Cancellation of Property Taxes
- Action Item: Consider a Resolution Classifying Records of the Information Technologies Department and Authorizing the Destruction of Financial Records

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

PUBLIC HEARING TO RECEIVE COMMENTS REGARDING THE DEVELOPMENT SERVICES DEPARTMENT'S REVISED FEE SCHEDULE

The Board met today at 10:34 a.m. to conduct a public hearing to receive comments regarding the Development Services Department's fee schedule. Present were: Commissioners Leslie Van Beek and Zach Brooks, Interim DSD Director Jay Gibbons, Chief Civil Deputy PA Aaron Bazzoli, Deputy PA Zach Wesley, Deputy PA Trenton McRae, Deputy PA Ben Cramer, Director of Constituent Services Aaron Williams, COO Greg Rast, Darin Taylor, and Deputy Clerk Monica Reeves.

Interim DSD Director Gibbons said the current fee schedule was adopted in June of 2022 and it was reviewed against the work staff puts into the different types of applications to see what services they provide that are not covered in the fee schedule. The Board's direction was to recoup staff time, if they are putting effort into development applications then the development community needs to pay their way as opposed to the taxpayer being responsible for the development community. They had not done a lot of time tracking per se, they instituted a time tracking mechanism in their project management software to allow them to gather information on how much time it takes a planner to go through a conditional use permit, or a rezone, or plat. When they started looking to update the fee schedule it was to get an idea from a budgeting perspective and there were more discussions throughout the year with the Board to figure out what they were seeing. They are pursuing a different way to look at the fees, more of an ala carte method where there is a base fee for an application and recouping costs from the GIS division that's preparing case maps for analysis as well as staff presentations and reports. They are also trying to recapture engineering and surveying fees. The fee schedule will be reviewed annually, perhaps twice a year, and as they get more efficient and re-evaluate the fee schedule, it's possible some fees may go down, but at this point they are trying to cover what they have been asked to do from a customer service and from a development application review standpoint. Some application fees have gone up significantly but in many regards staff are giving away their work. Parcel inquiries for the past four years have been \$40, and staff could spend days just trying to research information. They have changed the process to where it's now two hours' work rather than several days, and by breaking it up to cover surveyor costs or engineering costs or adding the agricultural protection area designation into the fee schedule they are trying to address how to best recoup the costs of spending staff time on analysis of development applications.

Commissioner Van Beek wants to re-evaluate the code enforcement fees because she does not want to subsidize people who do not take care of their property. Interim Director Gibbons agreed and said the administration fee for filing the certificates of noncompliance should be higher than \$500; they could quantify it better and amend it in the future. Code enforcement staff has worked to update the ordinance to provide more mechanisms of enforcement, and they are working with legal for review.

Darin Taylor with David Evans and Associates offered neutral comments on the proposed fee schedule. He asked where is the articulation of which customer services the department provides that there is not a cost for? Everybody pays taxes, what services come with that? Where are the records of the tracking? The application fee for a property information request is \$275. If it's the landowner who is applying for a parcel inquiry there should not be a fee because that's part of what the landowner receives from the department. What if the landowner comes in multiple times a year? The first time there shouldn't be a fee, but with the second time there is a fee. He had a client who requested a parcel inquiry and was refused, and DSD would not provide him with a parcel inquiry because one had already been done on the property. That policy does not make any sense. 20 years ago this was customer service, but today there is a fee and the records are no longer available for the public to review. He doesn't have access to the records DSD does, but they are going to charge him for staff to look at them. That's not right. Mr. Taylor hopes the County is not charging a landowner to meet with a planner to talk about their property. He questioned the completeness review fee and the \$1,400 fee for an agricultural protection area designation. In the notification category he questioned the \$350 and \$600 fees and asked where the supporting data is, especially if it's just a notice that's posted to the website. If a property owner wants to develop 100-200 acres and the notification distance is substantial as compared to someone with a 10-acre parcel, we should not average those. Asked for the data that supports a \$2,400 fee for a conditional use permit for gravel extraction and a \$3,200 fee for a comprehensive plan map amendment, and a \$4,600 fee for a comprehensive plan text amendment. He recognizes that part of the fee increase has to do with staffing and time to process things, but where is the data supporting that? His main concerns are in the notes section: 1 and 2: *"Fees are additive based on services provided and application type. A case may require multiple fees, including but not limited to, case specific entitlement verification, planning, engineering, notification, and GIS. Fees will not be reduced based on number of applications submitted."* He said it seems to be a duplicate charge and if he files an application for a comprehensive plan change, rezone and preliminary plat he would have to pay three full fees, which is a duplication of the majority of costs. Mr. Taylor said it seems the number of cases being filed is on the decrease and the number of cases being processed is decreasing so it makes sense if you have fewer people paying the expenses, then you have higher costs, so it makes sense that the fees are going up, but that's not what he sees in the data. Overall, he sees the fee schedule as good, and he understands that fee increases are a part of life, but where is the data so the public can see?

The Board thanked Mr. Taylor for his comments and said his comments could be material for discussion at future meetings. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to close the public comment portion of the hearing.

Interim Director Gibbons said a property consultation with planner is a preapplication conference that they never charged for before. They are going to place a value on preapplication conferences with applicants to go through the code requirements for the application they are preparing for submittal, and they place a value on that by having a fee for it. The completeness review had to do with doing a cursory review to make sure the information on the checklist is there and many times staff has to respond and let the applicant know what they missed and they will resubmit. If people continue to come in with incomplete applications there will be a cost. There needs to be public outreach to explain what the fees are and what's involved. DSD will not charge for the first 20-30 minutes of customer service; the fee is for when property owners come in with a laundry list of questions that takes staff time to evaluate and write a response for. They are trying to be more efficient and encourage landowners to do the legwork themselves. He said notification costs are easy to quantify. Regarding Mr. Taylors' objection to having three full fees, Interim Director Gibbons said in the past there was efficiency in processes by submitting a rezone and preliminary plat at the same time and there was efficiency in preparing an analysis for that, but when they started separating rezones from the preliminary plat it gives the hearing body the opportunity to decide if this is the appropriate location, are we going to have to rezone land in order to accomplish the preliminary plat so now those processes are not slammed together, they are separated for a purpose. There are different criteria for each application and providing an analysis for a rezone is different than an analysis for a plat, or for a comp plan amendment. The fees established are the correct amount. Commissioner Brooks said it's been a lengthy process, and a lot of good work has gone into it, and he is in favor of moving forward. Commissioner Van Beek said DSD has made progress in getting a fee established that assigns that to the person wanting the service rendered, but asked "where is the free stuff?" Interim Director Gibbon said there are a lot of customer service items, administrative efforts in the department that don't necessarily support just the development review process. They deal with people every day who may never submit an application, they may just find out the status of their property and what they can and cannot do, and if an application does not come forward they don't recoup any of the customer service effort. The APA designation fee was established because it will require a comprehensive plan amendment, and we have to appoint an agricultural protection commission to review the initial applications and make a recommendation to the Board who then has to have a public hearing and decide whether it is appropriate. They established the \$1,400 to be ahead of when the process starts. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to sign the resolution to adopt the Development Services Department's revised fee schedule as presented, and to amend exhibit "A" under code enforcement to read *Administration Fee for Filing a Certificate of Non-Compliance*. (Resolution No. 25-011.) The hearing concluded at 11:23 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO FOLLOW:

Meeting with Health Trust Board

RESCHEDULE PUBLIC HEARING - REQUEST BY GREG PAYNE FOR A CONDITIONAL REZONE, CASE NO. CR2022-0007

The Board went on the record today at 1:31 p.m. to reschedule the public hearing regarding Greg Payne's request for a conditional rezone. Present were: Commissioners Leslie Van Beek and Zach Brooks, DSD Principal Planner Dan Lister, and Deputy Clerk Monica Reeves. The hearing will be rescheduled to a date when the full Board can participate. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to reschedule the public hearing to February 19, 2025 at 1:30 p.m. The meeting concluded at 1:33 p.m. An audio recording is on file in the Commissioners' Office.

JANUARY 2025 TERM

CALDWELL, IDAHO JANUARY 31, 2025

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Christopher Jones, Juvenile Detention Officer (hourly rate adjustment to meet department's part-time needs)
- Paige Gabiola-Reedy, Juvenile Detention Officer (hourly rate adjustment to meet department's part-time needs)
- Telford William Winslow, Systems Administrator II (Emergency Communications)
- Brian Kinney, Systems Administrator III (Information Technology)

DETAILED MINUTES TO COME AT A LATER TIME

Action Item: Consider Resolution Appointing Corey Turner to the Canyon County Mosquito Abatement District Board

Action Item: Consider Resolution Approving a New Alcoholic Beverage License for Maverik, Inc., dba Maverik #778

Action Item: Consider Resolution to Adopt Changes to Job Title, Salary Grade, and FLSA Status of One (1) Position in the Prosecuting Attorney's Office

Meeting to consider matters related to Indigent Services

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

Receive Clerk's Quarterly Report

ADD CLAIMS TEMPLATE HERE

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

THE MINUTES OF THE FISCAL TERM OF JANUARY 2025 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 _____, 2025.

CANYON COUNTY BOARD OF COMMISSIONERS

Commissioner Leslie Van Beek

Commissioner Brad Holton

Commissioner Zach Brooks

ATTEST: RICK HOGABOAM, CLERK

By: _____, Deputy Clerk

