

MARCH 2025 TERM
CALDWELL, IDAHO MARCH 3, 2025

No meetings were held this day.

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for:

- Parma Ridge Wine & Spirits to be used 3/8/25 for the Parma Booster Club Dinner and Auction

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for:

- John Vietti, Landfill Operations Manager, filled vacant position

MARCH 2025 TERM
CALDWELL, IDAHO MARCH 4, 2025

COMMUTER VEHICLE AUTHORIZATION FORM

The Board approved commuter vehicle authorization forms for:

- Dawn Pence, Fleet
- Jeremy Cucco, IT

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 and Zach Brooks, Prosecuting Attorney Chris Boyd, Senior Chief Deputy Ingrid Batey, Deputy P.A. Zach Wesley, Deputy P.A. Ben Cramer, Elections Supervisor Haley Hicks (left at 9:34 a.m.), Landfill Director David Loper, COO Greg Rast, and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider a Resolution Classifying Records of the Canyon County Clerk and Authorizing the Destruction of Certain Records: Ms. Hicks explained that these records have met the statutory requirement for retention and with moving to the new building they are working to destroy and unnecessary paperwork that has met the statutory requirements. Ms. Hicks read into the record items to be destroyed with this resolution. 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 Clerk and authorizing the destruction of certain records (see resolution no. 25-032).

Consider License Agreement with Clean Earth Environmental and Global Spectrum, LP; and Consider Amendment No. 1 to Agreement No. 18-091: Zach Wesley explained these agreements and amendment are all related to the household hazardous waste event that will be happening next weekend at the Idaho Center. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the license agreement with Clean Earth Environmental and Global Spectrum, LP (agreement no. 25-018) and Amendment no. 1 to agreement no. 18-091 (agreement no.25-091).

Discussion ensued regarding potentially putting out an RFP for hazardous waste collection.

Consider Approving Prosecutor's Office Dress Code Policy: Mr. Boyd said the purpose is to ensure his office is represented as professionally as possible. They have found it necessary to be more specific than the general county dress code policy. Commissioner Van Beek made a motion to approve the Prosecutor's Office dress code policy. The motion was seconded by Commissioner Brooks and carried unanimously. A copy of the dress code policy is on file with this day's minutes.

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

MEETING WITH THE ADMINISTRATIVE DISTRICT JUDGE AND TRIAL COURT ADMINISTRATOR

The Board met today at 10:31 a.m. with the Administrative District Judge and the Trial Court Administrator. Present were: Commissioners Leslie Van Beek and Zach Brooks, ADJ Thomas Whitney, COO Greg Rast, TCA Benita Miller and Assistant TCA Chris Paulson (arrived at 10:33 a.m.), and Deputy Clerk Jenen Ross. The following discussion topics ensued:

- The renovation of courtroom 315 is going well and Judge Whitney appreciates the work that has been done by facilities.
- They are in the process of selecting a new magistrate judge. The meeting is scheduled for the 11th and a decision is anticipated at that time.
- Mr. Rast gave an update on the project to get cameras in courtrooms. Judge Whitney is still in favor of the effort but said there is a need for judges to have the ability to blackout/blur certain elements and/or to stop the recording when necessary.
- Ms. Miller reported everything is going well. The new Budget Analyst person is doing great and the PT Court Assistance Officer position is open again.
- The District III transition to state public defense is going fairly smooth, especially in Canyon County.
- Mr. Rast asked about interpretive services specifically related to the budget.

The meeting concluded at 10:31 a.m. and an audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR FALCON RIM SUBDIVISION, CASE NO. SD2022-0047; AND FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, DEVELOPMENT AGREEMENT, AND ORDINANCE FOR BONNIE VANCE VERMAAS, CASE NO. CR2022-0022

The Board met today at 11:02 a.m. to consider signing the Findings of Fact, Conclusions of Law, and Order for Falcon Rim Subdivision, Case No. SD2022-0047; and the Findings of Fact, Conclusions of Law, and Order, Development Agreement, and Ordinance for Bonnie Vance Vermaas, Case No. CR2022-0022. Present were: Commissioners Zach Brooks and Leslie Van Beek, DSD Principal Planner Dan Lister, and Deputy Clerk Monica Reeves. The documents were considered as follows:

The Board heard Case No. SD2022-0047 on February 11, 2025 and approved the preliminary plat for Falcon Rim Subdivision. The FCO's reflect what was recommended by the P&Z Commission with some minor changes to the conditions. In response to questions from Commissioner Van Beek regarding flow diversion and easement requirements, Planner Lister said the final plat will have the final irrigation plan that meets the requirements. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve the FCO's for Falcon Rim Subdivision, Case No. SD2022-0047, as presented.

The Board heard Case No. CR2022-0022 on February 4, 2025, and reversed the P&Z Commission's recommendation of denial and granted approval subject to the development agreement conditions that staff recommended which included the 2.5-acre lot size and no secondary residences. Staff presented the FCO's with the changes to criteria no. 2 and no. 8 regarding schools and lot sizes, along with the development agreement and ordinance. Commissioner Van Beek said staff's original recommendation to the P&Z Commission was for approval and the Board was consistent with staff's expertise and recommendation in moving this project forward. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to sign the FCO's, ordinance, and development agreement as presented for the Vermaas conditional rezone, Case No. CR2022-0022. (Ordinance No. 25-001 and Agreement No. 25-020.)

The meeting concluded at 11:09 a.m. An audio recording is on file in the Commissioners' Office.
Commissioners Minutes

CONSIDER THE CASUALTY LOSS APPLICATION FOR ANTHONY AND JAMIE DAILEY, PIN 32759118 0

The Board met today at 1:31 p.m. to consider the casualty loss application for Anthony and Jamie Dailey, PIN 32759118 0. Present were: Commissioners Zach Brooks and Leslie Van Beek, Treasurer Jennifer Watters, Certified Property Appraiser Supervisor Holly Hopkins, and Deputy Clerk Monica Reeves. Treasurer Watters reported that the casualty loss is a result of a vehicle being driven into the Dailey's garage. The current value of their property is \$464,800, and with the loss deduction of \$18,400 it dropped the value down to \$446,400, resulting in a decrease in taxes of \$147.20.

Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve the calculation of casualty loss tax cancellation in the amount of \$147.20 based on sustained damage to a structure by property owned by Anthony and Jamie Dailey, Account No. 327591180. The meeting concluded at 1:34 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO INDIGENT SERVICES

The Board met today at 1:47 p.m. to consider matters related to Indigent Services. Present were: Commissioners Leslie Van Beek and Zach Brooks, Case Manager Kellie George, and Deputy Clerk Jenen Ross. Ms. George presented the following cases for Board consideration:

Case no. 2025-12: Following an investigation by Indigent Services, it was determined the decedent is a Canyon County resident but is not indigent as assets in his name have been identified. Indigent Services is requesting a denial of the case. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to issue a denial as the county is not the payer of last resort and the decedent is not indigent.

Case no. 2025-13: The decedent was a ward of the Board of Community Guardians, and although funds are normally set aside for cremation it has been determined that they were indigent and a resident of Canyon County. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to issue an approval.

Case no. 2006-496: The debt to the county has been satisfied and Indigent Services is requesting a release of lien. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the release of lien.

The meeting concluded at 1:50 p.m. and an audio recording is on file in the Commissioners' Office.

MARCH 2025 TERM
CALDWELL, IDAHO MARCH 5, 2025

No meetings were held this day.

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Prime Construction in the amount of \$28,732.00 for the Facilities department (PO #6244)
- Dell in the amount \$11,015.22 for the Information Technology department (PO #6194)

MARCH 2025 TERM

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for O’Michael’s Pub & Grill to be used on 3/30/25 for the Cantrell wedding.

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

The Board met today at 9:30 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Deputy P.A. Trent McRae, Deputy P.A. Zach Wesley, Deputy P.A. Laura Keys, Facilities Director Rick Britton (arrived at 9:45 a.m. and left at 10:05 a.m.), Director of Indigent Services Yvonne Baker (left at 9:35 a.m.), Case Manager Kellie George (left at 9:35 a.m.), Case Manager Jenn Odom (left at 9:35 a.m.), Lt. Martin Flores (left at 9:42 a.m.), Parks Director Nicki Schwend (left at 10:05 a.m.), COO Greg Rast, Stephanie Baumert (left at 9:35 a.m.), and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Resolution Appointing Volunteer, Stephanie Baumert, to the Canyon County Board of Community Guardians: Ms. Baumert gave a background on herself and what she hopes to achieve being part of the Board of Community Guardians. Upon the motion of Commissioner Holton and second by Commissioner Van Beek the Board voted unanimously to sign the resolution appointing volunteer, Stephanie Baumert, to the Canyon County Board of Community Guardians (resolution no. 25-033).

Consider signing Resolution Appointing Volunteer, Cynthia Alleman, to the Canyon County Board of Community Guardians: Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution appointing volunteer, Cynthia Alleman, to the Canyon County Board of Community Guardians (resolution no. 25-034).

Consider signing Memorandum of Understanding between Bureau of Land Management, Department of the Interior, and Canyon County Parks, Cultural and Natural Resources Department for Cooperation and Coordination between Parties: Mr. Wesley explained this is a renewal of the previous agreement; the MOU is on a 5-year renewal cycle. There were only minor wording changes but nothing substantial. Director Schwend provided an explanation of the reason for this MOU which is mainly a cooperative agreement between agencies working towards the same goals. Additionally, it will be beneficial when applying for grants. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the MOU between the Bureau of Land Management, Department of the Interior, and Canyon County Parks, Cultural and Natural Resources department for cooperation and coordination between parties (agreement no. 25-022).

Consider signing Memorandum of Understanding Between Canyon County Parks, Cultural and Natural Resources, Canyon County, and Canyon County Sheriff's Office: Mr. Wesley said this is the second and final part of the arrangement for expansion to the gun range for the Sheriff's Office. This agreement puts into writing the granting of access to the Sheriff's Office thru property owned by the Parks department for access to the new training area. Upon the motion of Commissioner Holton and second by Commissioner Van Beek the Board voted unanimously to sign the MOU between Canyon County Parks, Cultural and Natural Resources, Canyon County, and Canyon County Sheriff's Office (agreement no. 25-023).

Consider Signing Legal Notice for Public Hearing to Consider Public Comment Regarding Proposed New Service Fees and Increases in Existing Fee Schedules and Setting a Fee Increase for participating in the Canoe Science Camp: Mr. McRae confirmed this has been reviewed by legal. Commissioner Van Beek made a motion to sign the resolution increasing the participation fee for the Canoe Science Camp operated by the Canyon County Parks, Cultural and Natural Resources department from \$60 to \$65 as presented. The motion was seconded by Commissioner Brooks and carried unanimously.

Consider Apex Software Support Agreement: Mr. Rast explained this is the software maintenance agreement for door controls/locks and cameras throughout the county campuses.

Commissioner Van Beek said that her previous motion did not include signing of the legal notice giving the public the opportunity to comment on the increase in fees for Development Services as well as the fee increase for the Canoe Science Camp, the public hearing will take place on March 20, 2025 at 9:30. She made a motion to sign the legal notice for the public hearing by the BOCC for that date. The motion was seconded by Commissioner Brooks and carried unanimously.

Commissioner Holton confirmed that the Apex Software agreement has been reviewed by legal.

Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the Apex Software Support agreement (agreement no. 25-021).

Mr. Rast spoke about an email request he received from the Director of Misdemeanor Probation, Jeff Breach, looking for direction. Mr. Rast read the email into the record as follows:

Email from Director Breach to Mr. Rast dated March 5, 2025: ICE has requested that I provide them with a list of all probationers who are potentially in the country illegally. I'm working on seeing if there is a report that I can run out of Odyssey which would give me a possible list. I'm doubtful that there is, so this will most likely be a very manual process. I'm going off the assumption that the BOCC wants me to provide ICE with this information?

The Board is in favor of complying with the request by ICE.

Assessor Stender has received request from Vallivue Academy regarding use of parking at the DMV during spring construction of a school located directly across from the DMV. The Board is

supportive as long as the Assessor is okay with it. Legal can prepare an MOU to release the county from any liability.

A question has been raised regarding borrowing funds from Enterprise Fund. Mr. Wesley said this question has been given to Chief Deputy Bazzoli so he would defer until Mr. Bazzoli is available.

Mr. Rast said he has been approached by Director Schwend, Cpt. Patchett, and Director Britton regarding the gun range advisory committee. Now that the Parks department and the Sheriff's Office have joined on a training facility at the gun range there may not be much value to the meetings at this point and wonder if the advisory board can be dissolved. The Board is supportive of dissolving the committee as it currently stands. Mr. Wesley believes the ordinance may need to be repealed and the meeting structure could be done less formally with participation from county employees and community members; the committee and criteria could be established by resolution. Director Schwend would like a letter drafted thanking members for their service to the committee which the Board instructed her to work with Mr. Rast on.

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

EXECUTIVE SESSION – TO COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 10:05 a.m. pursuant to Idaho Code, Section 74-206(1) (f) 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. Trent McRae, Deputy P.A. Zach Wesley, Deputy P.A. Laura Keys, and COO Greg Rast. The Executive Session concluded at 10:22 a.m. with no decision being called for in open session.

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

ACTION ITEM: CONSIDER RESOLUTION APPROVING AN ALCOHOLIC BEVERAGE TRANSFER LICENSE FOR DIAMANTE RESTAURANT, LLC DBA DIAMANTE RESTAURANT

The Board met today at 10:31 a.m. to consider a resolution approving an alcoholic beverage transfer license for Diamante Restaurant, LLC dba Diamante Restaurant. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Director Jay Gibbons, DSD Principal Planner Josh Johnson, Deputy PA Zach Wesley, COO Greg Rast, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve the alcoholic beverage transfer license for Diamante Restaurant, LLC dba Diamante Restaurant. (Resolution No. 25-035.) The meeting concluded at 10:31 a.m. An audio recording is on file in the Commissioners' Office.

DSD GENERAL BUSINESS

The Board met today at 10:32 a.m. for a DSD general business meeting. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Director Jay Gibbons, DSD Principal Planner Josh Johnson, Deputy PA Zach Wesley, COO Greg Rast, and Deputy Clerk Monica Reeves. Topics were as follows:

- Director Gibbons is working with HR to fill the DSD Assistant Director position.
- He provided stats for administrative splits for the past year, and submitted reports titled *Zoning Application by Case Number*, and *Zoning Application Count and Revenue by Type*.
- GIS maps illustrating the parcels in the County that were 1-acre, 2-acre, 5-acre, 20-acre and larger and it shows we have been fragmenting agricultural land for a number of years, and a lot of that occurs within the areas of city impact. Having a conversation about updating the original parcel would also go hand-in-hand with entertaining what we would need to do to fix the administrative split ordinance itself.
- Concerns with the newest proposal on the APA bill and that as the language of the bill evolves it will impact long-range planning in Canyon County. Principal Planner Johnson said asked the Board to point staff in the direction of in terms of what we are trying to solve for, and then issue identification as to how we get there. Commissioner Van Beek wants more time and information to look at the consequences on where we are driving. As she reads the bill, she has no interest in entertaining any level of socialism or government-driven mandates. Part of the bill says that a designation of protected ground cannot have a negative impact on a surrounding property so it's almost in reverse and she doesn't think we have enough time dedicated to looking at special areas of interest in the County where that growth is occurring. It requires a dedicated effort in working with the cities to look at their impact areas and where they are growing. She spoke about a recent meeting of the Nampa City Council involving nearly 300 acres of prime farm ground with more than 10,000 rooftops by the time the build-out is done, and she said that area of impact has not been approved by the Board yet. There are a lot of interests and more workshops are needed. Commissioner Holton said he wants the GSI (GIS) map that Director Gibbons referenced to be posted on the website so there is factual representation of the splits and divisions of agricultural land. Too many people think the land in the County consists of 80 to 640-acre parcels, but those are pretty much nonexistent except for the Dry Lake area. Commissioner Van Beek said the amendment to the legislation also removes Board control on the designation for parcels in the agricultural preservation area and it would go to a commission for review and the Board would only see it on appeal. There is a proposal that there would be no zoning adjustments or comprehensive plan

adjustments and her concern is how are succeeding generations, city leaders, and county officials supposed to identify except through another map. There are inconsistencies in the zoning map with the comprehensive plan even though they were entitled to the zoning designation. If the maps reflected what was on the ground it would give us a better idea of what we are dealing with. Director Gibbons said staff can make the maps more public and open that conversation. Commissioner Holton said when he took office there were 96,000 parcels and today there are over 106,000 parcels. Canyon County is unique by the number of potential ways you can split an original parcel, while most counties are at four divisions, then to a subdivision. He has not experienced the legislature creating new land use law outside of the local land use planning act and it's not directly tied to LLUPA in any way, and their intent is not clear and there will be repercussions. He would appreciate the organization that's behind it meeting with the Board rather than just being the author of the law. It's bad land use law and he would rather it be fair and consistent and he hopes we can get to the original parcel definition and go through public hearings and come out with a good description of what that is so we can rely upon it.

- Discussion regarding the nonviable portion of the ordinance which allows additional divisions in farm area when people in the farming community either sell for development or to someone else and a change in ownership creates a potential for change. The nonviable opportunity has morphed over the years from having a robust set of criteria to being watered down to the point where it doesn't mean anything. It takes a lot to not be nonviable in some areas, and if we're going to keep nonviable, we need to bump up the criteria again.
- Due to recent complaints about the building permit and inspection process, Director Gibbons would like to have the building official meet with the Board and to talk about how they sort through their processes and give an update on how they do their work. With the leadership in DSD they believe they can make progress on the issue.
- Brief update on personnel within the department, including the internal posting of the planning supervisor position.
- P&Z Commission membership; they are down to five P&Z Commissioners.

Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to adjourn at 11:24 a.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER RESOLUTION UPDATING THE INDIGENT SERVICES DEPARTMENT TO COUNTY ASSISTANCE, AND THE TITLE, JOB DESCRIPTION, AND GRADE FROM THE DIRECTOR OF INDIGENT SERVICES TO COUNTY ASSISTANCE DIRECTOR

The Board met today at 1:31 p.m. to consider a resolution updating the Indigent Services Department to County Assistance, and the title, job description, and grade from the Director of Indigent Services to County Assistance Director. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, COO Greg Rast, HR Director Marty Danner, Indigent Services Director Yvonne Baker, Chief Deputy Jess Urresti, Clerk Rick Hogaboam, and Deputy Clerk Monica Reeves. COO Rast said as part of the FY2025 budget process the Clerk changed the budgetary notation from Indigent Services to County Assistance and today's action is to align with that change. HR Director Danner said upon review of the job description and considering what neighboring counties are doing with an equal position within their counties she believes the job warrants a change in salary from a grade 15 to a grade 16. Her initial memo said there would be zero fiscal impact, however, she had transposed the numbers and said there will be a small fiscal impact of \$1,144. Clerk Hogaboam thanked the HR Department for their efforts in bringing forward this change, and he spoke about whether adjustments to salaries should be considered midyear or during the budget process. Director Danner said we needed to change the name of the department and that's what caused this midyear reevaluation of the role. Normally, this would be part of the budget workshop process. COO Rast said Director Baker's position should have been evaluated a long time ago and he spoke of what she brings to the County and how the position needs to be at a grade 16 to align with the other directors and assistant directors throughout the County. Commissioner Van Beek said Director Baker has tenure and supervisory skills and moves to different departments as needed. She is in favor of the request, but noted she will not consider other midyear adjustments. Commissioner Brooks supports the request. Commissioner Holton said he knew the position needed to be upgraded and he supports the change, but he will not entertain other midyear increases. He said moving Director Baker into this position honors her abilities and how Canyon County utilizes her and then he made a motion to approve the resolution as presented and to give the HR Director the ability to modify her memo that delineates the \$1,144 change and approve the resolution as presented. The motion was seconded by Commissioner Van Beek and carried unanimously. (Resolution No. 25-036.) There was discussion regarding indigent services and how the state has mostly taken that back, as well as the County's role in the board of community guardians. Additionally, they are looking into whether it would be fair for the County to retain some sort of administrative allocation for collecting on behalf of the state. This will be further discussed as part of the upcoming budget workshops. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 1:52 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2025 TERM

CALDWELL, IDAHO MARCH 7, 2025

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for:

- Legends Sports Pub & Grill to be used on 3/23/25 for a birthday celebration

MEETING FOR PRESENTATION ON LANDFILL RENEWABLE NATURAL GAS

The Board met today at 10:01 a.m. for a presentation on the landfill renewable natural gas. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Landfill Director David Loper, Assistant Landfill Director Daniel Pecunia, Landfill Environmental Kip Weimers, Director of Constituent Services Aaron Williams, Clerk Rick Hogaboam (arrived at 10:12 a.m.), Controller Kyle Wilmot, COO Greg Rast (arrived at 10:14 a.m.), Maureen McGraw with Tetra Tech, Paul Stout and Pam Reed with Tetra Tech participated via Teams video conference, SWAC Committee members Tom Points, Doug Amick, Mark Christianson, and Craig Hunter, Other Interested Citizens, and Deputy Clerk Jenen Ross.

Director Loper said today's meeting is to provide a high-level overview of the landfill gas collection system, where it's at now and where it's headed in the future in regard to using the methane gas that is produced.

A PowerPoint presentation was reviewed which covered the following:

- How landfill gas is generated
- Requirement for installation and operation of a landfill gas collection system
- Landfill gas composition
- Projected landfill gas generation based on permitted design (including graph)
- Quality and quantity of landfill gas
- Landfill gas collection and control system
- Options for use of the gas collected; generally, it is either used to generate electricity or converted to renewable natural gas – a brief overview of the logistics and economics of both options was provided.

Ms. McGraw noted that if nothing is done in terms of another project, the flare system will need to be upgraded. The current candlestick flare is estimated to be good for about 10 years

Based on a question from Director Loper, Mr. Stout said projects usually take 2-4 years from the time a contractor is chosen for the project, it generally doesn't include the RFP process. He also provided information on how the project typically move thru the process.

Director Loper explained that the RFP is going to be pretty complex as there are a lot compliance measures that need to be taken into consideration. Additionally, as the landfill gas system and flare grow, there will likely be more infrastructure costs. At this point he would like to take this information to the SWAC and then bring information back to the BOCC with a possible recommendation. Director Loper really thinks there needs to be 3rd party involved to assist in evaluating the market, draft the RFP and evaluate proposals as the project is quite complex.

Commissioner Holton would like to see some real-world examples of a similar operation.

Mr. Stout spoke more about how the RFP process would work and be able to address the questions and/or concerns that may arise.

Commissioner Holton motioned to adjourn the meeting. The motion was seconded by Commissioner Van Beek and carried unanimously.

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

The meeting concluded at 10:58 a.m. and an audio recording is on file in the Commissioners' Office.

MARCH 2025 TERM

CALDWELL, IDAHO MARCH 10, 2025

Tour Ada County Courthouse and Ada County Coroner's Office

MARCH 2025 TERM

CALDWELL, IDAHO MARCH 11, 2025

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Commercial Electronics in the amount of \$31,336.82 for the Sheriff's Office (PO #6206)

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change forms for:

- Yvonne Baker, change in job title and increase in wage grade from 15 to 16
- Michael Yoltan, promotion to Clerk III
- Karlie Robles, Criminal Clerk, new hire
- Jacquelin A. Smith, promotion to Lead Victim/Witness Services Coordinator
- Hannah Forman, In-court Clerk, new hire
- Justin Carlock, promotion from Clerk I to Clerk II
- Martha Ortega, promotion from Clerk I to Clerk II
- Joshua Johnson, promotion to Assistant Director of DSD

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

The Board met today at 9:38 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, Prosecuting Attorney Chris Boyd (arrived at 10:07 a.m.), Senior Chief Deputy Ingrid Batey (arrived at 10:07 a.m.), Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Ben Cramer, Deputy P.A. Laura Keys, Director of Misdemeanor Probation Jeff Breach (left at 9:40 a.m.), Parks Director Nicki Schwend (left at 10:03 a.m.), Assistant Parks Director Michael Farrell (left at 10:03 a.m.), Outdoor Recreation Planner Alex Eells (left at 10:03 a.m.), Facilities Director Rick Britton (left at 10:12 a.m.), Weed and Pest Superintendent Cory Flatt (left at 10:03 a.m.), Facilities Sr. Administrative Specialist Hayli Marcilliat (left at 10:03 a.m.), Facilities Office Manager Becky Kearsley (left at 10:03 a.m.), Director of County Assistance Yvonne Baker (left at 10:05 a.m.), COO Greg Rast, and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider a Resolution Classifying Records of Misdemeanor Probation and Authorizing Destruction of NCIC Criminal History Logs: Director Breach explained these are basically control logs for intakes and are used during audits done by Idaho State Police. Following the audit, the records only need to be kept for 5 years. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution Classifying Records of Misdemeanor Probation and Authorizing Destruction of NCIC Criminal History Logs (resolution no. 25-037).

Consider 2025 Celebration Park Boater Improvements Project – Phase 1 – Invitation for Bids; and Consider legal notice inviting bids for the 2025 Celebration Park Boater Improvements Project – Phase 1: Director Schwend said that the last time this project was put out for bid they came back extremely high mainly due to the complexity of the project. Additionally, some of the information provided in the RFP needed to be more detailed. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the 2025 Celebration Park Boater Improvements Project – Phase 1 – Invitation for Bids and the legal notice inviting bids for the 2025 Celebration Park Boater Improvements Project – Phase 1.

Consider Ordinance Establishing and Adopting Chapter 2, Article 13, Tall Grass and Weeds; and Consider Summary of Ordinance Establishing and Adopting Chapter 2, Article 13, Tall Grass and Weeds: Director Britton explained they are working to streamline some of the processes related to code enforcement. He and Mr. Cramer spoke about how they developed the guidelines for constructing the ordinance and the processes that will be in place once the ordinance is adopted. There are some revisions needed so this will be brought back during legal staff on Thursday, March 13th.

Cynthia Alleman, who was recently appointed to the Board of Community Guardians, was introduced to the Board.

Discussion ensued about bringing food trucks to the courthouse campus. Director Britton has been working to determine the best place for them to park and think perhaps 11th Ave between Albany

and the railroad tracks could be vacated and used for this purpose. He is currently working through the steps to see if this can happen. Mr. Cramer spoke to the agreement component of having food trucks on the property which will require them to have sufficient liability insurance.

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 10:12 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 Brooks 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 Zach Brooks and Leslie Van Beek, Prosecuting Attorney Chris Boyd, Senior Chief Deputy Ingrid Batey, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Ben Cramer, Deputy P.A. Laura Keys, and COO Greg Rast. The Executive Session concluded at 10:25 a.m. with no decision being called for in open session.

At the conclusion of the executive session the following action item was considered:

Consider Ratifying Former Employee Agreement: Commissioner Van Beek made a motion to sign the separation and release agreement ratification signature page as presented by legal staff. The motion was seconded by Commissioner Brooks and carried unanimously (agreement no. 25-024).

Commissioner Van Beek made a motion to continue the action items regarding the Ordinance Establishing and Adopting Chapter 2, Article 13, Tall Grass and Weeds and associated summary to Thursday. The motion was seconded by Commissioner Brooks and carried unanimously.

The meeting concluded at 10:26 a.m. and an audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER SIGNING THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, DEVELOPMENT AGREEMENT, AND ORDINANCE FOR CASE NO. CR2022-0003 (LWD DEVELOPMENT, INC.); AND THE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER, DEVELOPMENT AGREEMENT, AND ORDINANCE FOR CASE NO. CR2022-0007 (GREG PAYNE)

The Board met today at 10:35 a.m. to consider signing the Findings of Fact, Conclusions of Law, and Order (FCO's), Development Agreement, and Ordinance for Case No. CR2022-0003 (LWD Development, Inc.); and the Findings of Fact, Conclusions of Law, and Order (FCO's), Development Agreement, and Ordinance for Case No. CR2022-0007 (Greg Payne). Present were: Commissioners Leslie Van Beek and Zach Brooks, DSD Principal Planner Dan Lister, DSD Principal Planner Michelle Barron, and Deputy Clerk Monica Reeves. The documents were considered as follows:

- On February 18, 2025 the Board approved Case No. CR2022-0003, a request by LWD Development, Inc., for a conditional rezone of 72.8 acres from an "A" (Agricultural) Zone to a "CR-R-1" (Conditional Rezone - Single Family Residential) Zone. Principal Planner Barron reported that the documents reflect the Board's decision, including the additional condition stating that a conditional use permit is required for secondary dwellings. The condition requiring the SWDH pre-development meeting was removed because the applicants have already met that condition. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve the FCOs as well as the development agreement, and the ordinance for Case No. CR2022-0003 for LWD Development, Inc., as presented. (Agreement No. 25-025, and Ordinance No. 25-002.)
- On February 19, 2025 the Board approved Case No. CR2022-0007, a request by Greg Payne for a conditional rezone of 21.84 acres from an "A" (Agricultural) to the following:
 - a. Northmost 7+/- acres will be zoned "CR-C-1" (Conditional Rezone - Neighborhood Commercial) and restricted the use to a mini storage/RV storage facility and quasi-public uses; and
 - b. The remaining 14+/- acres will be zoned to "CR-C-2" (Conditional Rezone – Service Commercial) with limited uses
 - c. Development agreement with conditions limiting uses and site impact to adjacent properties

Principal Planner Lister said the approval was granted subject to some changes, including excepting a certain area from landscaping and to add a disclosure regarding the irrigation and drainage to future owners. It was reviewed by the applicant and found to be satisfactory. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve the FCOs as well as the development agreement, and the ordinance for Case No. CR2022-0007 for Greg and Pam Payne. (Agreement No. 25-026, and Ordinance No. 25-003.)

The meeting concluded at 10:39 a.m. An audio recording is on file in the Commissioners' Office.

GO ON RECORD TO CONTINUE: PUBLIC HEARING: APPEAL BY TERESA JARDINE REGARDING THE DENIAL OF AD2023-0020 FOR A NONVIABLE PARCEL LAND DIVISION, CASE NO. AD2023-0020-APL

The Board met today at 1:41 p.m. to go on the record to continue the public hearing in the matter of the appeal by Teresa Jardine regarding the denial of AD2023-0020 for a nonviable parcel land division, Case No. AD2023-0020-APL. Present were: Commissioners Leslie Van Beek and Zach Brooks, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to continue the hearing to

tomorrow, March 12, 2025 at 1:30 p.m., so that all three Commissioners can be in attendance. The meeting concluded at 1:42 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2025 TERM

CALDWELL, IDAHO MARCH 12, 2025

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Atlas in the amount of \$6,498.50 for the Facilities department (PO #6264)
- KM Engineering in the amount of \$7000 for the Facilities department (PO #6245)

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Francisco Garcia, Part-time Custodian, new hire
- Kimberly Vanderplas, Housekeeper, new hire

CONTINUATION OF PUBLIC HEARING: APPEAL BY TERESA JARDINE REGARDING THE DENIAL OF AD2023-0020 FOR A NONVIABLE PARCEL LAND DIVISION, CASE NO. AD2023-0020-APL

The Board met today at 1:30 p.m. to conduct the public hearing regarding the appeal by Teresa Jardine regarding the denial of Case No. AD2023-0020 for a nonviable parcel land division, Case No. AD2023-0020-APL. Present were: Commissioners Zach Brooks and Leslie Van Beek, DSD Principal Planner Dan Lister, DSD Director Jay Gibbons, other interested citizens, and Deputy Clerk Monica Reeves. Principal Planner Lister said the case came before the Board on the December 5, 2024, appealing the Director's denial of the application which was due to the lot size. There was history shown on the many variances this went through and that was the only thing holding up the land division. The Board allowed the applicant time to submit a new variance to be considered and today's hearing is to provide an update on the process. On January 29, 2025, the applicant submitted a variance application for the Director to review, and with it came a fee waiver and that waiver will be considered by the Board on March 18, 2025, and so staff is waiting for that decision and if it goes through they can finish the report and it can be signed by the Director. Once that decision is made, it might free up the land division to where staff could provide an update that the land division will come back to the Director to amend. If the fee waiver is not approved, the applicant will need to pay the fee and staff can finish the report. Commissioner Van Beek said this is a complicated case in farm ground with a lot of parts/pieces on both the development side for the County and the applicant's side. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to continue Case No. AD2023-0020 to March 31, 2025 at 2:30 p.m. to allow time for DSD and the applicant to continue to work on the nuances of the application. The meeting concluded at 1:34 p.m. 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 9:30 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Zach Wesley, Facilities Director Rick Britton (left at 9:51 a.m.), Weed and Pest Superintendent Cory Flatt (left at 9:45 a.m.), COO Greg Rast, Realtor Norm Brown and Luke Brown (left at 9:39 a.m.), DSD Director Jay Gibbons and Assistant DSD Director Josh Johnson (arrived at 9:50 a.m.), and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider Signing Closing Documents for property located at 1302 E. Chicago St., Caldwell, Idaho: Mr. Wesley presented closing documents as prepared by the title company with several pages to sign and/or initial. He spoke about the process he and Mr. Brown have work through to obtain title insurance and a release agreement from the property occupant. Once the warranty deed is issued the county will be able to take possession for Director Britton to begin the demolition of the house and construction of a parking lot. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the closing documents for property located at 1302 E. Chicago St., Caldwell, Idaho.

Consider Ordinance Establishing and Adopting Chapter 2, Article 13, Tall Grass and Weeds; and Summary of Ordinance Establishing and Adopting Chapter 2, Article 13, Tall Grass and Weeds - Continued from March 11, 2025: There were just a couple revisions that needed to be made to this document. Commissioner Van Beek read into the record the purpose of the ordinance: *Canyon County hereby finds that tall grass and weeds can have a blighting effect on neighborhoods, can constitute a fire hazard and can provide a refuge for vermin and insects. The purpose of this article is to secure the public health, safety and general welfare of the residents and property owners of Canyon County by regulating tall grasses and weeds in unincorporated Canyon County.* Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the ordinance establishing and adopting Chapter 2, Article 13, Tall Grass and Weeds and the associated summary. The motion was seconded by Commissioner Van Beek and carried unanimously (ordinance no. 25-004).

Mr. Rast said that Assessor Stender is asking about the parking lot agreement. Mr. Wesley indicated that Ms. Keys is working on that agreement and spoke with Assessor Stender yesterday. Once the agreement is signed by the school district it will come before the Board for consideration.

Recently there were two vehicles in county parking lots that were tagged by the Sheriff's Office to be towed if not removed in a timely manner. Through this situation, it was realized that the signage

for the no camping ordinance was never completed. At this point there may be additional state code to be referenced so it may be beneficial to wait until that is complete before finalizing sign verbiage.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:51 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Zach Wesley, and COO Greg Rast. The Executive Session concluded at 10:21 a.m. with no decision being called for in open session.

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

DSD GENERAL BUSINESS

The Board met today at 10:35 a.m. for a DSD general business meeting. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, DSD Director Jay Gibbons, Assistant DSD Director Joshua Johnson, Building Official Tom Crosby, Assistant Building Official Scott Hillman, Director of Constituent Services Aaron Williams, COO Greg Rast, and Deputy Clerk Jenen Ross.

Commissioner Holton spoke about comments he's received from the public regarding an acronym said incorrectly at the March 6th DSD meeting.

A letter was recently received from a citizen criticizing the building department. Mr. Crosby spoke to their processes and the work they do. An example building permit form was given to the Board, however, these are not for general public consumption.

Mr. Crosby spoke to consistency among the county building inspectors and how they've worked to implement and achieve a standard operating procedure amongst the inspectors and jurisdictions.

Mr. Hillman spoke about the experience of the county building inspectors. They've implemented certain practices to ensure there is consistency in their work and a variety of policies including monthly inspector meetings, continuing education opportunities, a list of common corrections with references to county codes/ordinances, development and documentation of a standard

operating procedures, documentation of Building Official determinations, and are working to create a FAQ webpage.

Discussion ensued regarding the difference between meeting code and a homeowner not feeling like they got what they paid for which is not under the purview of the building officials, that is an issue between the homebuyer and their builder. Meeting code requirement and quality are not the same thing.

In regard to the letter that was received, one of the points addressed was siding/stucco/roofing, these are not inspections that Canyon County is currently doing. Mr. Crosby has reached out to other jurisdictions and across the board roofing inspections are not being done. Several of the references made in the letter happened under a previous Board.

Based on a question from Commissioner Holton, Mr. Crosby read the intent of the building code from the 2018 IRC (International Residential Code) which states: *The 2018 International Residential Code (IRC) is designed to establish minimum requirements for the construction of single-family houses, two-family houses (duplexes), and buildings with three or more townhouse units. It aims to safeguard public safety, health, and general welfare through requirements related to affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation, and safety from fire and other hazards.*

At the request of Mr. Johnson, Mr. Hillman briefly spoke about the experience of the three field building inspectors who work in DSD.

Mr. Crosby addressed fire safety requirements, his responsibilities as the building official and how those pertain to issuing certificates of occupancy. Currently, Building Officials are asked to provide a certificate of occupancy even when fire suppression requirements have not been met. Based on a question from Commissioner Van Beek, Mr. Crosby does not feel that the county is exonerate from following state code, ordinance 06-01-09 states: *Where applicable, a Health Department and/or the local Fire Protection District(s) approval shall be furnished in writing as a condition precedent to receiving a building permit.* Commissioner Van Beek also asked if fire is seen as substandard and where other inspections, such as HVAC or NEC, fall in regard to requirements and meeting code. Commissioner Holton suggested giving Mr. Crosby time to think thru the question and provide a written response to the Board.

Commissioner Brooks asked if the county is being tasked with being enforcement for the fire protection districts. Mr. Crosby thinks that if one of the agencies doesn't believe the structure is okay to occupy that the building department should be able to stop until it's resolved. Sign-off has to be done with electrical, plumbing, and SWDH - the only one missing is fire. Mr. Crosby knows they are looking to the county but he will do some further research and get the Board more information on enforcement.

Commissioner Van Beek would like more information on meeting the fire flow requirements and Commissioner Holton likes the idea of a workshop to have the fire districts in attendance. He would like to see a common playing field across the county regarding the expectation on fire.

The meeting concluded at 11:24 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING WITH TREASURER TO DISCUSS ACTION ITEMS

The Board met today at 11:27 a.m. with the Treasurer to discuss action items. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Treasurer Jennifer Watters, Chief Deputy Treasurer Steve Onofrei, HR Business Partner Demi Etheridge (left at 11:32 a.m.), Banking and Finance Manager Melissa Tucker, Director of Constituent Services, COO Greg Rast, and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider a resolution to adopt changes to the job title of four (4) positions in the Treasurer's Office along with an updated job description and PCN list: There are a total of seven (7) funded positions within the Treasurer's Office. Today's resolution will change one Sr. Deputy Treasurer to Customer Service Specialist and three (3) Sr. Deputy Treasurer positions to Sr. Customer Service Specialists. There is potential of a reduction to the fiscal impact. This change will better align the customer service positions. The Customer Service Specialist position is still to be opened/filled. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution to adopt changes to the job title of four (4) positions in the Treasurer's Office along with an updated job description and PCN list (resolution no. 25-039).

File Treasurer's Monthly Report for January 2025: This is the monthly statement report.

Approve Tax Dollar Adjustments for February 2025: Treasurer Watters explained most of the adjustments were from casualty losses which were very minimal, there was also the removal of taxes for the Poly Farm property that was purchased by the county. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to approve tax dollar adjustments for February 2025.

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

The meeting concluded at 11:38 a.m. and an audio recording is on file in the Commissioners' Office.

PUBLIC HEARING: REQUEST BY MDC, LLC/JOSEPH CARTER, REPRESENTED BY RIVERIDGE ENGINEERING COMPANY, FOR A CONDITIONAL REZONE OF PARCELS R37511 & R37510112 FROM

“A” (AGRICULTURAL) TO “CR-R-R” (CONDITIONAL REZONE – RURAL RESIDENTIAL), CASE NO. CR2022-0016

The Board met today at 1:38 p.m. to conduct a public hearing in the matter of a request by MDC, LLC/Joseph Carter, represented by Riveridge Engineering Company, for a conditional rezone of parcels R37511 & R37510112 from an “A” (Agricultural) Zone to a “CR-R-R” (Conditional Rezone – Rural Residential) Zone. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, DSD Principal Planner Dan Lister, Carla Carter, Michelle Creamer, Jeff Creamer, Jason Carnahan, Jim Martin, Joe Carter, Rodger Hawker, Crystal Hansen, Michael Back, Elizabeth Koeckeritz, Carolyn Sartain, Steve Sartain, Andrew Blanch, Tedd Todd, Chris Anderson, Jeremiah Hansen, Lyle Zufelt, Tyler Gates, Will Selby, Rick Gibbens, Douglas Carnahan, Joe Petzak, Paul Slaughter, Betsy Chick, Joe Strongone, Alma Shields, Levi Thomas, Christine Hitchner, Cheryl Palange, Kirsten Higginson, Kent Adamson, and Deputy Clerk Monica Reeves.

Elizabeth Koeckeritz, the attorney representing the Carnahan and Carter families, as well as the underlying property owners, testified that the applicants have worked with DSD for three years to get this project to this point. Staff recommended approval of the project, but the P&Z Commission recommended denial with two primary concerns about how will the lot sizes fit in with the surrounding community, and school overcrowding. The developers have a long history of developing smart, responsible neighborhoods, including some of the areas directly adjacent to the Willowcreek Subdivision. The parcel consists of 164 acres and is designated as residential on the future land use map and is currently zoned agriculture. They are providing a draft preliminary plat that that meets all the requirements of the rural residential zone. It consists of 164 acres with 75 single-family residential lots with the average minimum lot size of 2 acres, and it meets all County code standards. The proposal is for a community water system and individual septic. The flood area will have a no-build easement. She referred to 200 acres that were acquired 23 years ago and said the intent was to use the property as a nursery and eventually residential development. Parcel 1 was completed in 2005 with residential development; Parcel 2 was completed in 2007; Parcels 3 and 4 were planted with trees and Parcel 5 has been used as an owner residence. In 2022 the owner also moved a container grow operation from Oregon onto that site. Tree farming is an incredibly intensive use of agriculture and the top soil and every time they harvest another planting they lose significant topsoil and so the property is no longer viable to be used as tree farm which is why they are looking at moving forward with the neighborhood today. The property is surrounded by residential development on all sides. It’s expected that the neighborhood could generate between 38 and 53 students but the owners have helped mitigate the impact of the development. As they close out the tree farm they are proposing a donation of \$50,000 worth of trees to the school district for the new school site, however, if they cease operations before the district is ready to receive those they will provide a \$50,000 cash donation, which is in addition to the \$150,000 cash donation they have agreed to provide to the Middleton School District. There has been a huge increase in the number of students that attend charter and private schools and who are being homeschooled which alleviates the number of students in public schools. The primary entrance is on Lansing Lane and there is space to include a bus stop as requested by the school district. There is a proposed extension on Stony Brook Way through the Thoroughbred Subdivision to the west, which was requested by the highway district. The developers will be happy to turn this into an emergency access only or to shut it down completely. There would be

a second emergency access through Kemp on the southern border. The road was put through at the request of the highway district and they know there are neighbors who do not want it to go through but from the developers' perspective it can go through or not - they are open to whatever makes the most sense. This is in the Mid-Star Capital Improvement Plan. There are currently improvements planned at the corner of Purple Sage and Duff, Purple Sage and Lansing, State Hwy. 44 and Duff, and State Hwy. 44 and Lansing, and additional improvements that are scheduled to be completed on Purple Sage. All of those improvements are funded through impact fees so they cannot be completed until the homes are built and impact fees are collected. Each house will be dedicating more than \$5,000 per lot in impact fees overall. They are also required to do all the frontage improvements. Following her testimony, Ms. Koeckeritz responded to questions from the Board.

Principal Planner Dan Lister gave the oral staff report. The future land use plan in the 2020 Canyon County Comprehensive Plan designates the parcels as residential. As conditioned, the request aligns property rights, population, school, economic development, land use, natural resources, public services, transportation, housing community design and agriculture goals and policies. The property is currently zoned "A" (Agricultural). It is best suited soils, prime farmland if irrigated. It is currently a nursery with large tree production. The average lot size within 600' radius: 5.38 acres. The request is a conditional rezone to a "R-R" (Rural Residential) Zone. The subject parcels are surrounded by residential development and similar rezones. Within a one-mile radius there are 26 existing subdivisions, a 2.63-acre average lot size. Planner Lister reviewed the surrounding uses in the area.

Adequate facilities:

Water: Initially the applicant proposed individual private wells. Staff recommended a community water system because of the benefits. It's a high nitrate area and a community system would provide extra quality.

Sewer is to be provided by private onsite septic/drain field systems for each lot. Southwest District Health did not provide comments; however, the applicants will have to do a nitrate priority study.

Drainage will be retained onsite and/or discharged at predevelopment rates. Runoff must be addressed to ensure no impact to irrigation facilities. Design and construction will be reviewed at time of plat.

Irrigation: An onsite pressurized irrigation system is proposed using existing water rights Black Canyon Irrigation District does not oppose the request subject to improvements protecting existing systems

Power will be provided via Idaho Power and other utilities (gas, cable, phone) depending upon availability. The City of Middleton requests a utility easement for future city services expansion.

Traffic:

The request equates to 784 trips per weekday, 58 trips during the AM peak hour, and 77 trips during the PM peak hour at full build-out. The proposed request is anticipated to generate more than 700 new trips per day and more than 70 peak-hour trips requiring a traffic impact study.

A draft Traffic Impact Study was prepared on July 5, 2023, by CR Engineering, Inc. Based on the review of the Lansing Lane and SH-44 intersection, a temporary traffic signal with existing lanes will be required at the build-out of the development (2025). The Lansing Lane and Purple Sage Road intersection is anticipated to operate acceptably with the existing intersection control and lane configuration.

Idaho Transportation Department (ITD) submitted a comment stating the department has no concerns regarding the request due to the request being greater than 2.5 miles north of SH-44

Access:

The existing access is a private driveway serving Parcel R37511 from Lansing Lane, a major collector. The access is used for the existing residence and agricultural operations. The applicant submitted a conceptual site plan proposing a public road connection to Lansing Lane (major collector), a connection to Stony Brook Way (public road established by Thoroughbred Estates Subdivision, and Kemp Road (public road established by Willow Creek Ranch #3). The applicant proposes access to Kemp Road for fire access only and plans to place bollards at the access to ensure it remains for emergency access only. Future residential development should be planned via one or more public or private road approaches to Lansing Lane. A public road connection extending between Stony Brook Way (in Thoroughbred Estates Subdivision) on the westerly boundary and Lansing Lane is generally desirable to support public needs and provide adequate traffic calming measures to reduce pass-through traffic and limit vehicle speeds. The draft traffic impact study states the site access on Lansing Lane does not warrant turn lanes at the time of development buildout.

Essential Services:

The proposed residential development will be served by Mill Creek Elementary, Middleton Middle School, and Middleton High School. The applicant has discussed an agreement with Middleton School District to provide 100 trees from the existing nursery for the district to use to help aesthetically and offset costs to the district. Now is working on a donation amount to mitigate impacts. Middleton School District submitted a comment letter expressing significant concerns regarding capacity, continued growth, and the ability to meet future facility needs.

Canyon County Sheriff's Office did not provide a comment. The Middleton/Star Fire District responded that they can serve the project. Station 52 (Kingsbury Road) is 4 miles away (6-minute est. travel time). Does not oppose subject to compliance with Water Supply (hydrants) and fire apparatus access. Canyon County Paramedics/EMT provided no comments. Black Canyon Irrigation District –Does not oppose subject to improvements protecting existing systems. There were 21 comments were received for the P&Z hearing, and 19 for the Board's hearing with

concerns regarding traffic, access (Stony Brook Way and Kemp Road extensions), water quantity, essential services and the impacts to Middleton School District and EMS, as well as the lot sizes. The P&Z commission recommended denial due to cumulative school impacts, and they found a 2-acre minimum lot size (not an average minimum lot size) to be more commensurate with the area than what the code provides for rural residential.

Planner Lister reviewed the conditions of approval that were recommended to the P&Z Commission:

1.The development shall comply with all applicable federal, state, and county laws, ordinances, rules, and regulations that pertain to the property.

2.The subject parcels, R37511 & R3750112, shall be divided in compliance with Chapter 7, article 17 of the Canyon County Code of Ordinances subject to the following conditions/restrictions:

a. The development shall be limited to 76 residential lots in substantial compliance with the conceptual site plan and applicant's letter of intent.

b. As shown in the conceptual site plan, the development shall extend Stony Brook Way from the west boundary and Kemp Road from the south boundary to the existing approach extending from Lansing Lane. The Kemp Road access shall be used for emergency access. The development shall provide a fire access easement and all-weather service road to the property boundary of Willow Creek Ranch Estates #2 Block 1 Lot 9. Entrance from the public street shall have fire department-approved bollards or other access restrictions to limit access to emergency traffic only. Willow Creek Ranch Estates shall be responsible for allowing and providing access at the subdivision boundary to Kemp Rd. for emergency access.

c. The development shall provide a 10-foot no-rise pathway and 20-foot easement along the southern edge of Willow Creek, extending from the west boundary to the eastern boundary, dedicated for use by pedestrians, non-motorized vehicles, and equestrian traffic. A 10' pathway with a 20' easement shall connect the pathway to a public road within the development.

d. A 20' wide utility corridor easement shall be dedicated to the City of Middleton on the eastern edge of the development along Lansing Lane.

e. A no-build easement shall be placed over the Willow Creek floodway and depicted on the plat to notify owners and limit improvements and structures from obstructing the floodway. Any development in the floodway or floodplain shall comply with Chapter 7, Article 10A of the Canyon County Code of Ordinances.

g. Development shall provide a central pressurized irrigation system to service all residential lots.

h. Prior to preliminary plat approval, a traffic impact study shall be submitted to Highway District #4 (HD4). Any mitigation measures/improvements stated in the study and required by HD4 shall be completed prior to final plat approval.

i. ~~Development shall provide 100 trees from the nursery that are compatible with the needs of the Middleton School District prior to the beginning of build out.~~ (The applicant requested the removal of the condition since they have an agreement and it is a voluntary donation. Staff believes there should be condition to monitor that mitigation and recommends this language: At the time of preliminary plat the referenced signed agreement between the Middleton School District and the developer shall be submitted.

j. The subdivision shall provide an area within a common lot or easement for a school bus stop.

k. Subdivision development shall comply with air quality and stormwater pollution protection requirements of the Idaho Dept. of Environmental Quality.

l. Water shall be provided via a community water system.

3.The developer shall comply with CCZO §07-06-07(4) Time Requirements: “All conditional rezones for a land use shall commence within two (2) years of the approval of the board.”

Following his report, Principal Planner Lister responded to questions from the Board.

Jeff Creamer testified that he is representing the residents on Stony Brook Way who have concerns regarding the impact to the school district and lot sizes that are not compatible with the characteristics of the neighborhood. The developer is proposing an ongoing commercial operation to continue in the rezoned residential area, and the most important issue to the residents is the quality of life and the safety on Stony Brook Way which is a dead-end road with 14 homes and the proposed subdivision would change it to a through road connecting Duff Lane to Lansing Lane. His autistic son has issues with anxiety regarding traffic, traffic noise, and crowds and they specifically chose this area seven years ago to reduce his exposure to these triggers. Two other residents on Stony Brook have PTSD and live at the end of the street to reduce their triggers. The proposed traffic study considers the sole access to the subdivision via Lansing, but no evaluation of any impact at all to Stony Brook or Duff was considered. The traffic study is also flawed because the peak traffic count was performed on the Friday of Memorial Day Weekend in 2024. Changing Stony Brook from a cul-de-sac to a through road would create an unlivable situation for his family and force them to relocate. If EMS access is required the residents propose the installation of bollards or gating at the end of Stony Brook for EMS only. Mr. Cramer said it's unfair to compromise the existing neighborhood of 14 homes for the convenience of 75 new ones.

Jason Carnahan testified that he is part owner of some the property and his family, along with the Carter family, purchased the property over 20 years ago with the intent of growing trees and potentially developing residential neighborhoods on the portions that didn't make sense for tree farming. After several years they realized the portion to the north of Willow Creek was not feasible

or viable for farming for several reasons and thus they developed it into rural residential neighborhoods. They worked with DSD and agencies to try to come up with a neighborhood that made sense for the area so they developed the rural residential piece. Over the last several years it's been more difficult to plant trees because areas have to be left vacant of trees because there are either too many rocks or not the right type of soil. Farming is no longer viable so the next best use is rural residential use given they are surrounded by residential neighborhoods.

Joe Carter testified that the larger lot that is remaining undeveloped is where the container operation sits, and the lower part is where the field trees are grown. A soil survey was done in the 1970s, and it was good soil, but when they plant a tree and it grows to a certain size, they come in with machinery that severs the roots and removes the ball of soil and it's shipped with the tree. They found a number of holes where the bottom is not nice soil and the depth is anywhere from the surface to as much as 42 inches, but with each crop they remove approximately 3 inches of topsoil and over 20 years it's changed a lot so they are seeing more and more rows where some trees are nice, some are dead and some are stunted. They are lifting a planter to avoid more and more area which is why it's not 100% not suitable for nursery, but it's far less efficient and far harder. If you planted grain or some other small annual crop it would support that. He lives on the property and has operated there since 2002. They have dug holes to see what the limitations are.

Rodger Hawker testified about his concern that the lot sizes are too dense. His well was drilled in 1979 and his static level was 109. 20 years ago he had to replace the pump and drop it down another 20 feet and the static level was at 115. When he turns the pump on the drawdown is 135. He is very concerned with the amount of wells that are going into this area. He is also concerned about the amount of septic systems and he does not want development to change his agricultural designation. He testified that the intersection of Duff Lane and Purple Sage Road is dangerous and he is concerned about the effects of increased traffic.

Crystal Hansen represents two family properties on Lansing Lane. She is a third generation equestrian agricultural advocate who spoke on behalf of her family, neighbors, and others who are committed to preserving the rural character and equestrian agricultural heritage of this area, but specifically she spoke to the way the lots have been deceptively sized. The 17-acre parcel is no longer going to be agricultural, but will be commercial container farming so now they are no longer growing trees on that reserve lot that's included in those 2 ½ acre lot size average. There are large-acre properties being farmed and far fewer exceptionally dense lots in the area. Increased traffic will bring road safety concerns. Also, the plan does not speak to the agricultural use and recreation of equestrians.

Michael Back lives north of the project and is very concerned that the traffic that's going to be on the east side of the development will start using Edna because people will not want to wait at Purple Sage. Edna is a farm road with no speed signs, and it has a lot of foot traffic and some bicycle traffic. It was stated that the development would take \$5,000 as impact fees, but Mr. Back, who was a traffic signal supervisor, said the average cost for a traffic signal is between \$200,000 and \$500,000, possibly more.

Ted Todd testified that he has a background in EMS public safety management and law enforcement and he believes Middleton is a public safety disaster waiting to happen. Duff Lane is closed due to developer construction, so is Cemetery Road. During the morning and evening commute Lansing Lane is a parking lot. The fire department only has three people on duty, and the Canyon County Ambulance District is close to bankruptcy. Tonight there will be no paramedic service and no ambulance available in Middleton until tomorrow morning at 8 a.m. because there are not enough employees to cover the shifts. Middleton Fire Dept doesn't come close to meeting the federal standards for response times. Mr. Todd said people have the right to develop their property, but Middleton is not ready for it because we do not have the infrastructure for it. The petitioner wants to keep this huge chunk of commercial operation in the middle of what they want to convert to a residential neighborhood and he finds it hard to believe that the acreage is no longer viable for farming considering there are thousands of trees growing there.

Chris Anderson testified about his concern with the dangerous intersection of Lansing Lane and Highway 44. There have been four deaths in four years at that intersection and the increased traffic from the development will create a major problem. He wants to know more about what the highway district is going to be doing in regards to putting a light there because it's a disaster. If this is a rural residential area why are they allowing anything less than two acres. It should be two-acre minimum buildable lots. He is opposed to the project.

Lyle Zufelt testified that the Board of Commissioners' mission statement is to promote values that ensure quality of life for present and future generations of Canyon County residents. He voted for the Commissioners based on the hope and confidence they would serve the residents' best interests to ensure quality of life for present and future generations, but said there is nothing about this proposed development that will ensure quality of life for the people living in the area. Most of those who are in favor of the development do not live in the area. He wants the Board to look out for the residents. He appreciates Commissioner Van Beek asking about the water drawdown with the wells going into this area because the numbers do not add up. He expressed concern about the report performed by HDR because that company's business comes from the developers. Mr. Zufelt wanted to address his concern regarding wells going dry in the area surrounding Lake Lowell, but Commissioner Holton did not allow the testimony because we are dealing with the aquifer in the subject area.

Will Selby testified about his concern with the influx of growth and said last year he had to replace his well because it went dry and he had to drop it another five feet, and within 100 yards of his property a neighbor's well went dry. He also testified about his concerns with traffic congestion on Lansing Lane.

Douglas Carnahan testified they have not signed an annexation agreement with Middleton and the city did not offer a pathway to annexation although they did suggest a utility access. A public walking trail along the south side of Willowcreek has been included in the plan, and the highway district has no objection to the rezone. The Middleton School District received \$18.5M for facilities improvements six months ago and they are putting together a master plan for how to use that and

they have another project they will seek a bond for so there are a lot of resources for schooling. The developers commit to building level to one foot above the floodplain. The container business is located on a portion of the 9-acre parcel on the southeast portion of the property.

Kirsten Higginson testified that Kemp Road is a private road they paid for it with HOA dues. She works for the Middleton School District and said the influx of people moving to Idaho has increased the number of students in the district. Sheep are herded twice a year up Lansing Lane where they want to add 75 more homes. In 2021 the Higginsons had to lower the pump to their well 20 feet. Her well depth is 243 feet. She said a community well brings a lot of anxiety because that's a lot of water for a lot of homes.

Joe Petzak lives a mile from the nursery operation and he and his wife represent the interest of the business that is the container division of Willowcreek Nursery. They operate on 9 acres of the 17-acre parcel and have been for a number of years. They grow landscape plants as a wholesale operation with 80 customers with 2-3 customer visits per day. They are a good business neighbor.

Paul Slaughter testified about his concern with the impacts to wells. His well was drilled in 2018 at 180 feet and last summer he dropped the pump 10 feet because it went dry. He also testified about his concerns with traffic and kids learning to drive and cross Purple Sage Road and Hwy. 44 where a traffic signal is needed.

Betsy Chick testified on behalf of the HOA for Willowcreek Ranch Estates No. 2 and No. 3, which is comprised of 28 homes on Kemp Road and JR Way. The proposed subdivision map indicates a proposed Kemp Road emergency access; however, Kemp Road is a private road within a subdivision plat that's not dedicated to the public and is not a part of the public road system. It's a private road right-of-way on privately owned land for a private road system. Kemp Road west of Lansing Lane is private. Kemp Road recently extended east of Lansing Lane and that is public and they are building homes in Hawk View Estates. Ms. Chick said Willowcreek Ranch Estates HOA does not give permission to have any form of access road tied into Kemp Road. The homeowners pay for maintenance, plowing, and the overall upkeep of Kemp Road, and the developers have no legal right to access and use Kemp Road. In 2017, the Supreme Court affirmed the judgment of the Canyon County District Court to grant summary judgment for Willowcreek HOA regarding a property owner's claim that they had an enforceable right to access and use Kemp Road. The case was regarding the proposed subdivision on the north side of Purple Sage Road, west of Lansing Lane known as Oakley Estates Subdivision. Commissioner Holton said that is not the information the Board is operating off of. Planner Lister will contact the highway district to inquire if it is a private road or a public road. Follow-up discussion ensued.

Joe Strongone testified that removing the 18-acre anomaly lowers the average to under two acres, and it seems like the developers are trying to convince them that the average lot sizes are a lot lower. During the P&Z Commission hearing, the developers said they were open to a minimum lot size but they did not change or propose anything new. The character of the area is more compatible with the P&Z Commission's analysis of 5.3 acres. He said the \$200,000 donation is a positive precedence and he wishes all developers would do the same thing although he is

concerned with the verbiage of the termination agreement because it's vague and up to interpretation and has an easy way out if faced with unreasonable conditions. Mr. Strongone said he had email exchange with the Middleton School Superintendent who said the donation is a good start but will have a minimal impact to the current situation given that there are 3,600 lots that are in various stages of construction. The schools are over capacity. The charter school information that was presented is misleading because it does not reflect the problem in Middleton and it was pulled during COVID and no longer plays a role in terms of planning for the coming school years because the growth of the district has outpaced the impact of the charter schools. He recommends the removal of the pre-annexation and any type of easement for utilities in the final documents. He would prefer to see 3+ acres because it's more in line with the character of the area, and he would like to see construction started when the infrastructure is in place.

Alma Shields testified about her concern with traffic and kids walking to the school bus stop when there are no sidewalks. The city will be responsible for building sidewalks which will take more money that they will not provide for.

Levi Thomas owns Basalt Blackwater and Excavation and testified about his experience in septic system installation and he wants to speak to water levels and well drawdown. 250-foot wells are really common in this area, and when close to Hwy. 44 you will hit groundwater at 3-4 feet because it sits stagnantly at that point. It was said that wells going dry often are attributed to a fluctuation in the water table due to an increase in population, but that's not necessarily true - oftentimes, especially in this area, because it's old riverbed it's very sandy soil and sediment can gather around the pipe. There are many different reasons why you might need to lower a well, but he doesn't see that these few homes will change the water table all that dramatically. When looking at the surrounding area the islands of houses are showing up all over the place. Regarding traffic, it's on both sides of the river all the way down Hwy. 44 and there are numerous lights and improvements that need to happen. It's time to make space for the people who want to move here and the main thing is to make sure water is treated, which it will be in a community well.

Cheryl Palange testified about her concern with lot sizes. Almost two-thirds of the lot sizes are under two acres, and removing the nearly 19-acre parcel brings the average down to 1.77 acres. Pre-annexation and the dedicated utility corridor is a request by the City of Middleton, and a P&Z Commissioner seemed concerned about it as well and asked the applicant if they really needed them and recommended they be removed so she is surprised to see it in the staff report. She is concerned about the infrastructure, traffic, and schools. Lansing Lane and Purple Sage Road are speed zones, and the \$5,000 per lot needs to go a long way in terms of making improvements.

Christine Hitchner testified that she has document that Betsy Chick spoke about regarding the litigation. Seven of the nine homes on Kemp Road back up to the existing tree farm property line, each of the seven range from 1 acre to just under 2.5. The developer has 17 proposed buildable lots backing up to just 7 homes and they are very narrow and just over one acre each, but they look like slivers compared to the existing lots on Kemp Road. The shape, quantity, and the location of buildable lots is important. She asked if there can be fewer homes.

Kent Adamson is the project engineer and he testified that they will do a community well. There is also surface irrigation so most of the water that's going to be taken up by the well is for domestic purposes. There is not going to be a lot of irrigation which causes a lot of wells to fail because the drawdown for many of these wells is from a local depression versus a regional depression and from a high demand in the well that is maybe not totally made for that demand. The report said many of the wells in the area failed because they weren't constructed properly. It's important to make the difference between a regulated community well and individual wells and their use versus just for irrigation purposes and that sort of thing. 90% of the use is non-consumptive so that means just 10% is not going back into the ground. The report specifies that the levels in the area have been generally stable back to 1969 with a slight decline starting in 1996 but it has stabilized over the last 10 years through mid-2020, and it dropped about 2 feet. He said the neighbors expressed concern with Kemp Road and the developer got caught up in the private/not private issue and they decided maybe it's better to use bollards. On both entrances the developer has no preferences whether they are bollards or not; they just need two accesses for subdivision.

The Board took a recess from 4:06 p.m. to 4:20 p.m.

Elizabeth Koeckeritz offered rebuttal testimony and said there has been some conflicting testimony and questions have been raised, and if the applicants have not answered Commissioner Van Beek's water questions satisfactorily and the case is looking at being denied they would request a continuance so they can come back with their water expert who can dive into those questions. Originally, they were in the area of impact for the City of Middleton, or Middleton thought so, but there was a County dispute and it's gone back and forth over the years, but she has no problem not signing an annexation agreement with the City of Middleton. Putting a utility easement along the edge of the property is standard practice. They will have to provide an updated traffic impact study for the preliminary plat. With regard to roads, more than \$5,000 per lot, that does go into the bigger pool and it goes for all of the various road improvements that are included with the Mid-Star Capital Improvement Plan, it's not just dedicated to the specific improvements she mentioned that are coming to this area that have been included in that plan. She did not include a list of all improvements. Hwy. 44 is undergoing a big study on the entire corridor and when they are talking about the temporary traffic light those are the ones that are not the solid permanent ones, it's the kind that sticks out and goes over, and that's the improvement they would be looking at having the developer help fund based on the traffic because they do not want the expense of a major installation if they ultimately are going to widen the road or do other improvements. Historical discharge has to remain onsite, and they will provide the updated TIS. The property that the Carnahans and Carters have used for tree farming is no longer suitable for that use and they want to be able to do some residential development on this property. Questions have been raised about the 17-acre lot skewing the numbers and they would be okay with coming with a preliminary plat where the average lot size was the same 2 acres. It is their understanding that Kemp Road is public but it sounds like there is a dispute and they would ask for that to be determined at the preliminary plat stage. They have to be able to prove they have a second access, ideally there is connectivity throughout developments but in this case, they would ask for that battle to be at the next phase. There was discussion regarding lot size. The zone requires an average lot size of 2 acres and they will be amenable to doing the

average lot size, not including the 17-acre lot which means they would lose a few lots and have a few larger lots.

Planner Lister said he has received comment from Highway District No. 4 that Kemp Road is a private road, and the highway district requests that they connect this development to Stony Brook.

There was additional discussion regarding lot size. Ms. Koeckeritz said they could agree to a minimum lot size throughout, including the 17 acres of the 2.5 acres which would come to no more than 63 lots. Kent Adamson said there is some confusion, that's 63 lots without a commercial lot and that would be revamping the project and he's not sure the applicants want to drop the commercial lot.

A brief recess was taken at 4:34 p.m. so the applicants could confer. The Board went back on the record at 4:38 p.m. After the break Ms. Koeckeritz said they can exclude the 17 acres and do a 2.5 lot size minimum for the rest with no lot smaller than 2 acres. There are some topographical constraints on the property with floodplain so they think they can do a 2-acre minimum with an average of 2.5 acres, not including the 17 acres. Commissioner Brooks said that takes care of part of the issue, but he has concerns about doing what a prior Board used to do when they would do "horse trading" versus what was presented when the application was made; but, in the long run some of the negotiating is beneficial. Planner Lister said the conditions are recommendations and it's an agreement between the County and that developer and this is the process that allows for modification of conditions. Ms. Koeckeritz said the applicant is proposing that any development agreement not have a concept plan attached to it at this time because this changes it. They would come forth with a preliminary plat that excludes the 17 acres, that it has a 2.5-acre average lot size, and no individual lot is smaller than 2 acres. The reason for the 2 to 2.5-acre movement is because there are some topographic constraints along the creek that makes it necessary for some to be less than 2.5 acres, but the average overall lot size, not including the 17 acres, will be 2.5 acres with nothing smaller than 2 acres.

Commissioner Van Beek said we have testimony that wells went dry and there has been a drop in either the static water level, or where they can access water, and that conflicts with the testimony that it will not have an impact. Commissioner Holton said there is no comparison between a private well and a community well, and the developer offered to provide expert testimony. He has no idea how deep this community well will be but it will not end at 250 feet, it will be much deeper than that which means that it is not even in the same aquifer or, or the same pool of water. If this development, as per example, was representing that they were going to be putting in 50+ domestic wells on each one of these lots there would be no going forward in his opinion, but they have represented a community well with fire hydrants which is much better than just doing domestic wells. Commissioner Brooks would prefer to continue the hearing to a later date because he doesn't want to rush through the criteria. He said the applicant is allowed to bring a water expert to the continued hearing, but if they are unavailable the public testimony portion will be closed and the Board will deliberate and adjudicate this case. He does not want new testimony. Commissioner Van Beek also wants the applicant to bring back information on the number of lots that would be match the rural nature. She said there is room for creativity on the

long narrow lots, particularly where there is a floodway and some aesthetics that have been brought up by the nature of the commercial business that's out there. Commissioner Holton made a motion to continue the hearing to March 31, 2025 at 2:45 p.m. so that the applicant's water engineer expert can provide public testimony about the community well system and the difference between that system and the domestic well infrastructure. Additionally, the applicant is to provide a lot number report that includes the average lot size and the minimum lot size. At that point public testimony will be closed and the Board will deliberate. The motion was seconded by Commissioner Brooks and carried unanimously. The hearing concluded at 4:56 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2025 TERM
CALDWELL, IDAHO MARCH 14, 2025

No meetings were held this day.

MARCH 2025 TERM
CALDWELL, IDAHO MARCH 17, 2025

No meetings were held this day.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for:

- Nicole Nieves, Desktop Support Specialist (Specialty Pay for on-call)
- Brad Snell, Desktop Support Specialist (Specialty Pay for On-Call)

MARCH 2025 TERM
CALDWELL, IDAHO MARCH 18, 2025

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 and Brad Holton, Chief Deputy P.A. Aaron Bazzoli, Deputy P.A. Zach Wesley, Deputy P.A. Laura Keys, Clerk Rick Hogaboam (left at 9:36 a.m.), Director of Court Operations Jess Urresti (left at 9:36 a.m.), Director of Community Assistance Yvonne Baker (left at 9:36 a.m.), Juvenile Probation Supervisor III Elda Catalano (left at

9:55 a.m.), Juvenile Probation Supervisor II Jose Orozco (left at 9:55 a.m.), Assistant CIO Jeremy Cucco (left at 9:55 a.m.), DSD Director Jay Gibbons, COO Greg Rast, and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider Resolution Appointing a Successor Trustee to the Board of Health Trustees: Ms. Baker has resigned from the Health Trustee Board and Clerk Hogaboam would like to appoint Jess Urresti as her successor. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the resolution appointing a successor trustee to the Board of Health Trustees (resolution no. 25-040).

Consider Resolution granting a new alcoholic beverage license to Birreria El Semoforo: Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the resolution granting a new alcoholic beverage license to Birreria El Semoforo (resolution no. 25-041).

Consider Resolution Approving Fee Waiver Request for Mike and Teresa Jardine: Mr. Wesley said they have reviewed the request from the applicant and recommendation from DSD. The Jardine's have followed the process to the best of their ability and county direction. This fee waiver will assist in getting their application through to completion. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the resolution approving a fee waiver request for Mike and Teresa Jardine (see resolution no. 25-042).

Consider Master Services Agreement with Sinch: Sinch is a telephone service and Mr. Rast provided a history on the company and use of this product. This is a 3-year agreement but operates like a service contract that is month-to-month; written notice would just need to be provided for cancellation. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the master services agreement with Sinch (agreement no. 25-029).

Consider Agreement with Carbon Networks: Mr. Rast said Carbon Networks will help in implementing the Xima product. The contract has been reviewed by legal. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the agreement with Carbon Networks (agreement no. 25-028).

Consider Addendum to Customer Service Agreement with Avaya: This agreement will allow for administrative access to the phone root system. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the addendum to customer service agreement with Avaya (agreement no. 25-030).

Consider DocuSign Agreement: This is the annual renewal contract for the service that is utilized daily and makes the Probation Officers' jobs much more efficient. Last year \$3500 was budgeted, however, this year it is up to \$5002.50 due to the number of envelopes used. Legal has reviewed and this is the standard agreement that has been signed in previous years. Upon the motion of

Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the DocuSign agreement (agreement no. 25-027).

Mr. Rast noted that Fair would also like to DocuSign so that will likely be coming before the Board in the future.

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 9:55 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, DSD Director Jay Gibbons, and COO Greg Rast. The Executive Session concluded at 10:09 a.m. with no decision being called for in open session.

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

MEETING TO CONSIDER MATTERS RELATED TO INDIGENT SERVICES

The Board met today at 10:30 a.m. to consider matters related to Indigent Services. Present were: Commissioners Leslie Van Beek and Brad Holton, Case Manager Kellie George, and Deputy Clerk Jenen Ross. Ms. George presented the following case for Board consideration:

Case no. 2025-12: This is an appeal by the funeral home following an initial denial by the Board on March 4, 2025. Following the denial, Indigent Services did a more in-depth investigation and discovered the decedent had several assets including a 1978 truck, a 1971 RV, and a back account – all of which are of very nominal value. Commissioner Van Beek made a motion to approve \$995 for cremation on case no. 2025-12, the county is not the payer of last resort, however, there may not be available assets and in the interest of taxpayer dollars this is the most expeditious path forward. The motion was seconded by Commissioner Holton and carried unanimously.

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

The meeting concluded at 10:45 a.m. and an audio recording is on file in the Commissioners' Office.

MEETING WITH SHERIFF'S OFFICE TO CONSIDER ACTION ITEMS

The Board met today at 2:02 p.m. with the Sheriff's Office to consider three action items. Present were: Commissioners Brad Holton and Leslie Van Beek, Chief Operating Officer Greg Rast, Chief Deputy Sheriff Doug Hart, Captain Harold Patchett Lt. Travis Engle, Chief Civil Deputy PA Aaron Bazzoli, HR Director Marty Danner, HR Business Partner Cindy Lorta, and Deputy Clerk Monica Reeves.

- ***Consider Resolution Awarding Officer's Badge and Duty Weapon Pursuant to Idaho Code §31-830 to Sergeant Roland Erickson*** - Upon the motion of Commissioner Van Beek and the second by Commissioner Holton, the Board voted unanimously to award the badge and duty weapon to Sergeant Erickson, who is retiring after 20+ years of service with the Sheriff's Office. (Resolution No. 25-043).
- ***Consider Resolution to Change the FLSA Status of the Emergency Technical Services Manager position in the Sheriff's Office*** - HR Director Danner said this is a housekeeping item to change the FLSA status from nonexempt to exempt to align with other positions of this level in the County. There will be no fiscal impact with the change. Upon the motion of Commissioner Van Beek and the second by Commissioner Holton, the Board voted unanimously to sign the resolution to change the FLSA status of the Emergency Technical Services Manager position in the Sheriff's Office from nonexempt to exempt as presented (Resolution No. 25-044).
- ***Consider Proposal and Resolution Approving the Reclassification of a Sergeant PCN to a Lieutenant PCN*** - Chief Hart said over the past couple of years they have made critical organizational structure changes that have had a tremendous impact on the efficacy of their leadership and the functions of the office. They had a 25-year period with no staffing change in the patrol division and that has changed considerably. Captain Patchett identified where they could make some position changes where a sergeant position could be converted to a lieutenant position in the jail and although there is an added ongoing cost, the benefits derived from making the change far outweigh the associated costs. The addition of a third lieutenant will help with supervision and to oversee the functions of the jail. The Board had follow-up questions, but overall is supportive of the request. Chief Hart said the current "A" budget will be able to absorb the cost. Upon the motion of Commissioner Van Beek and the second by Commissioner Holton, the Board voted unanimously to sign the resolution approving the reclassification of a sergeant PCN to a lieutenant PCN (Resolution No. 25-045).

Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 2:17 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO RECEIVE CANYON COUNTY MOSQUITO ABATEMENT DISTRICT 2025 WORK PLAN AND 2024 ANNUAL REPORT

The Board met today at 1:33 p.m. to receive the Canyon County Mosquito Abatement District 2025 Work Plan and 2024 Annual Report. Present were: Commissioners Leslie Van Beek and Zach Brooks, COO Greg Rast, Jim Lunders, Douglas Shin and Cory Turner with CCMAD and Deputy Clerk Jenen Ross. Mr. Lunders spoke about their integrated pest management plan, some of the issues they've dealt with this season, monitoring of service requests, and staffing levels and how they're able to efficiently spray for mosquitos.

Mr. Lunders addressed Board questions regarding the Lake Lowell zone, known breeding areas, how they deal with growth and change within the county and mitigating those changes, aerial application, large service requests in Middleton in 2021 and possible reasons, awareness and care of West Nile Virus, how service calls are handled, and notification of when the fogging truck will be operating.

Mr. Lunders expressed his appreciation of county services which assist the mosquito abatement district.

A copy of the report provided to the Board is on file with this day's minutes.

The meeting concluded at 1:58 p.m. and an audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER APPROVING FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER FOR CASE NO. AD2024-0001-APL

The Board met today at 2:01 p.m. to consider approving Findings of Fact, Conclusions of Law, and Order (FCO's) for Case No. AD2024-0001-APL, regarding the appeal by Matt Wilke, representing Richard and Lorna Penner, regarding the denial of AD2024-0001 for nonviable land divisions of Parcel R37792. Present were: Commissioners Leslie Van Beek and Zach Brooks, DSD Director Jay Gibbons, DSD Planner Emily Bunn, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. At the February 20, 2025 hearing the Board voted to reverse the Director's decision which will result in eight (8) parcels. Deputy PA Wesley and Planner Bunn worked through the record of the Board's deliberation and captured all of the points in the FCO's. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve the FCO's for the Penner case, which is Case No. AD2024-0001-APL. The meeting concluded 2:03 p.m. An audio recording is on file in the Commissioners' Office.

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Kelsey Rush, Deputy Sheriff – add K9 pay
- Ila Sharp, Victim/Witness Services Coordinator – new hire
- Kim Dickson, Emergency Technical Services Manager – change to FLSA status

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for:

- Prefunk Beer Bar II to be used on 4/4/25 for the Harmon of the West Gala

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

The Board met today at 9:35 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. Ben Cramer (left at 9:54 a.m.), Parks Director Nicki Schwend, Assistant Parks Director Michael Farrell, Outdoor Recreation Planner Alex Eells, Programs Manager Dylon Starry, DSD Director Jay Gibbons (left at 9:54 a.m.), COO Greg Rast, and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider Land Use Permit No. LU600497 with Canyon County and the Idaho Department of Lands for Celebration Park Boater Improvements Project: Mr. Eells explained this is a permit that is issued thru the Idaho Department of Lands. This permit is temporary due to the 2-3-year backlog of permanent permits; the temporary permit will allow for construction to begin. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign Land Use Permit No. LU600497 with Canyon County and the Idaho Department of Lands for Celebration Park Boater Improvements Project.

Public Hearing to Consider Comments Regarding Setting a Fee Increase for Participating in the Canoe Science Camp: No comments have been received by USPS, phone or email, and no members of the public were in attendance to offer comment. The hearing was opened and closed by Commissioner Holton.

Consider Resolution Increasing the Participation Fee for the Canoe Science Camp Operated by the Canyon County Parks, Cultural & Natural Resources Department: This resolution will set the at \$65 as requested. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign the resolution increasing the Participation Fee for the Canoe Science Camp Operated by the Canyon County Parks, Cultural & Natural Resources Department (resolution no. 25-047).

Public Hearing to Consider Comments Regarding Proposed New Service Fees and Increases in Existing Fee Schedules by the Canyon County Development Services Department: No comments have been received by USPS, phone or email, and no members of the public were in attendance to offer comment. The hearing was opened and closed by Commissioner Holton.

Consider Resolution Adopting Revised Development Services Department Fee Schedules: This is to correct errors in the resolution adopted on January 30, 2025 specific to building fees as the wrong exhibit was included in the resolution. Upon the motion of Commissioner Brooks and second by Commissioner Van Beek the Board voted unanimously to sign the resolution adopting revised Development Services Department fee schedules (resolution no. 25-046).

Upon the motion of Commissioner Holton and second by Commissioner Van Beek the Board voted unanimously to continue the legal staff update to 1:30 p.m. today.

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

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

AMEND AGENDA TO CONTINUE THE LEGAL STAFF UPDATE

At 10:14 a.m., the Board went on the record to amend the agenda to continue the 9:30 a.m. legal staff update where an earlier motion was made to continue it to 1:30 p.m.; however, staff has become available and the Board can now be apprised of an issue that needs to be discussed in Executive Session. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, Prosecutor Chris Boyd, Senior Chief Deputy PA Ingrid Batey, Deputy PA Ben Cramer, Chief Civil Deputy PA Aaron Bazzoli, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to amend the agenda for a continuance of the 9:30 a.m. legal staff update.

EXECUTIVE SESSION – COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner Van Beek made a motion to go into Executive Session at 10:15 a.m. pursuant to Idaho Code, Section 74-206(1)(f) 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 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, Prosecutor Chris Boyd, Senior Chief Deputy PA Ingrid Batey, Deputy PA Ben Cramer, Chief Civil Deputy PA Aaron Bazzoli, and Deputy PA Zach Wesley. The Executive Session concluded at 11:03 a.m. with no decision being called for in open session.

DSD GENERAL BUSINESS AND ACTION ITEMS

The Board met today at 11:04 a.m. for a DSD general business meeting and to consider action items. Present were: Commissioner Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Office Manager Jennifer Almeida, DSD Director Jay Gibbons, Darin Taylor, and Deputy Clerk Monica Reeves. The action items were considered as follows:

Consider a resolution issuing a refund to Alexander Goncharov, Case nos. CR2023-0009 and OR2023-0004: The applicant applied for a comprehensive plan map and rezone, but once the planner reviewed the case file they noticed it was enclaved by the city and they advised the applicant to seek annexation from the city. The application was withdrawn and staff is recommending a refund in the amount of \$3,150. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to issue a refund to Alexander Goncharov, Case Nos. CR2023-0009 and OR2023-0004. (Resolution 25-048.)

Consider a resolution issuing a refund to Freedom Forever, Permit no. BP2024-0868: The application was withdrawn by Freedom Forever after the customer opted not to place solar panels on their property. Staff recommends a refund in the amount of \$734. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to issue a refund to Freedom Forever, Permit no. BP2024-0868. (Resolution 25-049.)

Consider a resolution issuing a refund to S&J Electric, Permit no. BP2024-0649: The applicant is opting not to build on the property they initially applied to build a structure on, and staff is recommending a refund in the amount of \$5,410. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to issue a refund to S&J Electric. (Resolution 25-050.)

Consider Approving Final Plat for DTH Subdivision, Case No. SD2024-0003: Director Gibbons presented the final plat noting that it is a property that is zoned R-1 via a rezone in 2016. The Board approved the preliminary plat with 7 lots in December of 2023 subject to 10 conditions of approval, all of which have been met. There was discussion regarding parking and roads, and Commissioner Van Beek said it would be nice when the road ordinance is updated that we have roads that can accommodate growth in the County that does not jeopardize fire, safety, or other issues. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to approve the final plat for the Chairman's signature for DTH Subdivision, Case No. SD2024-0003.

The DSD general business meeting began at 11:20 a.m. with the following people in attendance: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Director Jay Gibbons, and Deputy Clerk Monica Reeves. The discussion was as follows:

Director Gibbons said he listened to the segment of the March 17 Nampa City Council meeting and he believes the city is a little misguided in their impression that the Board should be writing letters of support and approve their plan before they approve their plan. The city needs to make their plan and if they want the County to recognize it they have to make that request to the Board and then it will go through the hearing process. Staff has been involved in the planning process and there will be further discussion next week. Regarding the joint powers agreement (JPA), staff has advised them that the County has to look through everybody's area of city impact (AOCI) in the coming year and every city will have an opportunity to talk about theirs and their future plans, and we can talk about the joint powers agreement update at the same time. Commissioner Van Beek said when we looked at the boundary movement there were stipulations and one that was called out was a charge for Nampa's planning staff to come back to the County and come to some agreement on the definition of ag density. Director Gibbons said the city defines low density and extra low-density residential differently than the County does. Their future land use plan illustrates that they have a community mixed use area and a residential mixed-use area and both start adjacent to the city limits and go out from there, but they also have a very low-density residential area and a low-density residential area. They have the buffer from their mixed use or their residential. DSD has worked with them and has a good handle on where they are headed, but how the County looks at their comprehensive plan from a planning perspective in our realm down the road remains to be seen. Commissioner Van Beek said in her mind, the presentation by the City of Nampa was that they would ensure that low-density residential was bordering Lake Lowell and the Deer Flat National Wildlife Refuge, and in looking at what that area looked like the consensus was if it was low-density they would come back with additional information. The plan that was proposed at the city council meeting with the 10,500 rooftops was not what was presented to the Board as their buildout plan. It was an amendment to the comp plan and so we need to talk about what the visions and density look like. She has heard Nampa is collecting areas of development for interested developers, but in an absence of an annexation they could only look at it, the decision would ultimately come before the Board. Director Gibbons said Nampa's future land use map does indicate pretty much all of the area in the southwest corner that abuts the wildlife refuge as well as Lake Lowell is very low-density residential that would fit our acreages. We have jurisdiction everywhere outside city limits and if the city envisions any kind of higher density anywhere within their AOCI they will have to annex in order to support that with sewer and water otherwise all of the developments outside of annexation come to the County and the city can provide comment, but the County will have jurisdiction over those areas if they are not annexed. Commissioner Van Beek said the Board is receiving significant feedback and pushback on the development of ag ground and she is at a complete loss as to how leadership continues to say we need to preserve ag ground but the cities are the biggest consumer of ag ground in Canyon County. Saying we need to preserve ag ground and then planning for R-17 development on County ground is a non-compute for her. Director Gibbons said the only way they can get to that is if they annex. We are not going to entertain subdivisions that are urban-density-type that does not fit our code.

Regarding the legislation that was recently passed on the APA, Commissioner Brooks said they have amended it to where the protection areas will be allowed right up to bordering city limits and they have amended it to where the decision-making process would be by somebody in planning

and zoning or someone that the Board has appointed to review them. He said largely in part to his objection to that being placed in the hands of an administrator who is not elected, Farm Bureau is supposed to be running a trailer bill to insert the words “*or Board of County Commissioners*”, so we would ultimately have the decision. We have an unelected appointed body in the planning and zoning commission that makes some decisions but by and large they make recommendations on applications that come before the Board and what has been passed flies in the face of that. Commissioner Brooks said it was targeted at the Board because not only did we say you cannot put it in an area of impact, we were a half-mile outside of that and they obviously did not like that so he made the pitch that it had the potential to be weaponized to go up to the city limits and restrict city growth, and the response from many of the legislators was good because they want this to be used as a tool to block the cities in. Commissioner Holton said this bill defies rationalization and there will be unintended consequences because of it. He would like to see the statistics on the amount of farm ground that’s being consumed for residential in the County compared to the municipalities. He said the Farm Bureau has placed themselves front and center as the expert about municipalities and how land is to be developed in Canyon County and the State of Idaho. Organized growth should come from the cities out, but they have created a lasso around the cities to hold them but growth has to go somewhere and it will go in the County without good drainage, roads, or services. He said the need for a trailer bill demonstrates that they do not know what they’re doing.

(Commissioner Brooks left at 11:46 a.m. to attend another meeting.)

Commissioner Van Beek said local government should have the right to speak to legislation that’s crafted but the Board has not been consulted by local legislators on a number of bills that are coming at the expense of County taxpayers. We value what the agricultural community provides, but that being said some of the most vocal people who reach out are farmers who were not necessarily given a voice at the update of the last comprehensive plan. We need some cooperation at the state level on how their legislation impacts local government and whether or not it’s appropriate for the state to step into local government and overlay that at the expense of the taxpayer. Commissioner Holton finds it fascinating that people want to fashion a bill that directs and authorizes land divisions to people who are not elected because it will create bureaucrats that make huge decisions that affect peoples’ quality of life. He supports the preservation of farm ground but it isn’t simple or straightforward. Commissioner Van Beek said there are decisions that have been made by the Board to put large-scale diversified agriculture in agriculture, and there is a group of “malcontents” that push back against that. This is a qualified Board with qualified staff that are making a good effort to resolve some of these issues and leave the quid pro quo out of it. Commissioner Holton agreed. He extended the offer for a workshop where citizens can work together to make substantial, defensible land use laws that work for Canyon County and the state. He wishes people would quit going to the legislature and making pathetically bad law to try to solve a problem they perceive they have with Canyon County. Commissioner Van Beek supports that and said there has to be collaboration to look at the vision for what Canyon County and the state look like as a whole. Director Gibbons said as we go forward to develop an implementation plan for the comprehensive plan and as we update our ordinances accordingly, he fully anticipates soliciting public input through the entire process. Commissioner Holton thanked Director Gibbons

for the information and said the Board will consider if it will give an official communication to the Nampa City Council. Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 12:00 p.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 1:31 p.m. for a continued meeting with county attorneys for a legal staff update. 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. Ben Cramer, HR Director Marty Danner, COO Greg Rast, and Deputy Clerk Jenen Ross.

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 1:31 p.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, Deputy P.A. Zach Wesley, Deputy P.A. Ben Cramer, HR Director Marty Danner (left at 2:02 p.m.), and COO Greg Rast. The Executive Session concluded at 2:47 p.m. with no decision being called for in open session.

ACTION ITEM: CONSIDER RESOLUTION AWARDING OFFICER'S BADGE AND DUTY WEAPON PURSUANT TO IDAHO CODE §31-830 TO CORPORAL LILLY HEISER

The Board met today at 3:30 p.m. to consider a resolution awarding officer's badge and duty weapon pursuant to Idaho Code, §31-830 to Corporal Irasema "Lilly" Heiser. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, Chief Deputy Sheriff Doug Hart, COO Greg Rast, and Deputy Clerk Monica Reeves. Chief Hart said Corporal Heiser has worked for the County for 27 years and for the past several years as been the primary purchasing agent and her efforts have saved the County a tremendous amount of money as she has been skillful in negotiating very large contracts for the purchase of bulk items in the jail as well as the all equipment the Sheriff's Office has needed. Corporal Heiser will retire next month. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to award the badge and duty weapon to Corporal Irasema "Lilly" Heiser (Resolution No. 25-051). Upon the motion of Commissioner Holton and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 3:34 p.m. An audio recording is on file in the Commissioners' Office.

ATTEND FORUM REGARDING THE CANYON COUNTY WOMEN'S JAIL PHASE 1

A public forum was held tonight at The Center located at 110 County Fair Avenue in Caldwell regarding the Canyon County Women's Jail Phase 1. Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek were in attendance along with Constituent Services Director Aaron Williams, Prosecutor Chris Boyd, Clerk Rick Hogaboam, Facilities Director Rick Britton, and Sheriff's Office personnel. Several citizens were also in attendance. Information was exchanged with and between the public on phase 1 of the jail with no motions, action items, or Board direction entertained or given.

MARCH 2025 TERM
CALDWELL, IDAHO MARCH 21, 2025

APPROVED CATERING PERMITS

The Board approved an Idaho Liquor Catering Permit for:

- Raising our Bar to be used 3/31/25, 4/12/25, 5/3/25, 5/9/25, 5/10/25, 5/16/25, 5/17/25, 5/18/25, 5/24/25, 5/30/25, & 5/31/25 for a birthday and various wedding events.
- Liberty Lounge to be used 4/12/25, 4/26/25, 5/17/25, 5/24/25, & 5/31/25 for various wedding events.

MARCH 2025 TERM
CALDWELL, IDAHO MARCH 24, 2025

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 1:34 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters and records exempt from public disclosure. The motion was seconded by Commissioner Brooks. Commissioner Holton took a roll call vote where he along with Commissioners Van Beek and Brooks voted in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Brad Holton, Zach Brooks and Leslie Van Beek, and DSD Director Jay Gibbons. The Executive Session concluded at 1:54 p.m. with no decision being called for in open session.

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

MARCH 2025 TERM
CALDWELL, IDAHO MARCH 25, 2025

No meetings were held this day.

MARCH 2025 TERM
CALDWELL, IDAHO MARCH 26, 2025

No meetings were held this day.

MARCH 2025 TERM
CALDWELL, IDAHO MARCH 27, 2025

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved employee status change forms for:

- Jacob Hernke, Deputy Sheriff received intermediate POST certification
- Madisyn Watts, Clerk I – new hire
- Mathew Joseph Lewis, Deputy Sheriff – received intermediate & advanced POST certification
- Nicholas Talbot, Deputy Sheriff – received intermediate POST certification
- Cameron Witgenstein – Deputy Sheriff, received advanced POST certification
- Andrew John Souza – Deputy Sheriff, received intermediate, advanced, and master POST certification

FILE IN MINUTES

The Board filed in today's minutes the Treasurer's Monthly report for February 2025.

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

The Board met today at 9:34 a.m. 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, Deputy P.A. Laura Keys (left at 9:47 a.m.), Deputy P.A. Ben Cramer (left at 10:25 a.m.), Parks Director Nicki Schwend (left at 10:09 a.m.), Outdoor Recreation Planner Alex Eells (left at 10:09 a.m.), Assistant Parks Director Michael Farrell (left at 10:09 a.m.), Facilities Director Rick Britton (left at 10:09 a.m.), Cpt. Ray Talbot (left at 9:47 a.m.), Assessor Brian Stender (left at 9:47 a.m.), and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider Addendum No. 1 to the 2025 Celebration Park Boater Improvements Project – Phase 1 Invitation for Bids: Director Schwend provided a history of this project. The addendum addresses various questions and requests for clarification that have been received. Based on some of the questions received, Commissioner Van Beek has concerns about the engineering analysis that was done. Commissioner Brooks concurs with Commissioner Van Beek's concerns. Director Britton said with all projects geotechnical should be done, he didn't realize it wasn't done with this project. The general consensus is that JUB should have known the study needed to be done.

Consider Parking Lot Usage Agreement between Canyon County and Vallivue School District No. 139: Vallivue School District is building a facility near the DMV and would like to use a portion of the DMV parking lot while school is still in session for worker parking. Assessor Stender will assign designated spots available for use. It was noted that the agreement needs to be revised to remove references to the City of Caldwell. Commissioner Brooks made a motion to approve and sign the parking lot usage agreement between Canyon County and Vallivue School District No. 139 with the revised document to be provided/signed at a later time. The motion was seconded by Commissioner Van Beek and carried unanimously (agreement no. 25-031).

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 9:47 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, Parks Director Nicki Schwend, Outdoor Recreation Planner Alex Eells, and Assistant Parks Director Michael. The Executive Session concluded at 10:05 a.m. with no decision being called for in open session.

Following the executive session, Commissioner Holton noted that bids for the 2025 Celebration Park Boater Improvements Project – Phase 1 will be opened on April 8, 2025 at 9:30 a.m.

Consider Addendum No. 1 to the 2025 Celebration Park Boater Improvements Project – Phase 1 Invitation for Bids: Mr. Wesley acknowledged that there have been several good questions raised by contractors regarding this project but feels it needs to be seen through and see where the bids come in to see if there needs to be additional studies or more engineering done. Upon the motion of Commissioner Van Beek and second by Commissioner Brooks the Board voted unanimously to sign Addendum No. 1 to the 2025 Celebration Park Boater Improvements Project – Phase 1 Invitation for Bids.

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 10:09 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, and Deputy P.A. Ben Cramer. Mr. Cramer left at 10:25 a.m. and Commissioner Brooks left at 10:32 a.m. The Executive Session concluded at 10:37 a.m. with no decision being called for in open session.

Commissioner Van Beek spoke about senate bill 1181 which could have impacts to the state-run public defense. There are ancillary costs that could be passed down – the budget from the initial inception has doubled and there are some costs that are being off-loaded, so the Board is taking a position of objecting to the changes in senate bill 1181 and authorizing Chief Deputy Bazzoli to represent Canyon County in speaking against the proposed changes. Commissioner Holton said that there are a significant number of counties that the State of Idaho has chosen to absorb the entire cost of the facilities to house public defense, however, they are choosing not to reimburse Canyon County a reasonable amount for the office space provided. He feels this is another unfunded mandate when they are representing to the public that the state is covering all the costs. Commissioner Holton seconded Commissioner Van Beek’s motion which carried unanimously.

Commissioner Holton made a motion to adjourn the meeting. The motion was seconded by Commissioner Van Beek. Commissioner Van Beek motioned to take a small pause and Commissioner Holton said he is in favor of taking a small pause for 2 minutes.

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

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 10:46 a.m. to consider action items. Present were: Commissioners Leslie Van Beek and Brad Holton, DSD Office Manager Jennifer Almeida, and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider a resolution granting a refund to Austin & Ashlyn Faulk, Case no. CU2024-0026: A CUP for a special events center was applied for but the applicant withdrew their application in March. Ms. Almeida reviewed the work that was done on the file. DSD is recommending a refund of \$712.50 be issued. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the resolution granting a refund to Austin & Ashlyn Faulk, case no. CU2024-0026 (resolution no. 25-052).

Consider a resolution granting a refund to Idaho Materials & Construction, Case no. CU2024-0016: Idaho Materials & Construction applied for a CUP for mineral extraction. Ms. Almeida reviewed the work that was completed on the file prior to the request being withdrawn; DSD is

recommending a refund of \$617.50. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the resolution granting a refund to Idaho Materials & Construction, case no. CU2024-0016 (resolution no. 25-053).

Commissioner Holton motioned to adjourn the meeting. The motion was seconded by Commissioner Van Beek and carried unanimously.

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

AMEND AGENDA: EMERGENCY MEETING TO CONVENE IN EXECUTIVE SESSION, PURSUANT TO IDAHO CODE, SECTION 74-204

The Board met today at 4:08 p.m. for an emergency meeting. Present were: Commissioners Brad Holton and Leslie Van Beek, Prosecutor Chris Boyd, Chief Civil Deputy PA Aaron Bazzoli, Deputy PA Zach Wesley, Deputy PA Ben Cramer, and Deputy Clerk Monica Reeves. Commissioner Holton made a motion to amend today's agenda for an Executive Session. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Holton said the emergency involves the likelihood of such injury, damage or loss. Commissioner Van Beek made a motion to adjourn into an emergency meeting pursuant to Idaho Code 74-204(2) regarding the likelihood of such injury, damage or loss. Commissioner Holton seconded the motion. Chief Civil Deputy PA Aaron Bazzoli said there should be a brief statement as to the reason behind the emergency, the basis for amending the agenda. It was noted that no newspaper or media has asked to be notified of emergency meetings. Commissioner Van Beek amended her motion and stated the emergency is described as a person or employee of the County and the emergent need for counsel appointment would result in immediate financial loss and 24 hour notice is impracticable, or would increase the likelihood or severity of the injury, damage or loss because the hearing on the matter is set within 7 days and conflict counsel is required to prepare. Commissioner Holton seconded the amended the motion, which carried unanimously. Commissioner Van Beek made a motion to go into Executive Session at 4:14 p.m. pursuant to Idaho Code, Section 74-206(1)(f) to communicate with legal counsel regarding pending or likely litigation. The motion was seconded by Commissioner Holton. A roll call vote was taken on the motion with Commissioners Holton and Van Beek voting in favor of the motion to enter into Executive Session. The Executive Session concluded at 4:27 p.m. While in open session, Prosecutor Boyd said he has an obligation to represent a County employee and there is a potential conflict which would prevent him from ethically representing them so he is unavailable to do so and requests the County appoint conflict counsel. Commissioner Van Beek made a motion to approve funding for a special appointment for a limited duration with a payment from the court fund to handle the conflict counsel as articulated by Prosecutor Boyd. The motion was seconded by Commissioner Holton and carried unanimously. The meeting adjourned at 4:29 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MARCH 2025 TERM
CALDWELL, IDAHO MARCH 28, 2025

No meetings were held this day.

MARCH 2025 TERM
CALDWELL, IDAHO MARCH 31 2025

APPROVED EMPLOYEE STATUS CHANGE FORMS

The Board approved an employee status change form for:

- Sarah Kaley, Limited License Intern - Criminal, Prosecuting Attorney's Office
- Julio Ortega, IT Systems Administrator I

FILE CLAIM AND PURCHASE ORDER APPROVAL REPORTS

The Board filed the claim and purchase order approval reports from the Auditor's Office for the month of March, 2025.

MEETING TO CONSIDER ACTION ITEMS

The Board met today at 9:33 a.m. to consider action items. Present were: Commissioners Leslie Van Beek and Zach Brooks, Commissioner Brad Holton (arrived at 9:41 a.m.), Chief Deputy P.A. Aaron Bazzoli, COO Greg Rast, Jeff Moser with PBK participated via teleconference (left at 9:45 a.m.), and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing Declaration and Notice of Sole Source Procurement for Prosecutor by Karpel: Mr. Bazzoli explained this is software for the Prosecutor's Office as Justware has been used long past functionality. The reason this can be purchased thru sole source is due to the compatibility with existing software and programs and that there is no functional equivalent to this product. A public hearing to take comments will be held on April 18th at 9:30 a.m. At the request of Commissioner Van Beek, Mr. Rast provided a history of technology used in both the Prosecutor's Office and the Public Defender's department and how Prosecutor by Karpel will be integrated. Upon the motion of Commissioner Van Beek and second by Commissioner Holton the Board voted unanimously to sign the declaration and notice of sole source procurement for Prosecutor by Karpel.

Consider proclamation declaring April 2025 as Child Abuse Prevention and Sexual Assault Awareness Month: This year the County is partnering with the City of Caldwell, and a ceremony will be held tomorrow where the proclamation will be read. Commissioner Van Beek read the proclamation into the record. Upon the motion of Commissioner Holton and second by Commissioner Van Beek

the Board voted unanimously to sign the proclamation declaring April 2025 as Child Abuse Prevention and Sexual Assault Awareness month.

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 9:48 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 Leslie Van Beek, Brad Holton and Zach Brooks, Chief Deputy P.A. Aaron Bazzoli and COO Greg Rast. The Executive Session concluded at 10:15 a.m. with no decision being called for in open session.

The meeting concluded at 10:16 a.m. and an audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MEETING TO CONSIDER MATTERS RELATED TO COUNTY ASSISTANCE

The Board met today at 10:17 a.m. to consider matters related to county assistance. Present were: Commissioners Leslie Van Beek, Brad Holton and Zach Brooks, Director of County Assistance Yvonne Baker, COO Greg Rast, and Deputy Clerk Jenen Ross. The following case was presented for Board consideration:

Case no. 2007-522: There has been a request for 100% forgiveness. The case was approved on June 13, 2007 in the amount of \$59,336.53. The total amount reimbursed to the county is \$1109 with the last payment being in April 2009. The remaining balance is \$58,236.53. The applicants filed for bankruptcy in July 2009 which has prevented the county from pursuing payment, however, the medical lien survives bankruptcy. An overview of the income and expenses, including assets which include a home, a vehicle and a bank account. The only way the county could recoup any payment would be if the home was sold. Following questions and discussion, the Board is not in favor of full forgiveness. Commissioner Van Beek made a motion to deny the request for full forgiveness. The motion was seconded by Commissioner Brooks and carried unanimously.

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

The meeting concluded at 10:27 a.m. and an audio recording is on file in the Commissioners' Office.

PUBLIC HEARING: REQUEST BY MDC, LLC/JOSEPH CARTER, REPRESENTED BY RIVERIDGE ENGINEERING COMPANY, FOR A CONDITIONAL REZONE OF PARCELS R37511 & R37510112 FROM “A” (AGRICULTURAL) TO “CR-R-R” (CONDITIONAL REZONE - RURAL RESIDENTIAL), CASE NO. CR2022-0016

The Board met today at 2:45 p.m. to conduct a public hearing in the matter of a request by MDC, LLC/Joseph Carter, represented by Riveridge Engineering Company, for a conditional rezone of parcels R37511 & R37510112 from an “A” (Agricultural) Zone to a “CR-R-R” (Conditional Rezone - Rural Residential) Zone. Present were: Commissioners Brad Holton, Zach Brooks, and Leslie Van Beek, DSD Director Jay Gibbons, DSD Principal Planner Dan Lister, Elizabeth Koeckeritz, Terry Scanlan, Doug Carnahan, Jason Carnahan, and other interested citizens, and Deputy Clerk Monica Reeves.

Principal Planner Dan Lister summarized the Board’s hearing that was held on March 13, 2025, where it agreed to change some of the conditions and relook at the lot sizes and the average lot size, and to hear from the applicant’s water expert regarding the difference between a community well system and the domestic well infrastructure. Additionally, the applicant was directed to provide the number of residential lots based on the average lot size and minimum lot size that was agreed upon at the last hearing.

Elizabeth Koeckeritz testified that Terry Scanlan, a recognized expert on water and water issues who is a consulting engineer and a hydrogeologist, will offer testimony today. Also, Doug and Jason Carnahan will explain the number of lots they are proposing.

Terry Scanlan with HDR Engineering responded to questions from the Board regarding the difference between the cone of depression between domestic wells and a community water system. Water flows into a well because from higher pressure to lower pressure and when you turn on the pump it lowers the water level in the well and water comes in through the well which tends to impede the water coming in and it also comes in through the aquifer. In this area it’s sand. At the well itself you will see when it draws down the water level of the well will be lower than it is in the aquifer outside the well. Sometimes it’s a lot lower if the well is inefficient if the water has a hard time getting in. With a perfect well the water level on the outside of the well casing and well screen will be exactly the same as in the aquifer. When you’re in the aquifer you have to have that driving force to push the water through the sand so you need force to do that. You establish the cone of depression as you get away from the well the water level depression on the aquifer is much less than it is close to the well so you get this cone shape with it steepening as you get closer to the well. The difference between a cone of depression for one community well pumping 100 gallons per minute, for example, and a bunch of wells pumping an average of 100 gallons per minute, is pretty much the same. If that community well is in the center of the mass of all the domestic wells, once you get outside that you will have the same impact because you’re pulling the same amount of water from the aquifer, a bunch of small cones of depression but as you move away outside the subdivision the impact will be the same if you’re pumping the same volume of water. A community water system is regulated by DEQ and if there are more than 24

connections you need two wells so that if one well goes down the system will still be operating. Pumps fail and the other well can carry the load until you get that fixed and that is an advantage of a community system. Mr. Scanlan said their study looked at long-term water levels in the area and the water levels are pretty stable. There is a monitoring well a mile to the west that's operated by the state and they have pretty good water levels on that one back about 25 years. It does show declines, it shows one-third of a foot per year for the last 25 years. There is another monitoring well northeast of the subdivision property and it has a good record for about 20 years and it shows an inch on average of decline per year. There are declines but they're not big and to him that magnitude is not a big concern and they think they are probably driven by land use changes particularly center pivot irrigation where you switch from gravity/flood irrigation to center pivot you don't see the recharge and that's probably the big driver on those minor declines. The impact of the domestic use is not much. Irrigation is the driver on Treasure Valley groundwater because it uses so much more water. Mr. Scanlan responded to follow-up questions from the Commissioners.

Doug Carnahan testified that a 2.5-acre lot size average and a 2-acre minimum are acceptable to them. With the requirement to increase the average size of the lots they start to run into a problem with marketability of the larger lots.

Jason Carnahan testified that they took 165 acres and subtracted out 12 acres worth of roads and divided at 2.5 acres that equals 61 lots. The average lot size in the area is 2.63 acres. If they took 61 lots that's a 2.7-acre density. Having a 2-acre lot minimum they should be less dense than surrounding developments. They included the 18-acre parcel in their calculations. There was further discussion regarding density, in both net numbers and gross numbers. Mr. Carnahan said if they remove the roads and the commercial lot, it's imposing such restrictions that it probably needs to be rethought which is why they came back to a number of lots that got to the 2.5 acres. They are trying to figure out how many lots the Board finds acceptable and if it wants the 18-acre parcel and the 12 acres pulled out that puts it to 135 acres and that divided by 2.5 results is 54 lots.

Ms. Koeckeritz said instead of defaulting to a number she requests it go to what was previously discussed because now that they have to rework the plat the road space will change and there may not be an extra road spur and there are different ways to reconfigure it. If we take 1.5 acres out of the 18 acres that could also change the overall numbers so it's better to have not just the specific number but rather that this is how it will be developed. The development agreement would have to be amended for anyone in the future.

Planner Lister said the 76 lots are based off the 2-acre lot size and the Board can either lock it down to a lot size or go back to their original concern which is limited to the 2.5-acre average lot size with a minimum lot size of 2 acres, not including the 18-acre parcel. It is up to the applicants at the time of plat to demonstrate how they meet that. Either the Board still wants a conceptual plan of how it will look, or it can lock it down to an average and the lot size as part of the plat they are demonstrating how they are meeting the development agreement criteria.

Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. As part of the Board's deliberation, there was a review of the criteria listed in the FCO's from the P&Z Commission as well as a review of draft conditions. The condition requiring bollards will be removed because Kemp Road is a private road. The plat will have to show two access points per fire district requirements. The FCO's will be updated to reflect the applicant's agreement with the Middleton School District. Upon the motion of Commissioner Van Beek and the second by Commissioner Brooks, the Board voted unanimously to approve the conditional rezone for Case No. 2022-0016, which is a zone change from "A" Agricultural to "RR" Rural Residential and to direct staff to make the changes that have been discussed, and to continue this to a date certain where staff can present the changes to the findings that have been outlined for final approval of the FCO's. The development will be limited to not more than 54 residential lots and the average lot size would meet the 2.5 acres with a minimum lot size of 2 acres, not including the 18 acres of property or the roads as discussed. The Board will reconvene at a later date to review the FCO's. Upon the motion of Commissioner Brooks and the second by Commissioner Van Beek, the Board voted unanimously to adjourn at 4:01 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 MARCH 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