

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 1, 2021

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

FILE TREASURER'S REPORTS IN MINUTES

The Board filed the Treasurer's monthly report for April 2021

DETAILED MINUTES TO COME AT A LATER TIME

Monthly meeting with Public Information Officer to discuss general issues, set policy and give direction

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for legal staff update and action item

- Action Item: Signed Canoe Camp Registration Services Agreement between the City of Nampa Recreation Department and Canyon County (Agreement no. 21-038)

DETAILED MINUTES TO COME AT A LATER TIME

Monthly Elected Officials' Meeting

DETAILED MINUTES TO COME AT A LATER TIME

Weekly meeting with the Director of Development Services to discuss general issues, set policy and give direction

- Action Item: Signed resolution to adopt the changes to the title, salary, job description, and FLSA status of two (2) positions in the Development Services Department (Resolution no. 21-135)

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 2, 2021

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 574700 to 574731 in the amount of \$24,131.48
- The Board has approved claims 574653 to 574699 in the amount of \$26,320.25
- The Board has approved claims 574590 to 574624 in the amount of \$78,236.95
- The Board has approved claims 574732 to 574767 in the amount of \$9,538.49

APPROVED CLAIMS ORDER NO. 2118

The Board of Commissioners approved payment of County claims in the amount of \$1,685,407.06 for a County payroll.

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Annette Taylor, Interpretive Specialist; Janie Moore, Interpretive Specialist; Hayley McLane Peterson, Interpretive Specialist; Jessica Sweeney, Interpretive Specialist; Terry Srodawa, Interpretive Specialist; Katelyn Webster, Interpretive Specialist; Dylon Starry, Visitor Services Specialist.

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an Alcoholic Beverage License renewal for The Tilted Ace LLC dba The Tilted Ace; Evergreen Restaurant LLC 1313 dba Outback Steakhouse (Resolution no. 21-136).

RESCHEDULE PUBLIC HEARING - REQUEST BY BOYD BATES FOR A REZONE: CASE NO. RZ2021-0004

The Board met today at 9:02 a.m. to conduct a public hearing in the matter of a request by Boyd Bates for a zoning map amendment (Rezone) of Parcel R29569010 from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone, Case No. RZ2021-0004. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves. The applicant was not present for today's hearing therefore the matter needs to be rescheduled. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to June 10, 2021

at 10:00 a.m. The hearing concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING - REQUEST BY BOYD BATES FOR A REZONE, CASE NO. RZ2021-0004

The Board met today at 9:02 a.m. to conduct a public hearing in the matter of a request by Boyd Bates for a zoning map amendment (Rezone) of Parcel R29569010 from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone, Case No. RZ2021-0004. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Dan Lister, and Deputy Clerk Monica Reeves. The applicant was not present for today's hearing therefore the matter needs to be rescheduled. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to June 10, 2021 at 10:00 a.m. The hearing concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUED PUBLIC HEARING – REQUEST BY GREG SCHATZEL FOR A REZONE FROM
AGRICULTURE TO SINGLE-FAMILY RESIDENTIAL, CASE NO. RZ2020-0027

The Board met today at 1:35 p.m. to conduct a public hearing in the matter of a request by Greg Schatzel for a rezone from an "A" (Agricultural) Zone to an "R-1" (Single Family Residential) Zone, Case No. RZ2020-0027. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, Greg Schatzel, Alan Mills, Darin Taylor, Nancy Farnsworth, Terri Slay, Don Janak, Mikel Bartol, Middleton City Clerk Becky Crofts, Middleton City Planner Roberta Stewart, other interested citizens and Deputy Clerk Monica Reeves. Today's hearing was continued from May 5, 2021 where testimony was left open for the following new information:

1. Staff will contact Idaho Dept. of Water Resources (IDWR) and Dept. of Environmental Quality (DEQ) regarding well levels and the water table.
2. Southwest District Health (SWDH) requirements regarding the lot and potential future development.
3. Cost comparisons shall be provided to address the comparison between bringing services or allowing individual wells and septic systems.
4. Obtain more information about pre-annexation agreements.
5. Have a review by Canyon Highway District regarding their request versus one access for future development.
6. Correct the Findings of Fact, Conclusions of Law, and Order (FCO's).

Dan Lister submitted corrected FCO's from the P&Z Commission which accurately reflect the Commission's recommendation which was a denial. (*The original document erroneously referenced a recommendation of approval.*) He said staff did not receive any comments from

IDWR or DEQ regarding well levels or the water table, however, staff has provided soils map from the USDA web soils survey which identified the soils on the property. The soils show a depth to water table of 18 to 36 inches, and in some locations it's 36-60 inches. This is a high groundwater area. Staff also provided well reports from that area from 1972 and from 2005. Staff received a letter from SWDH stating they know it's a high ground water area so future development will require monitoring and onsite evaluation before a subdivision engineering report can be reviewed/approved. Monitoring can take up to a year. Upon discussions regarding city services SWDH said they can only make recommendations for connections to existing systems if available. The only time they can recommend connectivity is if the development is within 200 feet from city services. The existing services are over 1,600 feet away. The Board requested cost comparison information between city services and placing advanced treatment systems on each lot, but neither the applicant nor city provided those cost comparisons. Mr. Lister said the Canyon Highway District provided comments regarding the abandonment of the future road connection of Whisper Creek Drive stating modifications to the adopted functional classification map will require a highway district board approval and possibly a comprehensive plan map amendment through the County. The district is also saying this might require a study to see if there are any impacts by removing the connection. The corridor plan for State Highway 44 shows that the existing roads of Whisper Creek Drive and Buskirk Drive will be restricted to right-in/right-out only at that point when that plan is in place and therefore that connection will provide that left turnout access onto Highway 44. The highway district finds that it is still needed but a modification could be requested by the applicant. The last requirement was a pre-annexation agreement and Exhibit #14 shows the emails between the City of Middleton and the applicant's representative. The applicant is willing to enter into a pre-annexation agreement subject to no extension of city services, and the city accepted the agreement subject to the extension of city services; there was not an agreement at the end of the day. Mr. Lister addressed the late exhibits that were submitted. The P&Z Commission has recommended the case be denied. Staff initially recommended approval and felt a lot of the concerns by the public could be addressed at the subdivision stage, but the P&Z Commission found that without a development agreement and due to cumulative impacts related to traffic it could not be supported. Following his report, Mr. Lister responded to questions from the Board.

Testimony in support was as follows:

Darin Taylor, who gave testimony on behalf of Greg Schatzel, stated the applicant contacted him to help coordinate with the City of Middleton. He referenced emails between himself and Middleton City Clerk Becky Crofts dated May 28, 2021, where Ms. Crofts said procedurally it would seem now is the time to discuss the water/sewer extension since they are at the beginning of the project and zoning has not been established. He let Ms. Crofts know that five months ago would have been the right time to talk with the developer about extending water and sewer when they were determining the scope of the project as well as the timing and costs involved. Coming to the Board's hearing at the end of a rezone process is not the right time to start those discussions. Individual wells will provide potable water. The developer has frontage on Lansing Lane and 50 feet at Highway 44. ITD and Canyon Highway District are taking steps to consolidate the intersections to change the configuration so it's right in/right out so the traffic will flow better, and they have constructed right turn lanes from Highway 44 onto the north/south roads. Mr.

Taylor said the applicant shares the same recognition of long-term community design for the area between Middleton and Star, including the provision of water/sewer services. The issue is timing for those extensions when it's contiguous property-to-property that makes sense. When somebody is requested to extend it more than a $\frac{1}{4}$ mile it makes a lot less sense. When he met with the city he understood the water/sewer would need to go through the subject property to vacant land at the other end of the property. After that meeting he realized a more direct path is to come from 9th Street and Lansing Lane due south to the intersection of Lansing Lane and Highway 44, which is where the city is wanting to serve those future vacant lands. They were not able to come to an agreement; the applicant is willing to sign the pre-annexation agreement that consents to annexation and the city would like the applicant to sign the one that says they will pay for water and sewer $\frac{1}{4}$ mile, plus to and through the subject property. That expense and that much offsite at this time is not in the applicant's plan. The County's comprehensive plan and subdivision ordinance apply in the Middleton area of city impact. The character of the area is suburban with a myriad of residential acreages, overhead utility transmission lines, and collector and arterial roads. The property is in an urbanizing area with properties that are zoned commercial and residential. They meet all eight criteria that the County is required to consider. Commissioner Van Beek asked why the applicant did not provide a cost comparison for bringing services to the area versus allowing individual wells and septic systems. Mr. Taylor said he did not know about that until two hours ago. There are three levels of numbers when talking cost comparison: a planning level cost which is a guess at the beginning of the project, then the planning level numbers when you have a concept plan, engineered drawings, and agency responses, and the third set is actual bid numbers which are received after you have approved construction plans. Even if he had known the Board asked for cost comparison numbers, it would just be planning-level numbers because you cannot get contractors to give you a number for a planning level. Mr. Taylor continued responding to questions from Commissioner Van Beek once his testimony concluded.

Alan Mills testified in support to the request and he referred to a 1969 study by IDWR that shows the aquifer has come up which, in his opinion, is because of Black Canyon irrigation being pumped from the Payette River onto the bench and finding its way into the aquifer. They had their predevelopment agreement with SWDH in April have had eight weeks of testing where they monitor every week and send in reports and do what SWDH requires. He has lived east of the subject property for 33 years and does not know of a failure of a septic system in this area. On this project there will be a septic engineering report and they utilize state-of-the art systems. They will follow the advice of the highway district, and as far as he knows the neighborhood is unanimous in pursuing the route of trying to get Whisper Creek Drive not to be an access onto the property. Mr. Mills said an impact fee committee is being established and he fully expects when the lots become for sale next year they will be paying impact fees; those improvements will go for the improvements at Lansing and Highway 44. Duff Lane, Lansing Lane, and Kingsbury Road are on the list and will be determined by use. He said it would make no sense to do improvements now to Lansing and Highway 44 because they would have to be torn out when the improvements go in. The comprehensive plan analysis has 25 elements in favor of the request and there are two that could not be found in favor in the staff report. He can think of seven (7) rezones nearly exactly the same as this one where there was no opposition from the City of Middleton. He had no

knowledge the city would reverse its position on this rezone. This is a rural area and there is a backlog of people who want a rural lifestyle but we are short on inventory. Following his testimony Mr. Mills responded to questions from the Board regarding the road issue and access issue.

Nancy Farnsworth, who lives in Whisper Creek Estates Subdivision, testified that the HOA and the neighbors support the proposed R-1 zone change. The applicant has the right to develop his property as he sees fit subject to health and safety requirements governed by Canyon County codes and ordinances. The proposed development is compatible with the existing neighborhoods in the area and will enhance the current and residential development in the area. R-3 zoning, as proposed by the City of Middleton, is incompatible with the development in this area. Canyon County has provided many families with the well sought-after rural lifestyle and community and this proposed development will ensure the continuation of that lifestyle. She said the representative from the City of Middleton seems to challenge the very fabric of the area through the push of high-density homes. The rural lifestyle of the area assists in promoting and maintaining the roots of agriculture and the larger lots proposed will provide the space residents need to raise animals. Ms. Farnsworth testified if the highway district requires Whisper Creek Drive to be connected through she will contest it due to concerns about widening and congestion. Following her testimony Ms. Farnsworth responded to questions from the Board.

Terri Slay testified there is a large safety hazard because the road is not meant to handle more traffic than it already takes and so to do anything else with the road is going to "mess with their livelihoods." She wants to see R-1 zoning but she doesn't want to see the road connected through. Don Janak stated there will be no need for Whisper Creek Drive to be connected to the development; however, if the project density is increased there may be a need for another access, but nobody in the area wants that. With the new technology that's available he does not believe there will be a problem with septic tanks. The city says it can bring services in but they don't say how much it costs each month to take care of the water/sewer, but it's more than a property owner will pay to put in a well and septic tank. Mr. Janak has lived on his property for 20 years and has not experienced any problems with his well.

Mikel Bartol has a bio-tech background and he gave testimony regarding the biological processes of nitrites, nitrates, and nitrosamines. He also spoke of surface water versus deep well water. He said the deep well waters in the area are very clean, low in nitrates, and supply all the things the human body needs with very few contaminants. His well is 160-180 feet deep and his septic system is up to code and works great.

Testimony in opposition was as follows:

Middleton City Planner Roberta Stewart presented a diagram for the Board's review and said now is the time to discuss pre-annexation. She said even though Alan Mills and Darin Taylor know what the city wants to do they did not approach the city; somebody named Andrew Peterson who was thinking about buying the property spoke to her multiple times during January and February and they spoke with him about doing a pre-annexation agreement, but Mr. Mills and Mr. Taylor ignored the city. When asked why is Middleton suddenly addressing these issues, Ms. Stewart said the previous Mayor allowed Star to come into Middleton's impact area and allowed all kinds

of county settlements to come around them and it has gotten to the critical mass point and now the new administration is addressing it and now handling the problem. Ms. Stewart reviewed a map showing the location of city services and developments as well as the city's planning efforts and water loop. She also spoke about the need for pre-annexation. They have latecomer agreements for pre-annexations and they will only pay for their portion of it. All the parcels to the east and south will pay the developer back. She asked the Board to deny the request so the city can have time to talk about roads and pre-annexation. It's Ms. Stewart's opinion that the developer is seeking a rezone so he can flip the property, just as other developers in the area have done. Commissioner Smith spoke about how the County's comprehensive plan applies in the impact area and how the area is more residential than it is agriculture. She cannot make a finding that the zoning amendment would be incompatible with surrounding land uses or that it would negatively affect the essential character of the area. Ms. Stewart said the Board has a duty to help protect Middleton's rights and she believes the developer is tying the Board's hands and not allowing it to impose conditions to protect the city because the end goal is to flip the property and sell it. Ms. Stewart continued responding to questions from the Board. Commissioner Smith said the ordinance supports the application for approval. She noted the impact area agreement is from 2001 and it needs amended and she encouraged the city to apply for an amendment as quickly as it can.

Middleton City Clerk Becky Crofts said the city has been in contact with DSD staff to review and update Article 9 because they keep running into this issue. The numbers would suggest that even in an R-1 approval by the County the water and sewer can be cost effectively pulled. It's approximately \$100 per lineal foot for water and sewer and with 17 lots at 1700 feet it will be an estimated cost of \$710,000. Well and septic will run each property owner \$40,000 multiplied by 17 lots for a total of \$680,000 which means the developer is less than \$100,000 away from extending city services. The ordinance today may not support that but she wishes the developers would meet with the city and work with them. The city would agree to an R-1 and they may end up putting in a road without an R-3 density anyway. The city is trying to remedy this situation in a normal and natural way with developers to not cause contention and not have these things happen the way they are happening today. It's important that the city grow the way it's intended to grow and that there be a plan in place that recognizes urban and rural development.

Commissioner Smith said it should be noted this is an R-1 zone so if they did bring services the density would be much higher than one-acre lots. It is a straight rezone request so the neighbors should know that by approving this request they could bring services and have a very dense subdivision. (The Board took a break at 3:16 p.m. and went back on the record at 3:27 p.m.)

Darin Taylor offered rebuttal testimony and said properties sometimes change hands but he does not view it as unfortunate that they are now talking to the city to give them exactly what the city wanted. He said Mr. Schatzel has no intention to sell or flip this property, he will be the developer. There are 17 lots and the test pits have been dug and the monitoring wells are in so they cannot get more than 17 lots with the setbacks from the live water and the water that's out there. The developer is coordinating with the agencies through the platting process and they have provided adequate evidence of the eight criteria identified in the code. The developer has offered to sign

a pre-annexation agreement with the city to consent to annexation, not to extension of utilities, but the city declined that offer. They can continue coordinating as they have conversations about plans and ordinances applying in the impact area. Mr. Taylor responded to questions from the Board about the costs to bring services to the property. Following his testimony, the Board entered the late exhibits into the record. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek said the lower density would allow others to enjoy the freedom of walking pets and having children in the area. The need is there for transportation at every front and the highway district has a proposal for impact fees that looks like it would fit in nicely with what the City of Middleton is doing. She noted the area will be more impacted if the developer flips the property but she has no control over that. In response to a question from Commissioner Smith, Dan Lister said staff initially recommended approval believing that some of the issues could be dealt with at the platting stage but the P&Z Commission did not agree and so staff was trying to honor their recommendation by bringing it to the Board based on the hearing and the testimony given. Commissioner White said this hearing has uncovered some of weaknesses and flaws in the process and there is a possibility that one day the property could be annexed, or, it could stay as an enclaved piece of county property surrounded by the city. Commissioner Smith said staff has prepared FCO's that support denial, however, staff's findings are very supportive of an R-1 zone. There is access to the property and that's one of the findings, the functional classification map shows the road going through which makes sense to her and she knows the neighbors don't like it but it's a rural area with predominately single-family homes and that's to be expected. Through the platting process they will be working with the highway district and ITD and it's within their purview to figure out the road issues, not the Board's. To her, this is an easy approval. Mr. Lister said the rezone does not require mitigation at this time but platting will mitigate for those requirements so the improvements would be taken care of that time, whether that be a private road through our county ordinance or a public road through Canyon Highway District. There was discussion about improvements. Commissioner Smith said at platting it may be determined that they have to improve the entire road surface so they can get access, but the actual changing of the zoning map does not require road improvements. Commissioner Van Beek said it seems backward especially where there is no ability for the Board to impose conditions. Commissioner Smith said the ordinance could use an amendment. She asked if they were to bring city services to the property and develop at 12,000 square feet can the highway district require a traffic impact study. Mr. Lister said yes, any connection to Highway 44 requires a traffic impact study. If an impact study was required highway district would state that and they would identify that it would be needed at the time of development, not necessarily at the time of rezone. Commissioner Smith wants changes made to the FCOs that are consistent with approval. Mr. Lister said his staff report has a section where it shows how it is consistent and a small portion of how it is not. He can update the FCO's to reflect the changes and make positive findings that are consistent with the testimony the Board accepted today. Commissioner White made a motion to approve the request by Greg Schatzel for a rezone from Agriculture to Single-Family Residential R-1, Case No. RZ2020-0027. The motion was seconded by Commissioner Van Beek and carried unanimously. A new hearing will be noticed and the process will start over with staff preparing a new staff report and FCO's. The hearing concluded at 4:02 p.m. An audio recording is on file in the Commissioners' Office.

**Note – the Board did not sign FCO's today.*

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 3, 2021

PRESENT: Commissioner Keri K. Smith, Chair - OUT
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claim 574910 in the amount of \$262,600.00

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Data Bank IMX LLC in the amount of \$59,086.04 for Information Technology Department

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for SAS Restaurant Ventures Inc dba Denny's Restaurant #6640 (Resolution no. 21-138)

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for The End Zone to be used 9/25/21 at the Barton Wedding; Craft Lounge to be used 6/5/21 at the Pina Birthday Party; The Hop House to be used 6/3/21 at Thirsty Thursday

DETAILED MINUTES TO COME AT A LATER TIME

Medical indigency appeal hearings and decision

- Action item: Consider approval/denial of indigent decisions and signing of liens
- Action Item: Consider applications on appeal of initial determination (names and other information withheld pursuant to Idaho Code §74-106(4) and (6))

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for legal staff update and action items

- Action Item: Consider signing a resolution declaring certain property as not necessary for County use and for the exchange of County property (Resolution no. 21-137)
- Action Item: Consider signing notice of intent to grant surplus property to City of Homedale Police Department
- Action Item: Consider signing notice of intent to grant surplus property to Payette County Sheriff's Office

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 4, 2021

PRESENT: Commissioner Keri K. Smith, Chair - OUT
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 574796 to 574810 in the amount of \$8,527.00
- The Board has approved claims 574811 to 574861 in the amount of \$70,837.92

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Trane in the amount of \$19,431.26 for Facilities Department
- Tree Maintenance in the amount of \$1,900.00 for Facilities Department

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for 2C Family Brewing Company to be used 6/7/21 for Yenor Wedding.

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

The Board approved a commuter vehicle authorization form for Travis Engle.

DETAILED MINUTES TO COME AT A LATER TIME

Action Item:

- Action Item: Consider signing resolution granting a transfer alcoholic beverage license to BFC 12th Avenue LLC dba Boise Fry Company (Resolution no. 21-139)
- Action Item: Consider signing resolution granting a new alcoholic beverage license to Red Top Market LLC dba Red Top Market LLC (Resolution no. 21-140)

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 7, 2021

PRESENT: Commissioner Keri K. Smith, Chair - OUT
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claim 574914 in the amount of \$92,071.56

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Vegd Out to be used 6/12/21 for Butler-Johnson wedding reception.

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal for Treasure Valley Road Runners LLC dba The Tower Grill (Resolution no. 21-142).

COMMUNITY INPUT MEETING

The Board met today at 9:02 a.m. for a community input meeting. Present were: Commissioners Leslie Van Beek and Pam White, Glen Richter, Larry Olmsted, Al Dauven, Mark Crohn, Tammy Crohn, Mark McKibben, and Deputy Clerk Monica Reeves. The following citizens offered comments:

Glen Richter received his property assessment notice and was surprised to see his property value had increased 24.3% over last year's assessment and he's concerned that if that kind of increase continues to happen people will be taxed out of their homes. Something needs to be done at the state legislature otherwise Idaho may have to go for Prop 13 like California did. He said citizens need help from the Board of Commissioners and he suggested a committee be formed for citizen comment. Commissioner White said she contacted the Governor about HB 389, and Commissioner Van Beek said she has been in contact with legislators about the issue.

Larry Olmsted said he shares Mr. Richter's concerns but he's talking to the wrong group. The Assessor is required by law to assess properties at market value and so we need to get the ley rate down. He appreciates Canyon County, specifically Assessor Stender and Controller Zach Wagoner on where they stood on the property tax issue as they worked closely with the concerned citizens. Mr. Olmsted believes Representative Mike Moyle was playing politics on the issue and the citizens need to take it to the state legislature because they created this problem in 2016 when they put the \$100,000 limit on the homeowner's exemption.

Albert "Al" Dauven is a City of Star resident who said Rep. Moyle will have a difficult time being re-elected because concerned citizens are willing to go out and fight for a different candidate and get rid of those in the statehouse who no longer represent the citizenry. He also spoke of his concerns with the "land grab" that's occurring with the Star annexation proposal. Commissioner Van Beek said the City of Middleton and the City of Star are at odds with the impact area and the Board has met with both cities and have asked the City of Star for a temporary moratorium. The Board is aware of the problem that's been growing for a while and is now involved to help facilitate good discussion. She recognizes there needs to be citizen input. Mr. Dauven said the process should be stopped and then started over. Mr. Dauven suggested the Board make itself known to the community and obtain citizen input on important issues.

Mark Cron said the City of Star is proposing a development at the end of Blessinger Road with 300 houses on 100 acres. He is not anti-growth, but he moved to the county for the rural community character. Properties are being sold with the intention of being annexed into Star and he doesn't like that they are doing this without input from Canyon County. Commissioners Van Beek and White spoke of the steps the County has taken to get involved in the process which includes being a part of a newly-formed committee consisting of the Canyon County Commissioners, City of Star representatives, and three county citizens who review the impact area negotiations. Mr. Cron is encouraged that the County is looking at it, but his concern is Star is moving so fast they will keep annexing and it will be too late for the citizens who want to keep a rural community.

Mark McKibben is concerned about the Star annexation, specifically the density issues and the residents' way of life and he would appreciate anything the County can do to help.

Larry Olmsted said he does not like that the front door security team requires people to remove their belts when coming in to the courthouse. Commissioner Van Beek said she will look into that, but she thinks the security component falls under the Sheriff's Office. Mr. Olmsted ask the Board for its philosophy on development. Commissioner Van Beek said her philosophy is that residential development should not be subsidized and we have to have jobs that pay enough where people don't have to be subsidized. Mr. Olmsted said development should pay for itself and his concern is the glacial pace the Board is demonstrating with impact fees, and also the lack of a capital improvement plan. He asked if the impact fee advisory committee could be expanded to include citizens, such as Hubert Osborne, who are passionate about the issue and can push the process forward. He wants the Board to establish a capital improvement fund and make it non-pilferable and come up with alternate funds. Commissioner Van Beek said she has lobbied for that for over two years but wasn't able to get a Board majority to agree. Commissioner White said during the budget process she asked the Clerk and Controller to set aside \$500,000 a year and they committed to that. As for the election equipment that cost \$3 million, she said that was a capital expense and it was not pilfering because it was for the benefit of all voters. Mr. Olmsted wants a capital construction fund which could be funded with impact fees and funds from when urban renewal sunsets, as well as the funds received when companies' property tax exemptions expire. He said if the Board tries to pass another jail bond but doesn't have any savings set aside to help offset the costs he will be an active opponent of the bond proposal. Commissioner Van Beek said she has presented the idea numerous times but it has not gained traction. Mr. Olmsted suggested the Board establish a capital improvement committee to look at the issues and plan for future needs.

Tami Cron asked if the moratorium on annexing beyond Can-Ada Road includes the development the city pushed through a month ago for 300 homes. Commissioner Van Beek said it's her understanding that annexing is not cemented in concrete and they are going to be re-evaluating things. Commissioner White said the Board did not do a moratorium. Commissioner Van Beek said the Board asked them to stop, and because there isn't an MOU the County has the right to say we are putting you on notice and so they will either find that it meets the requirements of the law or it doesn't and without an MOU in place that would be tough to prove up.

The residents at today's meeting indicated they have a lack of faith in the City of Star and are concerned that previous leaders were selling out to developers. They want government responsibility; this feels like a land grab and they are pushing as fast and far as they can until someone tells them to stop. They want citizens from the area appointed to the impact area review committee. No Board action was required or taken as today's meeting was held for discussion purposes only. The meeting concluded at 10:13 a.m. An audio recording is on file in the Commissioners' Office.

ACTION ITEM: CONSIDER SIGNING RESOLUTION GRANTING A NEW ALCOHOLIC BEVERAGE LICENSE TO CBOCS WEST INC DBA CRACKER BARREL #683

The Board met today at 10:16 a.m. to consider singing a resolution granting a new alcoholic beverage license to CBOCS West, Inc., dba Cracker Barrel #683. Present were: Commissioners Leslie Van Beek and Pam White, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the new alcoholic beverage license for Cracker Barrel #683. (Resolution No. 21-141.) The meeting concluded at 10:17 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

FY2022 budget presentation for Southwest District Health and Lifeways/Western Idaho Community Crisis Center

DETAILED MINUTES TO COME AT A LATER TIME

Weekly meeting with the Director of Development Services to discuss general issues, set policy and give direction

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 8, 2021

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 574862 TO 574884 in the amount of \$30,588.53
- The Board has approved claims 574885 to 574909 in the amount of \$11,686.53
- The Board has approved claims 574768 to 574795 in the amount of \$60,778.25
- The Board has approved claims 574862 to 574795 in the amount of \$30,588.53

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ACCO Engineered Systems in the amount of \$10,950.00 for Facilities Department
- AA Tronics in the amount of \$3,950.00 for \$3,950.00 for Information Technology Department
- Netwrix in the amount of \$11,928.00 for Information Technology Department
- IBM/ConvergeOne in the amount of \$11,139.82 for Information Technology Department

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Janet LaMont, Permit Tech II

The Board approved an employee status change form for Tom Crosby, Building Inspector

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

- The Board approved an Alcoholic Beverage License renewal Hispanic Cultural Center of Idaho Inc dba Hispanic Cultural Center of Idaho; BFC 12th Avenue LLC dba Boise Fry Company (Resolution no. 21-144).

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for legal staff update and action items

- Action Item: Consider signing 2022 memorandum of agreement with Idaho Department of Juvenile Corrections for clinical services in Juvenile Detention Facilities.
- Action Item: Consider signing Idaho Department of Juvenile Corrections memorandum of agreement to support the Community Based Alternative Services Program and the Substance Use Disorder Services Program.
- Action Item: Consider signing substitute resolution granting Syngenta Crop Production, LLC a property tax exemption pursuant to Idaho Code 63-602NN.

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with the Director of Information Technology to discuss general issues, set policy and give direction

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with the Solid Waste Director to discuss general issues, set policy and give direction

DETAILED MINUTES TO COME AT A LATER TIME

Action Items:

- Action Item: Consider signing updated FCO's for Shilo C. Hixon (Watts); Case no. RZ2020-0020.
- Action Item: Consider signing reappointment letter of Viki Purdy to the Southwest District Board of Health for the term ending June 30, 2026.

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 9, 2021

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORM

The Board approved an employee status change form for Melissa Hodges, Interpretive Specialist

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

The Board approved a commuter vehicle authorization form for Chaz Howell

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Gartner IT in the amount of \$4,775.00 for Information Technology Department

DETAILED MINUTES TO COME AT A LATER TIME

Action item: Consider signing a resolution granting a refund to Jerry Roetto for a conditional rezone application fee (Resolution no. 21-145)

DETAILED MINUTES TO COME AT A LATER TIME

Public hearing to consider a request by Skyline Homes & Development for a conditional rezone and preliminary plat: Case nos. CR2019-0016/SD2019-0046

DETAILED MINUTES TO COME AT A LATER TIME

FY2022 Budget meeting to review budget matters

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with Assessor regarding assessed value changes

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 10, 2021

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 574911 to 574913 in the amount of \$2912.20

APPROVED RESIGNATION, SEVERANCE, AND RELEASE AGREEMENT

The Board approved a resignation, severance, and release agreement. (Personnel record pursuant to Idaho Code Section 74-106.)

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Creative Awards in the amount of \$1724.70 for County Fair

MEDICAL INDIGENCE DECISIONS

The Board met today at 8:45 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Case Manager Jenniffer Odom, and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-752; 2021-731; 2021-735.

Liens were presented for Board signatures.

The meeting concluded at 8:46 a.m. An audio recording is on file in the Commissioners' Office.

LEGAL STAFF UPDATE AND CONSIDER SIGNING JUNE 10, 2021 ACTION ITEMS

The Board met today at 9:02 a.m. to consider signing the June 10, 2021 action items and to have a legal staff update. Present were: Commissioners Leslie Van Beek and Pam White, Chief Deputy Sheriff Marv Dashiell, Chief Deputy PA Sam Laugheed, Deputy PA Zach Wesley, Deputy PA Doug Robertson, and Deputy Clerk Monica Reeves. Commissioner Smith arrived at 9:06 a.m. Attorney Blake Hall participated via Webex from 9:17 a.m. to 9:47 a.m. The items were considered as follows:

Consider signing a Resolution Approving Award of Officer's Badge and Duty Weapon - Chief Dashiell said Sgt. Kelley Anderson has announced his retirement and the Sheriff is requesting the Board award Sgt. Anderson his duty weapon and badge. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the resolution. (No. 21-146.)

Consider signing Amendment No. 2 to Agreement 19-095 for Inmate Health Care Services between Canyon County and VitalCore Health Strategies, LLC – Deputy PA Doug Robertson explained there are two documents to consider; one is a notice of intent to renew the contract, which is a formality since we have already been undergoing negotiations, and the other is the amendment for a fee increase. Chief Dashiell said VitalCore has been the jail medical provider for two years and the Sheriff's Office is very pleased with the service they provide. One aspect of the contract is for the adult detention center and the other is for the juvenile detention center. Last year they asked for amendment to move/add staffing, and so the Sheriff's Office negotiated with them which resulted in a benefit for both parties. VitalCore is competing with hospitals for staffing, and they have experienced increases in their medical insurance as well as supply costs so they have proposed an

increase of 5.3% from last year. The amendment shall result in the following total annual cost commencing 10/1/2021 and ending on 9/30/2022:

Adult Detention Facility:	\$1,763,960.21
Juvenile Detention Facility:	\$ 124,652.20

Commissioner Smith made a motion to approve the notice of Canyon County's intent to exercise the auto-renewal option under Agreement No. 19-095 with VitalCore Health Strategies and to sign Amendment No. 2 to Agreement No. 19-095 for Inmate Health Care Services between Canyon County and VitalCore Health Strategies, LLC. The motion was seconded by Commissioner White and carried unanimously. (Agreement No. 21-042.) At 9:16 a.m. the Board held an Executive Session as follows:

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE
AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH LEGAL COUNSEL
REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Note for the record: As properly noticed the Board met today at 9:16 a.m. for a legal staff update. A request was made to go into Executive Session to discuss named personnel matter, records exempt from public disclosure and attorney-client communication, and to communicate with legal counsel regarding pending/imminently likely litigation. The Executive Session was held as follows:

Commissioner Smith made a motion to go into Executive Session at 9:16 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f). The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Leslie Van Beek and Pam White, Chief Deputy PA Sam Laugheed, Deputy PA Zach Wesley, Deputy PA Doug Robertson, and Deputy Clerk Monica Reeves. Attorney Blake Hall joined the Executive Session (via Webex) at 9:17 a.m., and left the session at 9:47 a.m. The Executive Session concluded at 10:09 a.m. with no decision being called for in open session.

DETAILED MINUTES TO COME AT A LATER TIME

Public hearing to consider a request by Michael & Heidi Williams-Black for a preliminary plat for Desert Pine Estates Subdivision No. 2: Case no. SD2020-0038

*This case was continued to June 28th at 9:00 am

DETAILED MINUTES TO COME AT A LATER TIME

Public Hearing to consider a request by Boyd Bates for a rezone: Case No. RZ2021-0004 (Ordinance no. 21-014)

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 11, 2021

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- HP Inc in the amount of \$2054.00 for Information Technology

DETAILED MINUTES TO COME AT A LATER TIME

Action Item: Consider signing resolution granting a new alcoholic beverage license to El Cafetal Colombian Restaurant LLC dba El Cafetal (Resolution no. 21-147)

PUBLIC HEARING – PRELIMINARY PLATS FOR HESSE ACRES SUBDIVISION, CASE NO. SD2019-0013 AND HESSE LANDING SUBDIVISION, CASE NO. SD2019-0011

The Board met today at 9:02 a.m. to conduct a public hearing in the matter of requests by Mark Hess for approval of a preliminary plat with irrigation and drainage plans for Hesse Acres Subdivision, Case No. SD2019-0013, as well as preliminary plat approval with irrigation and

drainage plans for Hess Landing Subdivision, Case No. SD2019-0011. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Dan Lister, William Mason, and Deputy Clerk Monica Reeves. Hess Acres Subdivision consists of nine residential lots, three common lots, and one road lot. The properties are located at 17178 and 17260 Madison Road in Nampa. Hesse Landing Subdivision consists of three residential lots. The 34-acre property is located adjacent to 17407 Madison Road in Nampa. Dan Lister gave the oral staff report for **Hesse Acres Subdivision** and responded to questions from the Board. On March 11, 2021 the P&Z Commission recommended approval, and staff recommends approval as well with modified conditions. Commissioner Smith said findings need to be added to address certain sections of the ordinance, namely 7-10A-11, and others, to make sure the plat meets the floodplain requirements of the ordinance. Dan Lister gave the oral staff report for **Hesse Landing Subdivision** and responded to questions from the Board. On October 1, 2020 the P&Z Commission recommended approval and staff also recommends approval subject to conditions. William Mason with Mason & Associates gave testimony on behalf of the applicant. He addressed FEMA and County requirements for base flood elevation and he responded to questions from the Board. Discussion ensued about the plat notes, a no-build area, the berm and Lot 3 on Hesse Landing and the possibility of doing a short plat. Plat note #15 will be removed from the preliminary plats for Hesse Acres and Hesse Landing. Mr. Mason needs time to speak with the owner. Commissioner Smith wants to leave the hearing open in case we come back with just the corrections and the revised findings and if so we can finish the hearing with the corrected FCO's. Or, if the owners make the decision to do a short plat for the one subdivision then noticing can be done for that case and then the Board will take up the other plat. The issues are about whether they can comply with the floodplain requirements, and remove the note about the waiver of sidewalks. Commissioner Van Beek made a motion to continue the hearing to Friday, July 9, 2021 at 8:30 a.m. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 10:11 a.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 14, 2021

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

DETAILED MINUTES TO COME AT A LATER TIME

FY2022 preliminary budget workshop meetings:

- FY2022 preliminary budget workshop for Commissioners' Office
- FY2022 preliminary budget workshop for PIO

- FY2022 preliminary budget workshop for Treasurer's Office
- FY2022 preliminary budget workshop for Coroner's Office
- FY2022 preliminary budget workshop for Sheriff's Office
- FY2022 preliminary budget workshop for County Fair

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 15, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 2119

- The Board of Commissioners approved payment of County claims in the amount of \$1,651,499.24 for a County payroll

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for The Curb Bar & Grill LLC to be used 6/19/21 for Vets Fund Raiser; The Curb Bar & Grill LLC to be used 6/19/21 for Manu Wedding; Eastside Tavern to be used 7/3/21 for Sosa Wedding; Eastside Tavern to be used 7/24/21 for Etzel Wedding; Eastside Tavern to be used 7/31/21 for Class Reunion; La Michoacana Mexican Restaurant to be used 7/3/21 for Sotelo Quincenera; La Michoacana Mexican Restaurant to be used 7/10/21 Sotelo Wedding.

DETAILED MINUTES TO COME AT A LATER TIME

FY2022 preliminary budget workshop meetings:

- FY2022 preliminary budget workshop for Landfill
- FY2022 preliminary budget workshop for Clerk's Office
- FY2022 preliminary budget workshop for Assessor's Office
- FY2022 preliminary budget workshop for County Agent
- FY2022 preliminary budget workshop for Prosecuting Attorney's office
- FY2022 preliminary budget workshop for Juvenile Probation

- FY2022 preliminary budget workshop for Misdemeanor Probation
- FY2022 preliminary budget workshop for Juvenile Detention

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 16, 2021

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Curtis Blue Line in the amount of \$1,431.60 for Canyon County Sheriff

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE

The Board approved an alcoholic beverage license renewal for Pacific Sushi LLC dba Pacific Sushi (Resolution no. 21-148)

FY2022 PRELIMINARY BUDGET WORKSHOPS

The Board met today at 8:33 a.m. to conduct Fiscal Year 2022 preliminary budget workshops. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Facilities Director Paul Navarro, Assistant Facilities Director Ricky Britton, Director of Juvenile Probation Elda Catalano, Director of Misdemeanor Probation Jeff Breach, IT Director Greg Rast, Assistant IT Director Eric Jensen, IT Business Manager Caitlin Pendell, IT Operations Manager Don Dutton, PIO Joe Decker, Fleet Director Mark Tolman, DSD Director Steve Fultz, Landfill Director David Loper, Administrative District Judge George Southworth, Acting TCA Benita Miller, TCA Admin. Supervisor Tara Hill, Deputy Judicial Marshall Matt Burgess, Chief Public Defender Aaron Bazzoli, Assistant Public Defender Scott James, Deputy Public Defender Erik Ellis, Parks Director Nicki Schwend, Weed and Pest Control Superintendent AJ Mondor, and Deputy Clerk Monica Reeves. The workshops were held as follows:

Facilities Department (8:33 a.m. to 9:24 a.m.)

A Budget

Director Navarro is requesting a fulltime maintenance technician position to help with the Fair expo building and the arena building, and he would like to reclassify a maintenance technician position to a project manager/purchaser position to track down purchases and quotes, control inventory, and help with mobilizing and de-mobilizing safety equipment and materials. The position will be a slight increase over what is being paid now. (60% of their time will be as maintenance tech and 40% as a project manager.) Commissioner Smith raised the issue of contracting out lawn mowing services. Director Navarro said he has, but his staff doesn't just mow lawns, they do weed control, maintain parks and county grounds, move boat docks, and haul trash and he doesn't think a contractor can do that. He has looked at contracting ground control and housekeeping and the pricing is astronomical, however, he said he can look into contracting a piece of it. Another issue is that most grounds people don't have public works licenses. Commissioner Van Beek said Director Navarro does a good job keeping that inhouse. Commissioner Smith said she's received complaints about trash piling up at parks on the weekends and so she would like the facilities staff to consider doing cleanup on weekends.

B Budget

Director Navarro has \$85,000 in architect's fees, and he wants to set aside \$40,000 for a warehouse design for property on Graye Lane as our currently warehouse is at capacity. (For A&E fees to get a stamped design to put out for bid to get an idea of cost.) He would like to use \$45,000 to have an architect and engineer to help us design an unused portion of the juvenile detention center that's been unused for years and Jeff and Elda need the space to turn cells into office space. He increased his budget to account for rate increases from Idaho Power, Intermountain Gas, and gasoline rate increases. He would like to bring snow plowing services inhouse. He is requesting the following:

- \$15,000 for security systems to purchase/install cameras to add levels of security
- \$10,000 for computer replacement as suggested by IT
- \$75,000 to replace trucks/pickups that have reached their end of life
- \$26,000 for a used skid steer for snow removal
- \$594,000 for capital improvement contracts:
 - \$84,900 for a water source chiller on juvenile detention center rooftop
 - \$11,648 for a key cutting machine/software to make care keys for fleet shop
 - \$37,970 to pull fiber optic from courthouse to fairgrounds
 - \$195,000 to replace the SPRUNG roof on Pod 5
 - \$20,000 replace store front doors on courthouse on 12th Avenue
 - \$8,000 to replace windows in jail admin
 - \$46,000 to replace roof at the extension office
 - \$45,000 to replace 8 MAU in courthouse
 - \$6,500 to upgrade cellular dialers for fire alarm systems to 5G network
 - \$9,500 to replace 2 hot water heaters in courthouse

- \$5,200 to replace 12 wall heaters in stairwells
- \$33,000 to expand reliable DDC controls to Elections, building maintenance and animal shelter
- \$5,600 to add 3 HVAC units in crime lab/morgue into reliable DDC program
- \$9,800 to replace windows at DMV building
- \$6,850 for BOCC meeting room improvements
- \$4,500 to replace gate for juvenile probation parking area and controller
- \$6,500 to replace 2 gate openers for Fleet shop
- \$4,850 to remodel the IT vault into useable office space
- \$14,350 for LID improvement to Extension office
- \$39,300 to seal-coat and restripe parking lots in 3-year rotation

There was discussion regarding the following items: Clerk's vault project for Clerk's Office and Recorder's Office; animal shelter roof project, which needs to be done but is not dire; fund balances; and the employee wage problem where it's difficult to recruit and retain employees.

The Board took a break at 9:24 a.m.

Trial Court Administrator (TCA) – (9:35 a.m. to 10:35 a.m.)

A Budget

- 4 part-time judicial marshals
- 1 part-time mediation coordinator to start eviction court again and hopefully grow to have data and try to add small claims in a few years
- 1 fulltime Judicial assistant (there will be 2 magistrate judges and one district judge)
- 1 part-time family court services class administrator
- 1 fulltime staff attorney

Seeking reclassification of specific positions in the TCA Department: 4 judicial assistants; the assistant TCA position; and the TCA administrative supervisor. They are also seeking the adoption of a job description and salary range for the chief marshal position.

B Budget

Cell phone stipends have increased significantly. Discussion followed regarding the need for a policy for cell phone usage, and it was suggested that perhaps that could be a task for the new TCA.

\$15,000 for protective gear for marshals

Clerk Yamamoto said the Court Clerks have requested a second IT person and that should be something the state pays for. Judge Southworth said he will bring that up during the TCA meeting that will be held in July. There was a review of the district court budget, family court services budget, court device budget, court facilities budget, and the treatment courts budget. Topics of

discussion included: jury fees; court classes and class fees; DUI court, and the interlocking device costs; plans to remodel the 2nd floor courtrooms and perhaps the need to explore charging back County labor; shared coordination expenses for treatment courts and associated revenue;

Commissioner Smith asked for an update regarding the SILD program. Judge Southworth said he sent communication to magistrate judges reminding them that the SILD program is full force and working now and he suggested in their discretion, instead of using community service, to use the SILD program. The Board is thankful for that.

The new TCA will start next week. There was discussion regarding courtroom security, the marshal staff and their presence in the courtroom. With the shortage of labor, the costs are going up. The Board took a brief recess at 10:35 a.m.

Information Technology (10:43 a.m. to 11:17)

There was a reviewed of the projected revenue accounts.

A Budget

Director Rast is requesting a new sys admin position. He said wages are a problem so he's utilizing internal promotions so he doesn't have to compete with the private sector. The A Budget increased by \$43,000 and the B Budget was reduced by \$50,000.

B Budget

Education and training increased from \$42,100 to \$58,042. He has 25 positions scheduled for training to counter offsite training he pays for on-pace training that used to be in service contracts line item and he moved them to education/training. He uses vouchers to go against some training.

\$10,000 for OnBase upgrades.

Service contracts increased from \$640,000 to \$708,000; it's the cost of doing business with 90+ vendors.

There is a \$10,000 increase for internet, but it will be reduced when they connect fiber for the Nampa communications project.

Office supplies increased from \$4,185 to \$10,000; this is not just for IT, it covers other County offices.

Discussion re IT computer equipment replacement schedule. LVB- If Greg has accounted for it I don't see a need for contingency if we have it covered.

Software reduced from \$136,000 to \$86,000.

Small office equipment \$2,500 to \$3,600.

\$60,000 for BOCC recording equipment/meeting room upgrade.

\$64,000 has been set as a placeholder for a potential DMV second location in Nampa.

\$32,000 for a small to mid-size truck to transport equipment

Development Services Department (11:17 to 11:36 a.m.)

Revenue projections are at \$2.3 million which is a 12% increase over 2021. If trends continue we will see more.

A Budget

Seeking a part-time administrative person in code enforcement; a fulltime code enforcement officer and a fulltime economic development specialist. There was discussion regarding a fine structure for code enforcement and have a specific line item for it.

\$20,000 for professional consultants

\$70,000 for engineering services

\$20,000 for miscellaneous professional services to bring on a hearing examiner to assist P&Z Commission. He has spoken with the Controller about the possibility of the County having its own engineer.

Increased costs for advertising and gas and oil

Commissioner Smith asked Director Fultz to evaluate which employees receive cell phone stipends and why.

A potential reduction of \$15,000 for the P&Z Commission (5 members vs. 7 members) \$8,000 for building supplies and materials for office space reconfiguration. He will look at moving the code enforcement division into the empty space in the indigent department. \$75,000 to replacing a vehicle and acquire a new vehicle for the code enforcement officer. Clerk Yamamoto said he is not in favor a County economic development person but he might entertain the idea if the County created an urban renewal area countywide.

The meeting concluded at 11:35 a.m. and resumed at 1:26 p.m.

Public Defender (1:26 p.m. to 2:11 p.m.)

A Budget

The previous PDC grant received in 2016 was used to hire five new staff members but it was an offset and didn't cover the costs and that became of what they call the 15% or the County's share. That amount has increased over the course. In FY2020 the public defense grant was \$542,646 for just the 15% mark and that went up this fiscal year by about \$50,000 and it will go up this next year based on the grant application fund of \$663,000. That fund is used to offset the expenditures made for those five staff members from the last years. In the last two years he has received a total of \$226,112 to hire two additional attorneys for workload compliance. Those two attorneys are differently hired than the previous five so if the grant monies go away the attorneys will go away. The current request for the PDC is \$226,112 for the previous two attorneys and the five additional attorneys needed for workload compliance for a total of \$717,707. (He is not requesting that from the County.)

For the new expanded court, they will need four new attorneys and one legal support specialist and he is hopeful he will get attorneys from the PDC. If he gets all five he will not ask for any other attorneys from the County. He will know in July, August, or September what the amount of the grant is.

B Budget

Mr. Bazzoli has lowered 85% of his line items resulting in a \$45,000 reduction over last year's B Budget.

He has five open positions. He would like to see a COLA for his staff as they worked extremely hard during COVID and continue to make this an amazing place to work. He spoke about the success of mediations which have resulted in a significant savings.

The computer equipment line item will be \$10,000 not \$15,000 **Commissioner Van Beek would rather IT carry that contingency*. Discussion ensued regarding contingency amounts.

The software line item can be reduced from \$50,000 to a lower number.

Controller Wagoner spoke about the interlock device fund which has an approximate balance of \$150,000. Mr. Bazzoli is aware of the fund and he advises clients they can make application to that fund to get their installation expenses covered. Clerk Yamamoto said the DUI ignition devices get installed immediately but getting them uninstalled is another story because the private companies won't take it off until the order expires and people are left pay for additional weeks which isn't fair.

There was discussion about the trials where clients represent themselves and do not want the public defenders advising them. Not only do public defenders have to be present (even though they are not participating) the County can be on the hook for any wrongdoing but there can be bar complaints which is concerning. The Board wants more information on this topic.

Fleet (2:17 p.m. to 2:47 p.m.)

A Budget

Director Tolman is requesting \$16,000 to fund a part-time position to help with the carwash, and \$12,500 to fund a position reclassification that was approved last year.

B Budget

The biggest change is in the fuel line item which increased from \$300,000 to \$375,000
Vehicle repair costs have gone down when replacement schedule is followed
\$12,000 for a nitrogen machine (grant money can help with that)
\$165,000 for a dealer-style car wash. Expects there to be savings in both time efficiency and water usage. (There is a potential to use American recovery funds for this project)

Parks Department (2:55 p.m. to 3:37 p.m.)

A Budget

Director Schwend is seeking an increase to the part-time budget. Increased the canoe science camp line item because they've had a hard time keeping interpretive specialists. The grant

B Budget

Two grants totaling \$20,000 will be added to the revenue/grant line item.

\$68,000 for master planning assistance for \$64,000; and engineering for a grant application for Celebration Park boating improvement for \$4,000. (*Parks and outdoor recreation do return in revenue. For every \$1 spent in state parks there is a return of \$54 that's spent in the community.*) Gun range line item reduced from \$46,200 to \$15,000

\$3,400 increase in the exhibits line item

\$6,610 for an automated gate system for the Lake Lowell shops (Potential to use American recovery funds for this.)

\$20,000 increase to cover the Celebration Park museum mezzanine project. Director Schwend hopes to market the dorms at the museum. Clerk Yamamoto said after 12 years it would be nice to get this project completed.

There was discussion about the potential revenue for the parks budget. The budget request is nearly \$900,000 and the revenue was \$12,000. We appreciate efforts but you have a long way to go before this is funded by fee-driven revenues. Commissioner Van Beek understands but wants to explore the idea for entities that generate revenue where all their revenue flows back to current expense fund without the ability to generate. Controller Wagoner said it doesn't flow back to current expense, there is a specific parks fund that has its own fund balance. Discussion ensued.

Weed and Pest Control (3:38 p.m. to 3:53 p.m.)

B Budget

Director Mondor is requesting:

- \$20,000 to replace the UTV
- \$4,500 to paint office and shop
- \$44,000 for a truck to haul water. He will sell the old truck (this is a 2nd priority)
- \$15,000 to pay for the owl box program. (BSU Ornithology Department is seeking funds to cover mileage costs and for grad student interns to clean and study owl boxes. They have been providing the service for free.)

The meeting concluded at 3:54 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 17, 2021

PRESENT: Commissioner Keri K. Smith, Chair – SWDH Board Meeting all day
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

MEDICAL INDIGENCE DECISIONS

The Board met today at 8:50 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Case Manager Jenniffer Odom, and Sr. Admin Specialist Terri Salisbury.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2021-662; 2021-695; 2021-696.

The meeting concluded at 8:52 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER JUNE 17, 2021 AGENDA ITEMS

The Board met today at 9:04 a.m. to consider signing the agenda action items that were scheduled for 9:00 a.m. Present were: Commissioners Leslie Van Beek and Pam White, Prosecutor Bryan Taylor, Chief Civil Deputy PA Sam Laugheed, Deputy PA Alexis Klempel, Deputy PA Zach Wesley, Deputy PA Doug Robertson, Captain Harrold Patchett, Controller Zach Wagoner, Weed/Pest Control Superintendent AJ Mondor, Indigent Services Director Yvonne Baker, Case Manager Jenniffer Odom, Deputy Treasurer Tonya May, and Deputy Clerk Monica Reeves. The items were considered as follows:

Agreement with Idaho Transportation Department for Noxious Weed Control – It's the annual renewal agreement, the only change is getting the chemical names rather than brand names put in for the acceptable chemicals. The department sprays for the Idaho Transportation Department and it encompasses the freeway and all state highways that run through the County. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the agreement. (Agreement No. 21-043.)

Resolution Authorizing Transfer of Excess Sale Proceeds to Parties in Interest and to the State Treasurer pursuant to I.C. § 31-808 – Tonya May reported there are three claims for excess funds from the March 30, auction; two were for property located t 20167 Apricot Lane in the amount of \$1,062.03, and \$163.21; the third claim was for property located 10112 Iris Drive in Middleton in the amount of \$66,341.90 and there are still excess fund to be sent to the State of Idaho after those claims are paid. Upon the motion of Commissioner White and the second by Commissioner Van Beek the Board voted unanimously to sign the resolution authorizing the transfer of excess sale proceeds to parties in interest and to the state treasurer pursuant to Idaho Code, Section 31-808. (Resolution No. 21-149.)

Consider signing Notice of Public Auction – The intent is to put 16 surplus vehicles on the auction July 8-July 15. The notice will publish in the Idaho Press-Tribune on June 22, 2021. Upon the motion of Commissioner White and the second by Commissioner Van Beek the Board voted unanimously to sign the notice of public auction.

Consider Signing Prosecution Services Term Agreement with the City of Notus – PA Taylor said this is the same contract they have with every other municipality and he anticipates the caseload will be low, therefore the monthly installment amount is \$100.00. If the caseload volume increases there is the option to increase the payment amount. The City of Notus recently engaged in a contractual agreement with the Parma Police Department to provide law enforcement services. Upon the motion of Commissioner White and the second by Commissioner Van Beek the Board voted unanimously to. (Agreement No. 21-044.)

Canyon County purchase agreement for Thermal Imaging Kiosk for the Dale Haile Detention Center – On June 14, 2021 ADANI Systems, Inc., submitted a letter objecting to the County's decision to award the contract to Command Sourcing. Another email was received from OD which we will treat as a protest. Deputy PA Doug Robertson recommended the Board postpone the signing of the agreement so we can deal with the protests. Deputy PA Robertson and Captain Patchett will meet with the Sheriff and bring it back to the Board at a later date.

The meeting concluded at 9:22 a.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 18, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

CONSIDER SIGNING RESOLUTION CHANGING THE TITLE OF ONE POSITION IN DEVELOPMENT SERVICES DEPARTMENT (PLANNING OFFICIAL)

The Board met today at 8:46 a.m. to consider a resolution changing the title of the Planning Director position in DSD to Planning Official. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, HR Generalist Jennifer Allen, and Deputy Clerk Monica Reeves. The position was approved on June 1, 2021, but legal counsel said it could cause some confusion with another director title so they recommended a title change to planning official. Director Fultz said he met with the Controller and based on the amount of people they will supervise and the level of responsibility they felt it was comparable to the building official position. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the resolution changing the title of the Planning Director position to Planning Official. (Resolution No. 21-150). The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO REVIEW AMERICAN RESCUE PLAN FUNDS FOR THE PURPOSE OF REVIEWING ALLOWABLE EXPENSES

The Board met today at 9:01 a.m. to review the American Rescue Plan (ARP) funds for the purpose of reviewing allowable expenses. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Treasurer Tracie Lloyd, Coroner Jennifer Crawford, Chief Deputy Sheriff Marv Dashiell, Chief Civil Deputy PA Sam Laugheed, Prosecutor Bryan Taylor, Assessor Brian Stender, and Deputy Clerk Monica Reeves. Treasurer Lloyd reported that \$22,322,737 in federal funds has been deposited into its own separate account. She has been in contact with state, and she has an application to put the money in an LGIP (Local Government Investment Pool) account where it will earn interest at a rate of .17%. Currently it's in a noninterest-bearing account waiting for direction from the Board to put it into the state LGIP account. The Board has no problem with moving the money it to the account specified by Treasurer Lloyd and Commissioner Smith signed the application as a ministerial item.

Clerk Yamamoto said before we talk about how to utilize the funds, we must first have to discuss the County budget. We were told the state was going to do something about property tax, but they did nothing. This last legislative session they did a last-minute move behind closed doors and Canyon County's bill, which would have provided actual property tax relief to all homeowners, never saw the light of day. In an unprecedented move the County chose not to take the 3%, or forgone, or new construction and we lowered our budget and because of those actions we will be able to say the County had nothing to do with raising taxes. The blame for this goes on: 1) what residential values are doing and 2) HB 389, which has created more issues than it will fix.

Use of ARP funds:

- Any local government that lost revenue during COVID-19 is eligible to use the funds.
- We have three years to spend the money.
- The first installment is in the bank now; and the second installment will come next year.

Canyon County was on a trajectory of a 10.4% growth rate, and we can prove over a \$6 million reduction in revenues. To ensure use of the ARP funds legally and to protect the taxpayers the Clerk suggests we allocate \$7 million a year that is earmarked to go into County funds to replace lost revenue to help taxpayers. We are at a \$110 million budget now and when you figure in the Fair, and the addition of employees, and a 5% COLA for FY2022 we are looking at a \$118M budget, possibly more.

Commissioner Van Beek was contacted by a legislator who said Canyon County could have provided tax relief, but it opted out of using \$9 million in federal funds. Clerk Yamamoto said there is no other local taxing entity that did what Canyon County did without that money and it was because of good sound financial management. Commissioner Smith agreed. Discussion ensued. Clerk Yamamoto thinks we should earmark \$7 million (as a round number) a year to take care of taxpayers. Treasurer Lloyd said the County will receive another payment of \$22 million in six months and it must be earmarked for a project by the end of 2023 and completed by 2026. Prosecutor Taylor said hypothetically at the end of 2023 we could earmark \$44 million for a down payment on the construction of a jail. Sam Laugheed had questions about FAQ's and the calculations of the amount of funds. Clerk Yamamoto said half of the money should be earmarked for taxpayers and other half could be for some other use, but we don't have to be in a hurry to decide what to use it for. Treasurer Lloyd said there was discussion in the legislature about reducing revenue sharing over the next few years because we have this money so we need to keep that in mind, and if that were to happen and we have a plan to use this money to replace what could be taken away from us that needs to be kept in mind. Commissioner Smith said the same reason we had for not taking the money to supplement the taxes is still there. There are a lot of things we could spend money on that would bolster the economy and there are things we have told our department heads and elected officials we need to wait on that we could creatively fund and get off the plate and put some of that money into the economy, such as hiring businesses to do some of the work and creating plans that help with tourism. Putting some funding aside is important but we also need to look at how to spend the money and get it into the community that helps long-term visions. Commissioner White said the biggest thing that lost revenue is the non-essential businesses, and property taxes have had to supplement everything in a huge way. Clerk Yamamoto said he is presenting a plan that fits well and it gives us time to figure out what we need to do. It utilizes half of the money for citizens and the other half is available for what is reasonable to help the community. Commissioner Van Beek asked if there is vision to build a jail? If so, then we have to identify revenue sources. We could take some of the retiring allocation funds, some of the tax incentives that come off, understanding that we could provide property tax relief, but we will have to turn around go out for a bond that puts it right back. We have to have a guaranteed source of repayment then that's what we can take and market if we still see the need for a public safety facility. She likes the Clerk's idea of creating an urban renewal district. If we have a guaranteed stream and if we put part of the funding toward creating a master facilities plan those are the kinds of things that are tangible.

Ideas that could make a difference:

Commissioner Smith said the parks director wants to invest in a parks plan (at a cost of \$65,000) that would identify the needs going forward for our existing parks and as we anticipate growth

where the other gaps are in the parks' needs. The director also wants funding for the mezzanine at the museum (based on tourism), and to upgrade the gate lock systems. The fleet director has an idea for a carwash and that could be related to COVID in terms of maintenance of other people's cars and cross-contamination. Commissioner Smith wants a tourism plan that connects the cities and the County that would promote tourism.

Commissioner White would like a crime lab with DNA testing in Canyon County. Chief Dashiell said the accreditation responsibilities for the facility and personnel are not something he recommends the County taking on.

Assessor Stender was hoping to purchase a building for a second DMV location in Nampa, but due to the unforeseen future of what the DMV is going to look like he is backing away from that idea. His team is in close quarters and nearly at max capacity for employees so a second facility would allow for more space. Perhaps an amount could be earmarked for the Assessor down the road but if it doesn't pan out he will give the money up. He likes the idea of giving property tax relief to the taxpayers.

Coroner Crawford spoke about how she is limited on space. She agrees with the idea of setting funds aside for the nonessential businesses that have failed and said we need to look at how we can help them, not just ourselves.

Treasurer Lloyd said we need to determine what kind of percentage we want to give to local businesses, or tourism. We need to identify a percentage and move forward with a cautious plan; we have some time to think about it unlike the CARES funds where we had to act fast but that was not a safe way to move forward.

Chief Dashiell said the storage of equipment became an issue and they used the jail annex to store 100 pallets of protective gear. The Elections Office and facilities department have a lot of storage issues too and currently the County is leasing warehouse space for \$50,000 a year. The revenue stream goes to the businesses, but our services still have to have a funding mechanism and with growth comes more need for services. He spoke about how the Sheriff's Office cannot get job candidates because of the cost to live here and we have to figure that out.

Commissioner Smith said everything is focused on residential growth and we have to do something. Canyon County historically had the largest leakage problem in the entire valley where we take our local money and spend it in Ada County and until we turn that around we will continue to suffer and be the bedroom community.

Chief Dashiell said until the legislature decides to make commercial properties pay for themselves to provide for what's going on around them we are stuck. With the new HB 389 the Middleton/Star Fire Department anticipates a loss of revenue in the amount of \$350,000. Clerk Yamamoto said with the last Presidential Election they were having trouble with polling locations and the Elections Office was able to use the O'Connor Fieldhouse for one month and they learned a lot about what can be done election-wise to run a better election and better serve the voters

and have ample parking. If there is ever a time to allocate money toward an election center that would be a fantastic thing. Commissioner Smith said we will have a Fair Expo building and in an emergency the Clerk could use that space. (Assessor Stender left at 9:58 a.m.)

Prosecutor Taylor said we must be cognizant with what the state is going to do with revenue. He leans more toward the nonprofits who stepped up during COVID, such as the Boys and Girls Club, shelters, etc., but the challenge is how much it will take for the County to manage it and determine how to equally distribute it. He leans more toward utilizing the funds for major capital improvements because we need more space, more employees, more parking, and we have a tent that is getting ready to expire and we have a decision to make about the jail trailers. Commissioner Van Beek wants to purchase properties around the courthouse. She spoke about an investment tool to be able to use the interest generated off a restricted fund that would be dedicated to improving the current footprint of the campus and eventually expand. She likes the parking garage idea as a capital investment project. Commissioner Smith said auto park is a better option because it does not require an entire city block, we could build it on what we already have. Sam Laugheed said his focus is on procedure and compliance vs. advocating for any particular use and in this situation, we have some time and it will be critical to thoroughly vet all these things. Putting the money aside for taxpayer relief is in keeping with Canyon County's historical budget philosophy but it is also the safest objectively measurable thing we can do with the monies because in the Treasury rules there is the formula established so it is very objective. All the other uses we are talking about would have to be viewed through a subjective lens whether it's responding to a public health emergency and its negative economic impacts, or to provide premium pay to essential workers to provide government services to the extent of a revenue loss and to make necessary infrastructure investments.

Commissioner Van Beek said a lot of good ideas have been generated and we should triage it on the *SAFE* or the *WANT TO* and get buy-in. She referred to issues the Coroner's staff has in dealing with COVID-related issues and perhaps we could look at getting the Coroner's Office and first responders included in hazard duty pay.

Commissioner Smith likes the Treasurer's idea to identify percentages and set some goals of how we want to divide that up which would allow us to start looking into some of those areas we would like to fund. Clerk Yamamoto said it will involve a priority list and his office will look at what the financial impacts are. He and Controller Wagoner will "crunch it out" and have it after the week of July 4th.

The meeting concluded 10:17 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY CODE ENFORCEMENT MEETING TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 1:03 p.m. for a monthly code enforcement meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and

Leslie Van Beek, Deputy PA Zach Wesley, Deputy PA Doug Robertson, Code Enforcement Officer Eric Arthur, and Deputy Clerk Monica Reeves. Mr. Wesley provided a list of active cases with PA's Office and updates. Eric Arthur reviewed the type of cases noting which cases are active and which are suspended. There was discussion about how cases are categorized and the processes for code enforcement cases, and discussion about how to expedite criminal proceedings that are pending. It was agreed that the abatement process would be the most immediate remedy. The Board give direction that it wants to start again on a case and bring it back for abatement noting that this will be a good test run to see if we can find anyone to abate. When details of a specific case were discussed the Board went into Executive Session as follows:

EXECUTIVE SESSION – RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION, AND COMMUNICATE WITH LEGAL COUNSEL REGARDING PENDING/IMMINENTLY LIKELY LITIGATION

Commissioner White made a motion to go into Executive Session at 1:22 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) to discuss records exempt from public disclosure and attorney-client communication, and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, Deputy PA Doug Robertson, Code Enforcement Officer Eric Arthur, and Deputy Clerk Monica Reeves. The Executive Session concluded at 2:09 p.m. with no decision being called for in open session.

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

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 21, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White - OUT
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 574941 to 574969 in the amount of \$145,891.44

ADD FOUR PURCHASE ORDERS HERE:

COMMISSIONERS OFFICE STAFF MEETING, AND CONSIDER NEW ALCOHOLIC BEVERAGE LICENSE FOR MARWOOD, INC., DBA 208 BURGER Q, AND RESCHEDULE A PUBLIC HEARING FOR MARLIA SUBDIVISION

The Board met today at 8:52 a.m. for an office staff meeting, and to consider a resolution granting a new alcoholic beverage license to Marwood, Inc., doing business as 208 Burger Q. The Board also went on the record to reschedule the land use hearing for Marlia Subdivision, Case No. 2021-001. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider new alcoholic beverage license for Marwood, Inc., dba 208 Burger Q: In reviewing the alcoholic beverage license for Burger Q, Commissioner Van Beek noted it is near a church and so further review of the application is necessary. She would like a review of the alcohol application because it could be improved and she spoke of the need to have a standard review process. Commissioner Smith reviewed the ordinance language. The Board wants to have legal review the application and have staff ask the City of Middleton what action they plan to take and if they have any information regarding the proximity to the church. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to continue the license for 208 Burger Q to this afternoon at 1:25 p.m. in order to gather additional information the facility's proximity to a church.

Reschedule Marlia Subdivision short plat hearing, Case No. SD2021-001 - The applicant requested the hearing to be continued to a later date. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to table the case to July 22, 2021 at 1:15 p.m.

As part of the office staff meeting, the Board reviewed this week's schedule with staff. The meeting concluded at 9:22 a.m. An audio recording is on file in the Commissioners' Office.

CONSIDER NEW ALCOHOLIC BEVERAGE LICENSE FOR MARWOOD, INC., DBA 208 BURGER Q

The Board met today at 1:23 p.m. to consider a new alcoholic beverage license for Marwood, Inc., doing business as 208 Burger Q. Present were: Commissioners Keri Smith and Leslie Van Beek, and Deputy Clerk Monica Reeves. This item was continued from this morning to obtain additional information from the City of Middleton, but additional time is needed for legal counsel to weigh in. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith the Board voted unanimously to continue the item to tomorrow at 9:00 a.m. The meeting concluded at 1:24 p.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Monthly meeting with Fleet Director to discuss general issues, set policy and give direction

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 22, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 575188 to 575201 in the amount of \$15,739.37
- The Board has approved claim 575119 in the amount of \$50.00
- The Board has approved claims 575035 to 575064 in the amount of \$28,994.41
- The Board has approved claims 575223 to 575263 in the amount of \$15,153.27
- The Board has approved claims 574915 to 574940 in the amount of \$27,607.64

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for legal staff update and action items

Action Item: Consider signing resolution designating surplus property and donating to City of Homedale Police Department

Action Item: Consider signing resolution designating surplus property and donating to Payette County Sheriff's Office

Action Item: Consider signing written decision on the request for reconsideration in Case Nos. OR2020-0011 and RZ2020-0017

Action Item: Consider signing resolution granting a new alcoholic beverage license to Marwood, INC dba 208 Burger Q (Continued from 6/21/21)

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with Parks Director

Action Item: Consider a request for Historic Preservation Grant Awards for FY2022

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with Public Defender to discuss general issues, set policy and give direction

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with the Solid Waste Director to discuss general issues, set policy and give direction

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 23, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- SHI in the amount of \$1,490.48 for THE Information Technology Department

APPROVED CLAIMS

- The Board has approved claims 574970 to 574999 in the amount of \$92,953.97
- The Board has approved claims 575065 to 575089 in the amount of \$8,827.26
- The Board has approved claims 575090 to 575118 in the amount of \$54,119.38
- The Board has approved claims 575158 to 575187 in the amount of \$28,256.75
- The Board has approved claims 575202 to 575222 in the amount of \$21,319.00
- The Board has approved claims 575000 to 575034 in the amount of \$29,543.98
- The Board has approved claims 575120 to 575156 in the amount of \$108,148.27
- The Board has approved claims 575333 to 575375 in the amount of \$18,364.18
- The Board has approved claims 575295 to 575332 in the amount of \$42,332.07

- The Board has approved claims 575264 to 575294 in the amount of \$56,555.17
- The Board has approved claim 575376 in the amount of \$5,417.22

RESCHEDULE PUBLIC HEARING – APPEAL BY PECKHAM ROAD TRUST FOR A CONDITIONAL USE PERMIT, CASE NO. CU2020-0001

The Board met today at 1:57 p.m. to go on the record to reschedule the public hearing in the matter of the appeal by Peckham Road Trust for a conditional use permit, Case No .CU2020-0001. Present were: Commissioners Keri Smith and Pam White, and Deputy Clerk Monica Reeves. The matter needs to be rescheduled to a later date so the Board can have a full day to consider the case. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to continue the hearing to July 13, 2021 at 10:00 a.m. The meeting concluded at 1:58 p.m.

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 24, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

DETAILED MINUTES TO COME AT A LATER TIME
Meeting with county attorneys for legal staff update

DETAILED MINUTES TO COME AT A LATER TIME
Meeting to review Draft Zoning Ordinance Amendments - Agriculture Land

DETAILED MINUTES TO COME AT A LATER TIME
Public hearing to consider a request by Taylor Jene Homes, Inc. and Valley View Ranch Subdivision No. 4 for a rezone and preliminary plat: Case nos. RZ2020-0019/SD2020-0035
*This case will be continued to June 28th at 1:00 pm

DETAILED MINUTES TO COME AT A LATER TIME

Executive Session, pursuant to Idaho Code, Section 74-206(1)(e)

To consider preliminary negotiations involving matters or trade or commerce in which the governing body is in competition with governing bodies in other states or nations

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 25, 2021

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

DETAILED MINUTES TO COME AT A LATER TIME

Public hearing to consider a request by Jardine Trust for a conditional rezone; Case no. CR2020-0011

Action Item: The Board will consider whether to grant the request and issue:

- Findings of Fact, Conclusions of Law & Order
- Development Agreement
- Ordinance

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 28, 2021

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

The Board of County Commissioners was scheduled to sit as a Board of Equalization today, however, no items were brought before the Board of Equalization for consideration.

DETAILED MINUTES TO COME AT A LATER TIME

Meeting to discuss planning of groundbreaking ceremony for the Fair Expo Building

DETAILED MINUTES TO COME AT A LATER TIME

Action Item: Consider signing resolution granting a new alcoholic beverage license to The Pretty Bubble Company LLC dba The Pretty Bubble

DETAILED MINUTES TO COME AT A LATER TIME

Public hearing to consider a request by Michael & Heidi Williams-Black for a preliminary plat for Desert Pine Estates Subdivision No. 2: Case no. SD2020-0038

*This case will be continued to August 12th at 10:00am

DETAILED MINUTES TO COME AT A LATER TIME

Meeting for the Board to establish a framework for director performance and evaluation

DETAILED MINUTES TO COME AT A LATER TIME

Action Item: Consider signing FCO's, Ordinance, and Development Agreement for Skyline Homes & Development (CR2019-0016) and Thunder Ridge Subdivision (SD2019-0046)

*Continued to 7/1/21 at 11:00 am

PUBLIC HEARING - REQUEST BY TAYLOR JENE HOMES, INC. AND VALLEY VIEW RANCH
SUBDIVISION NO. 4 FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2020-0019/SD2020-0035

The Board met today at 1:10 p.m. to conduct a public hearing in the matter of a request by Taylor Jene Homes, Inc., and Valley View Ranch Subdivision No. 4 for a rezone of 122.51 acres from an "A" (Agricultural) zone to a "R-R" (Rural Residential zone). Also requested is approval of a Preliminary Plat (including a grading/drainage plan) for Valley View Ranch Subdivision No. 4. The subject properties, R30113010 & R30101011C are located on the east side of Sky Ranch Road, approximately 1565 ft. north of the intersection of Deer Flat Road & Sky Ranch Road. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White arrived at 1:19

p.m., DSD Planner Jennifer Almeida, Bonnie Layton, Mike Woodworth, Mark Hilty, Casey Ames, Matt Munger, Rebekah Ames, Chris Fagan, Claudia Haynes, Kim Yanecko, Ken Yanecko, Kevin Kelso, Linda Kelso, Wes Weidner, Amy Weidner, Dee Sarton Bower, Terry Bower, Mike Cowan, Tamara Vandeventer, Kathy Smith, Manuel Cavazos, Rick Haub, Mark Smith, Tim Vandeventer, Lisle and Vicki George, Brad Pintler, Sue Salyer, Maureen Angorman, Jeanne Kusterer, Nate Ackerman, Phyllis Kegel, Kerry Greenfield, Donna Sparrell, Ray Eide, Deborah Kane, Sherry Wilkinson, Olga Cavazos, Beverly Cavazos, Rhonda Haub, Johnny Greenfield, Teresa Watson, Angela Bratcher, Frank McClintick, Donna Cooper, Vicki Greenfield, Michael Sparrell, Chris Eide and Deputy Clerk Monica Reeves.

Commissioner Van Beek disclosed she spoke with Randy Haverfield who asked if the Board received his comments. She also spoke with Nate Runyon from the City of Nampa who indicated the city is currently mapping their hydrogeologic system for the city. Commissioner Smith disclosed that some of her family members live in the vicinity and she is very familiar with the area.

Jennifer Almeida gave the oral staff report. The Canyon County Land Use Map designates the property as residential and the applicant is requesting a rezone from agriculture to rural residential. North of the property is Foothill Ranch Subdivision, to the east is Valley View Ranch Subdivision, south of the property are residential uses and residential zoning, and west of the property is Sky Ranch Estates. Within one mile there are 20 platted subdivisions for a total of 277 lots with a 4.07-acre average lot size. The property will be served by internal public roads and the applicant has obtained a variance from Nampa Highway District for the spacing requirements onto Sky Ranch Road. Individual wells and septic systems will be utilized. The property is not located within a nitrate priority area. As part of this application the applicant is seeking approval of the preliminary plat for Valley View Ranch No. 4 which contains 45 residential lots with an average lot size of 2.42 acres. Phase one of the project will utilize pressurized irrigation. Phase 2 does not have water rights to the site, but individual domestic wells can be used to irrigate up to one-half acre. Storm drainage will be collected within barrow ditches. Individual lots will retain storm water on site. Staff received a comment from the Nampa Highway District as well as documentation of the approval of the variance that was granted on February 25th. The Upper Deer Flat Fire District noted the development is approximately five miles away from their nearest station and the estimated response time is 17 minutes. The district requested firefighting water supply to be provided to each residential structure. Rather than having that note on the face of the plat, staff is asking the applicant to submit a plan for fire suppression, sprinklers or otherwise, that meets the fire district's requirements, and that documentation (CC&R's) be provided with the application for final plat. The Nampa School District recommended incorporation of locations for bus stops along with appropriate lighting for safety. The Boise Project Board of Control noted that the irrigation for the Mora Canal was 35 feet from the uppermost shoulder water's edge, and 25-feet parallel to the lower embankment of the canal. Staff finds the request complies with the criteria for a rezone as well as the future land use plan for the area. The plat complies with Idaho Code requirements. The P&Z Commission heard the requests and recommended approval on April 15, 2021 and staff has outlined findings of fact for the Board's consideration. Following her report Ms. Almeida responded to questions from the Board regarding:

- Whether staff spoke with the applicant/developer about a conditional rezone versus a rezone with development agreement?
- Which subdivisions in the area have community water systems and have they been tested?
- Have building envelopes been proposed? Perhaps there could be a condition that there be no development in those areas, and the developer could be required to show building envelopes on the final plat.
- Request for updated studies on contaminants or well failures.
- There was review and discussion regarding groundwater information contained in the record.
- Request for clarification on the homes that will have secondary access

The applicant's representative presented staff with a letter submitted by Mike Knie the owner of Knie Pump and Drilling. The letter was marked as Exhibit #77 and was read into the record by Commissioner Smith.

Testimony in support of the request was as follows:

Bonnie Layton, a senior planner with NV5 located in Meridian, gave testimony regarding the project details. The project consists of 122.45 acres and consists of 45 lots with an average minimum lot size is 2.42 acres. Lot sizes range from 2 to 5.59 acres. The project is in compliance with the future land use map designation for residential. The current zoning is agriculture, however, it is not in any sort of crop production and has not been farmed for years, if ever. The proposed zoning is rural residential. They have tried to match the lot lines along the perimeter in terms of lot sizes from fence to fence. They are proposing the homes have fire sprinklers and they are amenable to having a condition on the plat or elsewhere as the Board sees fit. Her client, as well as several his family members, intends to live in this community and so great care will be taken to develop a quality community that is consistent with the area. Following her testimony, Ms. Layton responded to questions from the Board.

Mike Woodworth has a degree in geological engineering from the University of Idaho, and a Bachelor's Degree and Master's Degree in civil/geotechnical engineering from Washington State University and he's been a geology and geotechnical consultant in the Treasure Valley since 2000. He is a professional engineer licensed by the State of Idaho. He gave an overview of the hydrogeology of the site and addressed more questions. Based on looking at these wells and this data that we pulled, and the groundwater monitoring in the area, it shows we have a fairly deep aquifer which is just a matter of the level the groundwater is relative to the ground surface. The groundwater flows from the northeast to the southwest from the Lake Lowell area towards the Snake River. The groundwater elevation in the project vicinity is at 2,400 feet elevation which corresponds to a depth of about 300-400 feet. The aquifer is recharged from Lake Lowell and from irrigation in the area, canal seepage. Most of the areas are completed in an alternating sand and clay layer with most of the screens and wells getting their water from sand and coarse sand and in some cases thin gravel zones in the aquifer and subsurface. Mr. Woodworth summarized Exhibit #44 that he previously put together. Surrounding wells produce anywhere from 20 to 300+

gallons a minute based on the well logs available from IDWR. At those pumping levels we see drawdown at the well itself of less than 10 feet to approximately a maximum of 55 feet. (That's a drawdown in the well casing during pumping.) Groundwater levels in the area are steady or increasing. They have water levels going back to 1965 that were recorded. In 1965 through the late 1980s we had very little data and it was from one well. We had a consistent decline until the late 1980s at which point IDWR was concerned about declining water levels in the area and implemented an increase in monitoring in the area. Now we have additional monitoring data brought online. Since the last 1980s groundwater levels are either steady or increasing. (References Ex. #62.) The data indicates the water level since 2005 to 2020 has increased. In regards to historic water concerns in the area, water levels in a well indicated declines from the late 1960s until approximately 1990 and this decline was noted by Shane Bendickson from IDWR who issued a memo identifying the area as a potential study area. It was never identified as an area of concern or of groundwater concern, nor was it a groundwater management area. The documents from 1995 and 2003 were looking at the data that had been collected at that time and up to that point about 90+% of the data points that had been collected were through the late 1980s. At the time when reports were prepared and the data they looked at showed a steady groundwater level decline primarily based on that water level in that single well (the 22DDC1). Since then we've had some other areas and data that suggest it's flat or steady. Steady or increasing water levels in the project area have been observed since 1990. The water level declines noted prior to 1990 have been the basis of numerous analyses for water right permits and study of the Treasure Valley Hydrogeologic Project lead by IDWR so they looked at some of the information that was developed as part of that project to develop some of their conclusions and analysis in the reports. The declines documented by Bendickson and Schmidt in 1995 and 2003 were based on very limited data points with relatively few wells and data collected only through the late 1990s so subsequent data collected indicates the groundwater levels in the area are stabilized or increasing in the area surrounding the proposed development which is consistent with exhibit from IDWR (#62). Assuming all 45 lots are using water from their individual wells, 37 lots are irrigating via a well so that lower portion that has surface water rights are not irrigating via their well. Looking at a $\frac{1}{2}$ acre irrigation area, he estimate during the maximum day pumping during the hottest day of the summer they would estimate the well would use on average about 5,000 gallons per day for in-home use plus irrigating a $\frac{1}{2}$ acre of turf grass. Of that 5,000 gallons about 180-200 gallons of that is in-home use. The max day water usage they expect the development to use is about 227,000 gallons of water on a peak day which corresponds to 158 gallons per minute, gallons per day divided by the number of minutes in day and it would be a max day water usage of 3 $\frac{1}{2}$ gallons per minute per lot and a yearly total of acre feet of about 72. If compared to agricultural use they would use much less than if they were irrigating this with intensive agriculture, both on a yearly basis as well as a maximum day basis. He reviewed the water table drawdown projections which are detailed in Exhibit #44. They expect the cumulative effect of the drawdown induced by those wells pumping at 5,000 gallons per day to be about two (2) feet. Following his testimony Mr. Woodworth responded to questions from the Board. Sky Ranch Subdivision has a public drinking water system and they have not had any issues with coliform or E. coli in their wells. The arsenic in the most recent readings were non-detect in those public drinking waters wells. It seems we have fairly highwater quality. In most cases if you have bacterial contamination in a well it's almost certainly due to immediate proximity to surface water,

in other words if we are doing a public drinking water we have to be at least 50 or 100 feet away from surface water depending on what kind of surface water it is. In this case we are several thousand feet from Lake Lowell so he would not be concerned about surface water impacts. The biggest risks with respect to potential contamination for any well is the integrity of the well seal. Commissioner Smith asked if a community well is the best route for long-term health given the known contaminants in the area. Mr. Woodworth said community wells can be a great option because it's a public water system that is regulated and has certain testing requirements but that doesn't necessarily mean that that's the only way to achieve that. In some cases, he would argue where we are relying on individual wells versus a community system we are almost certainly going to have less overall water withdrawn from the aquifer than we would have if we were on a community system. The advantage to a community water system is it's a regulated and it has certain standards it has to uphold, but the disadvantage is we would probably end up pumping more water and potentially have a higher lot density to support that infrastructure that was going in. Mr. Woodworth responded to additional questions from Commissioner Van Beek regarding the collection of data on the level of contaminants, and the agricultural area being short on water.

Mark Hilty stated the property has a comprehensive plan designation for rural residential that was a result of hard work done by a large committee looking countywide at the various land use needs. He doesn't know why this application was not processed as a conditional rezone, but it may have been because of that comp plan designation and it may have been that staff didn't think it was necessary to condition the rezone. The designation has consequences that bear on us in terms of the decision the Board has to make. This property is surrounded by similar developments in their features, access, and lot sizes – to what is proposed here and that likewise is a consequence we inherit because of that rural residential comprehensive plan designation. The owner, whether it's this applicant or any other owner, is entitled to a viable use of this property. Agriculture is not a viable use of this property. If this were to somehow found to be a viable agricultural development it would be in conflict with every property around it because those are now rural residential homes. It cannot go back to an agricultural comp plan designation even if you think that was wrong when it was done. Following his testimony, Mr. Hilty responded to questions from the Board. Commissioner Smith said the zoning classification map is predominately agriculture and what that tells her is most of these subdivisions were permitted under the prior ordinance that allowed land divisions via conditional use permit. One could argue that putting a subdivision in the middle with no conditions of approval could change the character of that area without trying to mitigate some of those concerns. She thinks it's important to look at some of the conditions of approval that surround this subdivision and try to come up with some type of agreement for a modification to the application to make sure it's compatible with the area. Mr. Hilty said the developer is comfortable with whatever conditions you think are appropriate that are in line with requiring the plat that's proposed to actually be developed. Commissioner Van Beek said it was suggested by those in opposition that there should be 500-foot setbacks to account for aerial fly-ons. Mr. Hilty said aerial spray application is an agricultural activity within the meaning of the right-to-farm act so he would expect to see conditions, deed restrictions and CC&R provisions and the typical right-to-farm act protections which exist at a statutory level. This property owner is entitled to a viable use. Yes, there are conflicts between agricultural use and residential use and if this property was somehow relegated to perpetual agricultural use they will still have those conflicts.

Given the pattern of development, the conflicts will continue to be less if a reasonable residential alternative is allowed. Commissioner White asked how it can be said the water level is increasing given all the development that's occurred. She is very concerned about water levels and said we cannot continue to approve things.

Casey Ames testified that throughout this process he has tried to do things from a conservative nature. There could be 62 homes, but he's not in it for maximum density and he's not going to be cardboard houses to make a lot of money. He will be mindful of the houses, the fence situation with canal, and he will spray the dirt. During construction they will follow all guidelines and if the Board wants to add an extra condition to solidify the dust not going in there of course he will do that. He has strategically laid out the houses on the plat and has been mindful of the neighbors. His intent is to live on the land and be mindful of the neighbors. He understands the water concerns but said we have to rely on the experts in the field with IDWR being at the top of that list and Mike Woodworth coming up with the same data. Mr. Ames said did site-specific wells and test pits to make sure the water was okay in that area. He will keep the rural setting which is why he went with the 2 to 5-acre lots. He will be mindful of prairie grass and anything else they can do especially if there is low water yield vegetation. Following his testimony Mr. Eames responded to questions from the Board.

Matt Munger is the site civil engineer and he gave testimony regarding the technical aspects of the project. Part of the general permit will include dust abatement. They have no intention of developing near the canal or in the slope itself. With the irrigation districts they work out a license agreement so that fence goes at the top of the slope. Regarding dust mitigation efforts on the road, they have no issue with that. We can work that out with the irrigation district. The canal separates phase 1 and phase 2, and everything to the west of that is above the canal so that is why there are no water rights to that. Once you have over 25 residences there would have to be two community wells to serve this property; a primary well and a backup well. He will identify no-build areas on the slopes that exceed the 15%. He will come up with a plan to show where the building envelopes are proposed. Following his testimony Mr. Munger responded to questions from the Board. Commissioner Smith said it is important to include a note about a portion of the property being landlocked. Ms. Almeida said that portion is not a residential lot, it's being platted as non-residential. Commissioner Smith said it seems to be more in character with the area increasing the average lot size and reducing the number of lots so you don't need a variance especially where you're not proposing a community well. Sinking less wells and increasing the density would be a compromise. Mr. Munger doesn't believe they have a requirement for a variance; the secondary access is a fire dept requirement so they are working with them and meeting their conditions. There was additional discussion about density and lot sizes. Commissioner Smith said if they have a 29.5 lots it will put them under the threshold for the fire department and theoretically it's a safer subdivision because you're not asking for a variance on the emergency exit, and it's similar to the surrounding area.

The Board took a break at 3:48 p.m. and went back on the record at 4:00 p.m.

Testimony in opposition was as follows:

Claudia Haynes, who serves as a director for the Canyon County Alliance for Responsible Growth, gave testimony on behalf of numerous families who oppose this project whose concerns include fire protection, appropriate lot sizes, the declining water supply, well depths, and arsenic and nitrate levels, as well as traffic issues. She also spoke of the Amens who operate an aerial applicator (crop dusting) business and the potential impact a housing development could have on their business. She said the subject property has not been used for agricultural purposes; the water rights were sold off more than 20 years ago and the applicant knew that when he bought the property. Ms. Haynes stated she was advised the property owners in the Dry Lake area are having difficulty obtaining building permits due to the instability in the water source, and she spoke of how the Department of Water Resources paid a nearby property owner to leave their land fallow. Following her testimony, Ms. Haynes responded to questions from the Board.

Kevin Kelso read an email which summarized a letter provided to a representative for Taylor Jene Homes on June 21, 2021 from the Upper Deer Flat Fire Chief. The email is from Scott Arlano to Matt Munger which stated, in part, *due to the Canyon County P&Z Commission recently voting to remove a fire sprinkler subdivision plat note requirement from an existing subdivision in south Nampa, the Upper Deer Flat Fire Chief is no longer comfortable accepting fire sprinklers as an approved code alternate to otherwise required features of development. This will affect the proposed Valley View Ranch Subdivision No. 4 in two ways: 1) the fire district will now require the subdivision to have firefighting water supply in accordance with the fire code by way of installed fire hydrants along the improved roadways; and 2) because the proposed subdivision will include more than 30 dwelling units a secondary fire dept. emergency access road serving this subdivision phase will now be necessary. The road shall be designed and installed in accordance with the Idaho Fire Code. If these homes were fire sprinklered in accordance with NFPA 13D this requirement would not be necessary. It's unfortunate that the P&Z Commission has put the fire district in this position.* The district submitted a revised conditional letter of approval. It is Mr. Kelso's understanding that a community water system is required.

Kim Yanecko stated the P&Z Commission recommended approval without completing their due diligence and she said the applicant has not been completely honest or law-abiding. Why weren't the test well reports timely filed? Why didn't they get permits from the highway district until they were reported as having entered off Sky Ranch Road? There were actually two unlawful attempts to that property, and one was along Foothill and the other was along Sky Ranch Road, and the Nampa Highway district got involved they had to get an approach permit. Why wasn't the updated report from the Upper Deer Flat Fire Department provided to the Board? She said what was provided on Exhibit #72 and what they spoke about today was about sprinkler systems, but the highway district has declined their ability to do so. This condition would send this project (Phase 2) back to the drawing board. The entire plan has changed, easements are now required due to limitations on slope of property, new approvals by the Nampa Highway District, the canal district, the fire district, and the County would require these updates. Ms. Yanecko said she has learned about abuse of authority and unlawful activity by some County employees. People are notarizing their own signatures on documents; building officials are overriding fire department

requirements; laws and conditions are not being followed, and plat map requirements are not being listed on the permits, so inspectors do not know to comply with those and as a result, residents are being issued illegal certificates of occupancy. Additionally, public record requests are not being fulfilled according to the law thus preventing citizens from doing their diligence. She has asked the AG and the Prosecutor's Office to look into this. She said DSD is not complying with fire laws and that is a safety issue for everyone in the area. They can't tell you who the fire authority is, and the County is trying to evade that authority by placing that blame back onto the fire department, but they are the ones actually issuing permits. Ms. Yanecko said Taylor Jene representatives will tell you the homes draw less from the aquifer. The neighbors have been told the property did not have irrigation rights, what they have is a domestic well and any water that was used was pulled from the canal. IDWR was asked to testify but they backed out today. She referenced the research done by Dennis Owsley with IDWR. There may be a lot of water available but we cannot pull it easily and we cannot recharge it easily. The aquifer is not being recharged like it should be. We are in a drought so they are going to let the water flow and fill Lake Lowell as much as they can and recharge as much as they can and ultimately, they will have to pull on their pumps because there will be no more water in the canals before the end of the irrigation season. The canal district has told farmers they are getting nearly half of what they are supposed to. They will have to pull it from the aquifer and their pumps are huge which means the residents in the area are going to have problems trying to not suck air from their wells. Ms. Yanecko said the Board should ask IDWR this question: Could a hydrogeologist or a hydrologist representing the builder convince the Board that there is plenty of water to supply this development and current residents? Perhaps, but there should also be a consideration for the ability to access that water, the quality of the water, the conditions to recharge the aquifer the contributions to the nitrate priority area, etc. We are looking at a possible east Boise situation with dry wells, but we are in a position where we can prevent that from happening and not get rid of our agricultural lands. She urged the Board to deny the application stating approval of the application would be an act of bad faith and a lack of due diligence. Following her testimony, Ms. Yanecko responded to questions from the Board.

Linda Kelso, who moved to the area two months ago, testified about her concerns with issues affecting water in the area. She wants there to be enough water, fire protection and enough resource services for all present and future generations.

Amy Weidner testified she is a 100% disabled Veteran with most of her disabilities coming from toxic exposure she received while stationed at Fort McClellan in Alabama which has been deemed a chemical exposure nightmare in the United States. She is not unfamiliar with government agencies disregarding the welfare of citizens and that ties into her concerns with the case being heard today. She is not surprised by paid expert testimony saying the water is fine and the aquifers are fine. Ms. Weidner gave further testimony regarding her concerns with poor water quality, ground contaminants, the lack of water in the area and how the proposal will have a negative effect on the people who live in the area.

Dee Sarton Bower testified about her experience with having a well drilled on her property and how it cost thousands of dollars more than what they expected to pay. She urged the Board to

consider the neighbors' concerns with how this development will impact their properties and their wells.

Mike Cowan testified he lives 600 feet south of the development and has one of the oldest wells in the area. His well is at 330 feet. In 2008 they had to lower the pump and install a pipe and if they have to go lower they will have to dig a new well. Every time a new well goes in his well sucks sand. He has replaced two pumps within the last 10 years. He also spoke of how residents in the area are unable to get new well drilling permits because the aquifer is so bad.

Kerry Greenfield testified about the problems she has experienced with her well and concerns about how the development will impact her property.

Rebuttal testimony was offered by Mike Woodworth and Mark Hilty

Mike Woodworth said well drilling is complicated, and there are a lot of challenges in this area with groundwater being so deep which is an issue with maintenance, but, IDWR said in their memo that there does not appear to be a groundwater sufficiency issue in the area (Exhibit #62). He said we are conflating groundwater quality with quantity. Groundwater quality whether this development goes forward or not will have zero impact on any neighbors' ground water quality. In other words, if there are arsenic or nitrates, none of things that are proposed for this site will impact that one way or the other.

Mark Hilty said a zone change is appropriate when it is consistent with your comprehensive plan and the prevailing development patterns in the area. The best evidence you have concerning the availability of water is Mr. Woodworth's comprehensive and professional report. The water table is holding steady and there will be no, or negligent, impact by the addition of these wells. Except for water, nobody in opposition has challenged any of the criteria the Board has to consider when making its decision on this zone change request. Regarding the fire department, there was no intent to hide anything from the County. There was an explanation as to why they made a very late change which threw the development team a curve. He spoke with the fire chief on Friday and said the developers want to put in fire sprinklers and the chief said they want sprinklers, but the problem is this is not a variance to the secondary access and public water system requirement, it is code-compliant if you put in sprinklers. The difficulty is secondary access and water systems are typically evaluated and required during the platting process. The sprinkler does not come along until somebody requests a building permit and there is a statute that says local jurisdictions cannot require fire sprinklers so there is a little bit of a disconnect in the law that we can get past. The one thing everybody agrees on is that fire sprinklers are the safety alternative for a development with a 17-minute response time, so we are trying to find a way to get there. It's not a cost-savings measure, it's about even to put in a secondary access and public water system, it's just not as safe and that's what's driving that decision. The conditions proposed by staff to do that as a condition of final plat is acceptable to the applicant. The future of this parcel is residential, that is the comprehensive plan designation. The zone change to rural residential is appropriate based upon that comprehensive plan designation. Mr. Hilty said they realize the land is not going back to agriculture. The land has water rights; there is a constitutional water right for people to

drill a domestic well on property they own. He said the Board has a duty to protect private property rights and this developer has a right you have to protect. If you don't approve some kind of residential development on the site there is no use for this property.

Commissioner Smith referred to the property rights component in the code and noted the property was agriculture when the applicant purchased it. Comprehensive plans are a guide for growth, not a mandate. We do have a decision to make, and the Board is not taking away any rights, all the uses listed are still available for the applicant to operate under. There are a lot of different agricultural uses that would be available for him to use on the property. She wants feedback on changing the design. When there are water issues or fire safety issues that is when a conditional rezone and development agreement come into play to have mitigating conditions that would help the development be approved with conditions. She asked if the applicant is agreeable to modifications such as possibly increasing the lot size to reduce the number of lots, and is he interested in a community well that would protect the property owners who buy lots in the future that would protect their water quality and draw less water from the aquifer by reducing the number of homes. If they did lose water, it would change the character of the area because if they cannot afford to put the pumps back in those homes would be vacant and it would become a blighted situation.

Mr. Hilty said the best evidence is the aquifer looks like it's holding level and addition of wells will not change that. Commissioner Smith said but there is evidence a problem exists; residents have had to put in new wells, new pumps. Mr. Hilty said there is evidence there are problems with individual wells but whether that's a general area aquifer problem is not clear. Had the application been processed as a conditional rezone with development agreement that could have been worked out. He said the applicant fully intends to do what he says he is going to do so committing to that is not a problem. He hopes the County's process for that is not starting over. If there's a way to move forward in the next few weeks about developing a development agreement, he would be willing to recommend that. Reasonable ag-type uses are going to be very difficult on that parcel, not just because of the water situation and lack of agricultural history because it's surrounded by residential.

Casey Ames said when the 52 acres was originally purchased, he was aware the above portion did not have water rights. As far as density, if there's a solution to be had, let's work it out. Regarding the phase that has the hillside, he would entertain that that would be the section to go. On the east side of the canal there are water rights and so we are talking about 30 lots on this parcel and there were 8 on the lower area so you have essentially 38/39 lots.

Commissioner Van Beek appreciates the applicant's willingness to negotiate. She said the Board needs more than just a straight rezone. A conditional rezone with a development agreement will give people assurances that we are able to tie it back to what is happening in this hearing. Commissioner Smith said we must pause and see visit with the attorney and depending on what the attorney says. The P&Z Commission did not consider that, and it is not before the Board either. The Board decided to continue the hearing to obtain more information about the HOA managing the ½-acre maximum irrigated area. The HOA would review the landscaping plans that would

include the amount of land drawing from the aquifer for the irrigation. Allow time to contact the Boise Project Board of Control regarding Commissioner Smith's plan for dust mitigation strategies. Have staff review the new letter from the Upper Deer Flat Fire District and obtain information on the number of community wells in the area and the quality of those, and obtain additional information on water rights. Commissioner Smith asked the parties to start thinking about what the conditions would look like to help mitigate the concerns discussed today. She noted that approval is not guaranteed. Commissioner Van Beek made a motion to continue the hearing to July 26, 2021, at 2:00 p.m. The motion was seconded by Commissioner White and carried unanimously. Public testimony has not been closed since the Board is requesting additional information. The hearing concluded at 6:06 p.m. An audio recording is on file in the Commissioners' Office.

JUNE 2021 TERM
CALDWELL, IDAHO JUNE 29, 2021

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerks Monica Reeves/Jenen Ross

The Board of County Commissioners was scheduled to sit as a Board of Equalization today, however, no items were brought before the Board of Equalization for consideration.

APPROVED CLAIMS ORDER NO. 2120

- The Board of Commissioners approved payment of County claims in the amount of \$1,720,815.82 for a County payroll.

DETAILED MINUTES TO COME AT A LATER TIME

Action Items:

- Action item: Signed a resolution granting a refund to David Dykstra for an administrative land division fee – Resolution No. 21-157
- Action item: Signed a resolution granting a refund to Travis Pascoe for a property boundary adjustment fee – Resolution No. 21-158

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for legal staff update and action items:

- Action Item: Signed agreement to provide school resource officer services to Vallivue School District No. 139 – Agreement No. 21-045
- Action Item: Signed agreement to provide school resource officer services to Notus School District No. 135 – Agreement No. 21-046
- Action Item: Signed law enforcement services agreement between Melba Joint School District No. 136 and Canyon County - Agreement No. 21-047
- Action Item: Signed Canyon County Sheriff's Office test rental and use agreement with Cooperative Personnel Services – Agreement No. 21-049
- Action Item: Signed supplemental services addendum to the “COPLINK Agreement” with Forensic Logic, LLC – Agreement No. 21-048

JUNE 2021 TERM

CALDWELL, IDAHO JUNE 30, 2021

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerks Monica Reeves/Jenen Ross

DETAILED MINUTES TO COME AT A LATER TIME

Meeting to consider signing the FCOs for Jardine Trust; Case no. CR2020-0011

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR BRETT BAUSCHER

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:35 p.m. to conduct a property tax assessment protest hearing for Brett Bauscher, (Protest No. 21061), Account No. 36636011 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Rural Supervisor Roger Craig, Rural Appraiser Joni Irby, Brett Bauscher, and Deputy Clerk Monica Reeves. Greg Himes advised the Board that the Assessor's Office was waiting for additional information that came today in the form of an email. They have assessed cell tower sites throughout the County \$50,000 as a lease site fee and in Mr. Bauscher's case, that lease

agreement was prepaid to the previous owner and so he is receiving no remunerations for this lease. Mr. Himes recommended the \$50,000 value be removed and asked the Board to uphold the land value of \$5,150. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to change and uphold the Assessor's recommended value of \$5,150. The hearing concluded at 1:42 p.m. An audio recording is on file in the Commissioners' Office.

BOARD OF EQUALIZATION – TAX ASSESSMENT PROTEST HEARING FOR EDWARD MCNELIS

The Board of County Commissioners, sitting as a Board of Equalization, met today at 1:35 p.m. to conduct a property tax assessment protest hearing for Edward McNelis, (Protest Nos. 21053, 21054, 21055, and 21056), Account Nos. 30401011 0, 24656000 0, 27918000 0, and 27920000 0. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Appraisal Supervisor Greg Himes, Rural Supervisor Roger Craig, Rural Appraiser Joni Irby, Edward McNelis, and Deputy Clerk Monica Reeves. Edward McNelis offered testimony in support of the protest applications. Joni Irby and Greg Himes offered testimony on behalf of the Assessor's Office. Following testimony, rebuttal, and Board discussion, Commissioner Van Beek made a motion to uphold the Assessor's value of \$458,370 on Protest No. 21053. The motion was seconded by Commissioner White. Commissioner Smith believes a 53% increase is a shock and she encouraged Mr. McNelis in the future to work with the Assessor beforehand. Roger Craig said the house had been completely remodeled so they had to update their information and bring it up to market value. Along with the increase they naturally had in the area, there was also the increase of the house being completely redone and that would probably account for the huge increase in value. The motion (on Protest No. 21053) carried unanimously. Commissioner Van Beek made a motion to uphold the Assessor's value of \$188,800 on Protest No. 21054. The motion was seconded by Commissioner White and carried unanimously. At 2:54 p.m. Mr. McNelis stated he did not want to participate in his last two remaining protests and he left the meeting room. The Assessor's staff proceeded with their case review on the last two remaining accounts. Commissioner Van Beek made a motion to uphold the Assessor's value of \$565,850 on Protest No. 21055. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek made a motion to uphold the Assessor's value of \$320,730 on Protest No. 21056. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 3:15 p.m. An audio recording is on file in the Commissioners' Office.

THE MINUTES OF THE FISCAL TERM OF JUNE 2021 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 _____, 2021.

CANYON COUNTY BOARD OF COMMISSIONERS

Commissioner Leslie Van Beek

Commissioner Keri K. Smith

Commissioner Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: _____, Deputy Clerk