

AUGUST 2021 TERM
CALDWELL, IDAHO AUGUST 2, 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:

- Platt Electric Supply in the amount of \$3,355.23 for the Facilities Department

COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:45 a.m. for an office staff meeting. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy Clerk Jenen Ross, Admin. Specialist Terri Salisbury, and Deputy Clerk Monica Reeves. The Board reviewed this week's schedule with staff. The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

COMMUNITY INPUT MEETING

The Board met today at 9:02 a.m. for a community input meeting. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Chris Maylor, TJ Wellard, Al Dauven, Alan Mills, Mike McGowan, Todd Lakey, Spencer Kofoed, Matt Wilke, Ivan Holton, Darin Taylor, David Ferdinand, Mark Cran, Derritt Kerner, Judy Britton, Kathy Alder and Sr. Admin Specialist Terri Salisbury. The following provided comments: Chris Maylor, TJ Wellard, Al Dauven, Alan Mills, Mike McGowan, Todd Lakey, Matt Wilke, Spencer Kofoed, Ivan Holton, Darin Taylor, David Ferdinand, Mark Cran, Derritt Kerner, Judy Britton, and Kathy Alder. The Commissioners provided feedback on the following topics that were discussed:

- Star Annexation
- Administrative land divisions
- Comprehensive Plan status
- Impact Areas
- Jurisdictional Problems
- Agricultural disclosers
- Star impact area negotiations - Committee of Nine
- Development Services staffing
- Development Services applications

- Pre-Plat timeframes
- FCO timeframes
- Canyon County Budget

The meeting concluded at 10:35 a.m. No Board action was required or taken. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Action item to approve FY2022 tentative budget for publication

CONTINUANCE OF PUBLIC HEARING TO CONSIDER AN APPEAL BY PECKHAM ROAD TRUST FOR A CONDITIONAL USE PERMIT, CASE NO. CU2020-0001

The Board met today at 2:02 p.m. for a continuance of 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, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, Deputy PA Zach Wesley, Brenda Abbott, Darin Taylor, interested citizens, and Deputy Clerk Monica Reeves. Todd Lakey arrived at 2:09 p.m. The Board met on July 13, 2021 and heard public testimony and continued the case to July 26, 2021 at which time it reviewed proposed conditions of approval and subsequently continued the hearing to today. Jennifer Almeida said the findings of fact, conclusions of law and order (FCO's) mirror the discussion from the last hearing regarding the conditions. She a minor change was made to Condition #6, to clarify it better. It now states *"There shall be no burial of dead livestock on site. All dead livestock and any parts or pieces of such animals must be properly disposed of within 72 hours after knowledge of death. The CAFO shall comply with Idaho Department of Agriculture rules regarding dead animal disposal."* She removed the notation for the IDAPA section in the event those change and she left it general so we are not tied to that specific code. Commissioner White said before they expand to 12,000 animals she wants them to get everything taken care of that hasn't been tended to. Ms. Almeida said several conditions are ones that have to be met prior to expansion, and some are ongoing that have to be maintained for the operation of the site. There are also annual reporting requirements. Commissioner Van Beek asked how we will mitigate for the open water. Ms. Almeida said they would have to meet agency requirements for that. We have retention areas conditioned to meet Department of Agriculture requirements as well as federal agency requirements. Commissioner Van Beek asked about the concern that was raised about cattle grazing on land not approved to be on. Commissioner Smith said as long as they stay within the threshold of the allowed animal units per acre that would exist outside of these conditions and outside of the parcel. We are not taking away the rights of a property owner to have agricultural uses on their property that is outside of the CUP. There was a review of conditions to add the words: *"Prior to expansion..."* to the following conditions: #4, #5, #12, and #17. Further review

and discussion ensued. Commissioner White made a motion to grant the conditional use permit and approve the FCO's with the conditions of approval as amended. The motion was seconded by Commissioner Van Beek and carried unanimously. Deputy PA Wesley explained the appeal process and said parties have 14 days to file a request for reconsideration with the Board, and then the Board has time to respond and that will extend the deadline to file for judicial review, which is 28 days from the decision being final. If the Board chooses to act on the motion to reconsider it would come back, but if the Board chooses not to act, then it starts the clock for the 28 days to file a judicial review. The signed FCO's are on file with this day's minute entry. The meeting concluded at 2:26 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING FCO'S FOR SAMUAL CLAGG, CASE NO. RD2021-0007

The Board met today at 2:27 p.m. to consider signing the Findings of Fact, Conclusions of Law, and Order (FCO's) in the matter of the appeal by Samual Clagg of the Director's decision in Case No. RD2021-0007 regarding the naming of a private road to Catfish Lane. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Elizabeth Allen, and Deputy Clerk Monica Reeves. On July 26, 2021, the Board heard the appeal and voted to modify the appeal and then directed DSD staff to make findings of fact to support the decision for the name change to Riverpoint Lane. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the FCO's for the Clagg case (RD2021-0007) as presented. The meeting concluded at 2:29 p.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Meeting Executive Director of Western Alliance for Economic Development to discuss Department of Commerce Work Plan

CONTINUANCE OF 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 AND SD2020-0035

The Board met today at 3:07 p.m. for a continuance of the public hearing to consider a request by Taylor Jene Homes, Inc., and Valley View Ranch Subdivision No. 4 for a rezone and preliminary plat for Case Nos. RZ2020-0019 and SD2020-0035. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, Mark Hilty, Casey Ames, Claudia Haynes, Kim Yanecko, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith gave a recap of the last hearing where the Board deliberated based on the evidence received at that point. Public testimony was closed and the Board said it would

not review additional information. It sounded like the Board was leaning towards a decision that was different from the P&Z Commission's recommendation which would require a second hearing. She addressed the emails and letters that came in regarding the change in process and said the first hearing gave everyone an opportunity to testify. The second hearing was not intended to be another brand-new hearing which is why they tried to limit some of the information. The Board continued the hearing for specific information. She apologized to those who felt slighted, but said it sounds like there is going to be another hearing and if that's the case it will be a brand-new hearing and additional testimony and information will be allowed. Commissioner Smith said donating time to another speaker is not something the Board has to allow, they allowed it to happen once but she encouraged people not to continue moving forward with things like that. If people cannot come they should submit written testimony and there should be one representative for the opposition and time will be allocated outside of that. Commissioner Van Beek disclosed that a citizen approached her this weekend regarding concerns about the water situation, but she indicated she could not discuss it because the Board was having continued discussions on that topic. After reviewing the information that's been submitted she noted the following concerns: conflicting information regarding the aquifer; IDWR is charged with overseeing the installation and the well process so if wells are failing then you have to go back to the agency and look at if the due diligence is good enough to ensure that homeowners are not having to go back and put in wells; and the lack of information on what the cumulative impact will be with 400 homes in this area. Discussion ensued. Commissioner Smith said the Board could impose conditions, or deny the request and state what the applicant could do to obtain approval, and at the next hearing they could bring that information for a conditional rezone with a development agreement. Commissioner White is not comfortable with the knowledge that wells are going dry and she wants to see up-to-date information. Commissioner Van Beek referenced the conflicting information from IDWR and said there has to be something that protects people. Commissioner Smith said it sounds like both Commissioners are leaning toward a denial so it will be important to deliberate on what the applicant can do to gain approval in the future. Commissioner White wants to see a current examination to see if the majority of the problems are with well installation or if it's because of the water depth. She needs to know there is an ample source. Commissioner Van Beek referenced the conflicting evidence within the IDWR reports. Commissioner Smith believes the zone is appropriate because it's an infill project, and she appreciates community wells instead of continually punching private wells and she feels the project can be conditioned in a way to get more information and that's the direction she would lean. It is time, especially in certain areas, to start looking at community systems, versus wells, that are monitored and checked regularly. Commissioner White again reiterated her point about wanting up-to-date water information. The project density is ideal and she's not against the developer, but she wants current information on whether it's a well installation problem, and she wants to know how deep they need to go without having to re-drill a well. The Board took a break at 3:58 p.m. and the hearing resumed at 4:10 p.m. Commissioner Smith said she consulted with the Prosecutor's Office to confirm process. Technically the ordinance does not have language in the conditional rezone or rezone section that allows the Board to mandate them to provide studies, so the best option is to render a motion. There has been a lot of deliberation on what the Commissioners would like and that leaves it up to the applicant and no matter what it will require a brand-new hearing. The case will not have to go to the P&Z Commission, but it will come back

to the Board. Commissioner Van Beek made a motion to deny Case Nos. RZ2020-0019 and SD2020-0035, and change Finding No. 5 to include nonconflicting testimony that assures that it's either a well issue or a water issue and that studies that are relevant to the site-specific area be provided for assurance that it can service this development. The motion was seconded by Commissioner White. Commissioner Smith said it's difficult for her to deny this case because the zoning is applicable and the comprehensive plan supports it. She believes the Board could condition it and work on a development agreement that could have been further worked out at the next hearing that would support this development. We have a need for a high-end opportunity for residences and this project would have provided that. She wants safe water opportunities for the existing and future residents and she understands why there is a request for that information. The motion carried unanimously. Staff will schedule the next hearing. The hearing concluded at 4:15 p.m. An audio recording is on file in the Commissioners' Office.

WEEKLY MEETING WITH THE DIRECTOR OF DEVELOPMENT SERVICES TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 4:16 p.m. for a weekly meeting with the Director of Development Services Department to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, and Deputy Clerk Monica Reeves. Commissioner Smith informed Director Fultz about this morning's community input meeting where citizens voiced comments on several issues concerning DSD, such as the City of Star annexation; administrative land divisions; comprehensive plan status; impact areas; jurisdictional problems; agricultural disclosures; the Star impact area negotiations committee of nine; DSD staffing levels; DSD applications; preliminary plat timeframes; and timeframes for FCO's. Director Fultz said staff will work on getting timely staff reports put together and submitting a "final final." He reported that the first draft of the comprehensive plan should be completed by the end of this week, and on August 25 they will have their first working group meeting and it will be available to the public later this month. Staff has been meeting with an agricultural group to look at the ordinances and the comprehensive plan and they are assisting with the Ag., natural resources and land use elements that will be incorporated into the draft. He will work with the PIO to get the word out to the public. Director Fultz reported they are looking at a serious reduction in some of the impact areas for the smaller communities. They are looking at eliminating almost all residential in the areas outside the impact areas and doing additional agricultural zone opportunities. The department will be looking at a 10-year plan with a review to be done every year. Staff is working on several ordinance rewrites that will be coming to the Board. The rezone ordinance will be very controversial because it's so much more challenging for a rezone in the agricultural area, outside the impact areas. Groundwater studies is another aspect they are looking at as well as a number of other things. Discussion ensued about the various issues staff is exploring. Commissioner Smith wants to start sending letters of violations to people who are living in RV's and she wants the building inspectors to help with that since code enforcement can't do it all. At a recent health department meeting she suggested doing a collective public service announcement about how it's not safe when people are dumping into the ground. She also wants

to take a look at the old rezones that have occurred south of Lake Lowell in a predominately agricultural area, specifically one by the Beranna Dairy that should not have been zoned rural residential. When there has been no activity with conditional rezones the County has the authority to change the zoning of the property, and with the potential water issues and impacts to aerial spraying operations, she thinks the properties should be brought back for a new hearing. She wants the County to send a letter and initiate its own zone change from rural residential. Director Fultz indicated he will work on it. He spoke about staffing needs in the department and said he would like another planner and a tech, in addition to the economic development department they are trying to launch. Additionally, they have talked about bringing an engineer on board. In response to questions from Commissioner White, Director Fultz talked about the types of cases the hearing examiner will consider. The goal is that in October the P&Z Commission will meet the first Thursday of the month and the hearing examiner will hear cases on the third Thursday of the month. The hearing examiner cases will be heard during the daytime, however, if the public meeting room is not available he will meet in the evenings. The Board will hold interviews on August 5th for new three (3) P&Z Commissioners. They are looking at a proposal to amend the ordinance regarding P&Z Commission membership (anywhere from 3 to 12 members). The meeting concluded at 4:54 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM
CALDWELL, IDAHO AUGUST 3, 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 employee status change forms for: Alissa Franklin, Temporary Administrative Assistant; Kathleen Husted, Part time Admin Specialist; Emily Garcia, Temporary summer employee.

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Raising Our Bar LLC DBA Raising Our Bar for the following days: 8/7/21;8/12/21; 8/13/21; 8/20/21; 8/21/21; 8/28/21; and 8/29/21.

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with the Director of Facilities 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 items

Action Item: Consider signing Memorandum of Understanding between City of Nampa, City of Caldwell, and Canyon County – 2021 Byrne Justice Assistance Grant (JAG) Program

Action Items: Consider signing an Ordinance, and Summary, amending Chapter 6, Article 5, Section 13: Street Names and Chapter 6, Article 5, Section 17: Addresses of the Canyon County Code of Ordinances

PUBLIC HEARING – REQUEST BY CASE AND GREITJE VISSER FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE AS WELL AS A PRELIMINARY PLAT FOR VISSER’S LANDING SUBDIVISION, CASE NO. RZ2021-0001 AND SD2021-0003

The Board met today at 9:31 a.m. to conduct a public hearing in the matter of a request by Case and Greitje Visser for a comprehensive plan map amendment to change the designation of Parcel No. R38333010A from “Agriculture” to “Residential.” Also requested is a rezone of approximately 20 acres from an “A” (Agricultural) zone to an “R-1” (Single Family Residential) zone, and a preliminary plat, grading and drainage plan for Visser’s Landing Subdivision. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, Deputy PA Zach Wesley, Darin Taylor, Sean Conner, John Brecken, William Keith Cooper, Linda Mascuch, Tamara Baysinger, Chris Clelland, George Davis, Patricia Greenland, interested citizens, and Deputy Clerk Monica Reeves. Jennifer Almeida gave the oral staff report. The subject property, R38333010A is located at the northwest corner of the intersection of Goodson Road and Conway Road. The Planning and Zoning Commission recommended denial of the Comprehensive Plan Map Amendment, Rezone, and Preliminary Plat request on May 20, 2021. The applicant has removed the comprehensive plan map amendment portion of their request. Staff is recommending denial of the request. The following people testified in support of the request: Darin Taylor, John Brecken and Sean Conner. In summary they testified the project can co-exist with conditions; reviewed the topography of the site; referred to developments that exist in the area; and how they believe this type of development should occur in pocket areas such as this. William Keith Cooper offered neutral testimony and said his main concern deals with the impacts the proposed residences will have on the aquifer. He also wanted to know what the traffic projections will be for this project. Linda Mascuch offered testimony in opposition to the request. She objects due to water and density concerns. Tamara Baysinger is opposed to the proposal based on the following concerns: increased traffic on Conway Road, the impacts to existing water wells, and the density of the proposed development which is inconsistent with the character of the area. Chris Clelland farms in the area and his concerns include density, the steepness of the property, the potential of the ditch to break, impacts to aerial applications, and the hazards of moving farm equipment. George Davis testified in opposition to the proposal due to spot zoning

and egress concerns. Rebuttal testimony was offered by Mr. Taylor where he addressed the depth of area wells which range from 90 to 244 feet; references to concerns about spot zoning, and the developers' willingness to consider an RR designation if the Board chooses. Following testimony, Commissioner Van Beek made a motion to close the public hearing. The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek spoke about the tension that exists between agricultural operators and the "city folk" who move to the country. She does not support changing the zoning. Commissioner White spoke about personal property rights and how decisions have consequences. She believes the applicants are ahead of their time. Commissioner Smith said this is not a predominately single-family living area and it is not located within an impact area; therefore, she is opposed to the request. Following the Board's deliberation Commissioner Van Beek made a motion to deny the request for a rezone and preliminary plat for Case Nos. RZ2021-0001 and SD2021-0003. The motion was seconded by Commissioner White who said it's a matter of density and timing. Commissioner Smith said staff is proposing a nonviable administrative land division in the ordinance that's coming soon. She hopes changing the original parcel date would qualify the applicant since the property hasn't been divided since 1997. It would provide for smaller parcels without changing the zoning on the land. The motion carried unanimously. The hearing concluded at 10:49 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME
Monthly Elected Officials' Meeting

AUGUST 2021 TERM
CALDWELL, IDAHO AUGUST 4, 2021

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

APPROVED CLAIMS

- The Board has approved claims 576484 to 576485 in the amount of \$2,500.00
- The Board has approved claims 576258 to 576298 in the amount of \$36,778.03
- The Board has approved claims 576299 to 576340 in the amount of \$54,753.31
- The Board has approved claims 576343 to 576376 in the amount of \$75,252.98
- The Board has approved claims 576378 to 576443 in the amount of \$37,158.56

- The Board has approved claims 576526 to 576555 in the amount of \$33,660.44
- The Board has approved claims 576486 to 576525 in the amount of \$171,354.45
- The Board has approved claims 576444 to 576483 in the amount of \$233,784.33

PUBLIC HEARING – REQUEST BY MATT DUDLEY FOR A REZONE, CASE NO. RZ2021-0005

The Board met today at 9:06 a.m. to conduct a public hearing in the matter of a request by Matt Dudley for a rezone from an Agricultural zone to a Rural-Residential zone, Case No. RZ2021-0005. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, Matt Dudley, Mike Dudley, Sherry Dudley, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that Mike Dudley was her middle school teacher but that will not affect her ability to issue an impartial decision. Commissioner Van Beek disclosed that Mike and Sherry Dudley are her neighbors but that will not affect her ability to issue an unbiased decision in this case. Jennifer Almeida gave the oral staff report. Matt Dudley is requesting a rezone of approximately 24.78 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone. The average minimum lot size in the “R-R” zone is two (2) acres. The subject property, R38656010 is located on the north side of Walker Road, approximately 1,700 ft. east of the intersection of Parma Road and Walker Road in Parma. The P&Z Commission recommended approval of the Rezone request on June 3, 2021. Staff recommends approval the request. Matt Dudley testified the subject property is bare land that he co-owns with his wife and his parents and they want to divide it into three lots for two homes and a shop in the future. The property is located within the Parma impact area. Portions of the land will continue to be farmed. Mr. Dudley would like the potential to divide the land for his young children at some point in the future. Following his testimony Mr. Dudley responded to questions from the Board. Mike Dudley testified about the pride ownership he has for maintaining his property and how he is excited to own this property with his son and plan for the future. Commissioner Smith asked Matt Dudley to talk about the large number of people who attended the neighborhood meeting. Mr. Dudley said there was a lot of unknowns as he started this process and the neighbors voiced concerns about the potential for weeds on the property and they did not want a large development so he explained what his intentions are for the property. Following testimony, Commissioner White made a motion to close the public hearing. The motion was seconded by Commissioner Van Beek and carried unanimously. Following the Board’s deliberation Commissioner White made a motion to approve the request from an “A” (Agricultural) Zone to an “R-R” (Rural Residential) Zone, as well as approve the FCO’s and the ordinance. The motion was seconded by Commissioner Van Beek and carried unanimously. (See Ordinance No. 21-020.) The hearing concluded at 9:36 a.m. An audio recording is on file in the Commissioners’ Office.

PUBLIC HEARING – SHORT PLAT FOR RYSLANCHIK SUBDIVISION, CASE NO. SD2019-0030

The Board met today at 1:32 p.m. to conduct a public hearing in the matter of a request by Russ Damyan for approval of a short plat for Ryslanchik Subdivision, Case No. SD2019-0030. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planning Official Dan Lister, Russ Damyan, and Deputy Clerk Monica Reeves. Dan Lister gave the staff report. The development consists of three (3) residential lots and one (1) common driveway lot. The parcel (R27916010) is located in an "R-1" (Single Family Residential) zone. The vacant property is located south of 5725 E. Orchard Avenue in Nampa. On November 21, 2019, the Planning and Zoning Commission recommended approval of the request subject to conditions. Both staff and the County engineer find the short plat meets subdivision requirements. The City of Nampa has signed the final plat. Russ Damyan was available to answer questions. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the short plat for Ryslanchik Subdivision and sign the findings of fact, conclusions and law and order. Commissioner Van Beek signed the final plat. The hearing concluded at 1:41 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM

CALDWELL, IDAHO AUGUST 5, 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:

- Architectural Class & Glazing in the amount of \$2,310.00 for the Facilities Department

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:47 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 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: 2021-900; 2021-897; 2021-893; 2021-808.

Case no. 2021-806 is pending a resource but meets all other eligibility criteria. Commissioner White made a motion to suspend the case pending resources. The motion was seconded by Commissioner Van Beek and carried unanimously.

Case no. 2021-890 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue an initial approval with written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens and lien releases were presented for Board signatures.

The meeting concluded at 8:50 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for legal staff update and action item
Action item: Consider approving reimbursement of legal expenses to ICRMP

DETAILED MINUTES TO COME AT A LATER TIME

Executive session to consider personnel matter pursuant to Idaho Code 74-206(1)(a) and (d)
Candidate interviews for P&Z commissioners

DETAILED MINUTES TO COME AT A LATER TIME

Action Item: Consider signing FY2022 Indigent Defense Financial Assistance Award & Agreement

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with HR Interview Committee
Executive session to consider personnel matter pursuant to Idaho Code 74-206(1)(a) and (d)
Candidate evaluation for Director of Human resources

AUGUST 2021 TERM

CALDWELL, IDAHO AUGUST 6, 2021

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White – participated via conference call

APPROVED CLAIMS

- The Board has approved claims for special jury in the amount of \$420.67

CONSIDER SIGNING FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER FOR THE MATT WILKE REZONE REQUEST, CASE NO. RZ2020-0015

The Board met today at 8:51 a.m. to consider signing the Findings of Fact, Conclusions of Law, and Order (FCO's) for the Matt Wilke rezone request, Case No. RZ2020-0015. Present were: Commissioners Leslie Van Beek, Commissioner Pam White via conference call, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. Dan Lister said the P&Z Commission had a tie vote when it considered this case. At the first hearing, the applicant requested it be tabled so they could bring in a development agreement because the neighborhood concerns made it so they wanted to consider some mitigation measures. In March of 2021, there were discussions about the development agreement with the conditional rezone to an M-1 zone and there was back and forth about mitigation measures. On April 15, 2021 the Board denied the rezone request and today the FCO's are coming back to the Board for signature. The findings express the Board's concerns that the area by Lower Pleasant Ridge Road and Weitz Road does not have any similar uses in that section. All industrial uses were on Simplot Boulevard and so it was decided that the mitigation measures would be hard to enforce and it would be better to wait until the properties are contiguous to similar uses such as industrial uses. It was a matter of timing. The FCO's reflect that it's agricultural land and it's a transition area from agriculture to industrial and there was not enough agreeance on mitigation measures to support the rezone. Commissioner Van Beek said after hearing many hours of testimony the Board tried to mitigate this, but the applicant was unable to agree to the conditions outlined on Condition D. There were some noise and safety concerns that they didn't want to pull back and it would have been hard on the County's code enforcement officer. This is a transition zone; it's not that there aren't industrial uses on Highway 19 but they are located on the corridor and this request was set back and separated by a parcel. There were farmers who testified about the productive farm ground in the area, and we have not identified a way to transition that, or at least the applicant couldn't get there from the conditions the Board laid out. Commissioner White said the applicant and the presenters have been very patient waiting for the FCO's and she thanked staff for submitting them. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the FCO's for the Wilke rezone request, Case No. RZ2020-0015, which is a denial of the request. The meeting concluded at 8:57 a.m. An audio recording is on file in the Commissioners' Office.

GO ON THE RECORD TO CONTINUE THE PUBLIC HEARING REGARDING THE REQUEST BY JOEL MERRIAM, REPRESENTING SWAINSON'S POINTE SUBDIVISION, FOR A PLAT VACATION, CASE NO. VAC2021-0001

The Board met today at 9:02 a.m. to go on the record to continue the public hearing in the matter of a request by Joel Merriam, representing Swainson's Pointe Subdivision, for a plat vacation, Case No. VAC2021-0001. Present were: Commissioner Leslie Van Beek, Commissioner Pam White via conference call, and Deputy Clerk Monica Reeves. There is a lack of a Board quorum present today therefore the case needed to be continued. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to continue the hearing to August 27, 2021 at 9:30 a.m. The meeting concluded at 9:03 a.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM
CALDWELL, IDAHO AUGUST 9, 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 576556 to 576591 in the amount of \$30,311.16
- The Board has approved claims 576612 to 576651 in the amount of \$46,748.24
- The Board has approved claims 576716 to 576717 in the amount of \$9,184.55
- The Board has approved claims 576652 to 576715 in the amount of \$114,320.26
- The Board has approved claims 576718 in the amount of 200,000.00
- The Board has approved claims 576720 in the amount of \$575.00

DETAILED MINUTES TO COME AT A LATER TIME

Meeting to consider public comment regarding Sole Source Procurement of John Deere 644 P Wheel Loader from Coastline Equipment Company

Action Item: Consider authorizing execution of John Deere 644 P Wheel Loader from Coastline Equipment Company sales agreement after opportunity for public comment

DETAILED MINUTES TO COME AT A LATER TIME

Monthly meeting with Administrative District Judge and Trial Court Admin. to discuss general issues

DETAILED MINUTES TO COME AT A LATER TIME

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

DETAILED MINUTES TO COME AT A LATER TIME

Meeting to review and discuss proposed changes to Resolution #19-145 regarding salaries for Canyon County personnel

AUGUST 2021 TERM

CALDWELL, IDAHO AUGUST 10, 2021

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

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Greg Blodgett, Interpretive Specialist

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Idaho Survey Group in the amount of \$1,000.00 for the Solid Waste Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for County Line Wine CO LLC DBA County Line Wine CO to be used on 9/3/21; Grumps Wine Bar & Coffee Café LLC DBA Hyde House to be used on 8/27/21; Boyzee Inc DBA Capital City Event Center to be used 8/14/21

There were no meeting held this day.

AUGUST 2021 TERM

CALDWELL, IDAHO AUGUST 11, 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 claim 576712 in the amount of \$4,515.33

APPROVED CLAIMS ORDER NO. 2123

- The Board of Commissioners approved payment of County claims in the amount of \$1,635,050.83 for a County payroll.

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Tricycle LLC DBA Eastside Tavern to be used 9/18/21; 9/11/21; 9/4/21

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Coastline Equipment in the amount of \$307,797.00 for the Solid Waste Department

DETAILED MINUTES TO COME AT A LATER TIME

Public hearing to consider a request by Lynn Steadman for a rezone and preliminary plat: Case nos. RZ2020-0012 & SD2020-0039

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

Findings of Fact, Conclusions of Law & Order

Ordinance (Ordinance no. 21-021)

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with HR Interview Committee

Executive session to consider personnel matter pursuant to Idaho Code 74-206(1)(a) and (d)

Candidate evaluation for Director of Human Resources

AUGUST 2021 TERM

CALDWELL, IDAHO AUGUST 12, 2021

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

APPROVED CLAIM

- The Board has approved claim 576789 in the amount of \$1,814.56

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Global Industrial in the amount of \$1,002.99 for the Assessor's Office

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:47 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 and Sr. Admin Specialist Terri Salisbury.

The following case does 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 an initial denial with a written decision within 30 days on the following case: 2021-821

Case no. 2021-819 meets the eligibility criteria for county assistance. Commissioner White made a motion to issue an initial approval with a written decision within 30 days on the case as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens were presented for Board signatures.

The meeting concluded at 8:49 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for legal staff update and action items

Action Item: Consider approving Tetra Tech Work Authorization No. 16 – conceptual layout of potential transfer station

Action Item: Consider signing Public Debt Collection Agreement with Advantage Financial Services LLC

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

Action Item: The Board will consider whether to grant the request and issue: Findings of Fact, Conclusions of Law & Order

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

The Board met today at 1:40 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, Code Enforcement Officer Eric Arthur, and Sr. Administrative Specialist Terri Salisbury.

The following topics were discussed:

- Abatement process
- Current case load
- Possibility of moving weed complaints to Weed and Pest department to lighten Code Enforcement's cases
- Number of new employees needed to run department efficiently

The meeting concluded at 2:29 p.m. No Board action was required or taken. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Meeting to discuss appointing members to the Canyon County Compensation Plan Committee, and consider adopting changes to Res. #19-145

Action items:

Consider resolution appointing members to the Canyon County Compensation Plan Committee

Consider signing resolution adopting changes to Resolution No. 19-145 regarding salaries for County personnel

AUGUST 2021 TERM

CALDWELL, IDAHO AUGUST 13, 2021

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

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- SHI in the amount of \$72,120.52 for the Information Technology Department

APPROVED CATERING PERMIT

The Board approved an Idaho Liquor Catering Permit for Two Horse Saloon, LLC dba Two Horse Saloon to be used 8/25/21.

CONSIDER RESOLUTION GRANTING A NEW ALCOHOLIC BEVERAGE LICENSE TO DANELION BREWERY, LLC; AND CONSIDER RESOLUTION GRANTING A REFUND TO BRIGHTMARK, LLC FOR TWO C.U.P. APPLICATIONS

The Board met today at 9:04 a.m. to consider a resolution granting a new alcoholic beverage license to Danelion Brewery, LLC, and to consider resolution granting a refund to Brightmark, LLC, for two conditional use permit applications. Present were: Commissioners Keri Smith and Pam White, DSD Director Steve Fultz, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider signing resolution granting a new alcoholic beverage license to Danelion Brewery LLC DBA Danelion Brewery: Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the new alcoholic beverage license to Danelion Brewery, LLC, dba Danelion Brewery. (Resolution No. 21-169.)

Consider signing a resolution granting a refund to Brightmark, LLC, for two conditional use permit applications: Director Fultz said this was an application for a CUP for an anaerobic digester project, but it's an accessory use rather than a conditional use, so staff is recommending a refund of \$1,700. The applicant will come back for a Director's decision. Dan Lister said there is an existing dairy operation and this is an accessory to that use and a way for them to create natural gases. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to approve the resolution granting a refund to Brightmark, LLC, in the amount of \$1,700.00. (Resolution No. 21-168.)

The meeting concluded at 9:09 a.m. An audio recording is on file in the Commissioners' Office.

TABLE HEARING REGARDING REQUEST BY SILVIA CASTRO FOR A REZONE, CASE NO. RZ2021-0009

The Board met today at 9:09 a.m. to table the public hearing regarding the request by Silvia Castro for a rezone for Case No. RZ2021-0009. Present were: Commissioners Keri Smith and Pam White, DSD Director Steve Fultz, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. Commissioner Smith requested a continuance in order for staff to conduct a site visit of the subject property and come back with an updated staff report. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to table the hearing to August 30, 2021 at 9:00 a.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM
CALDWELL, IDAHO AUGUST 16, 2021

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

MONTHLY MEETING WITH FLEET DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:38 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioner Keri Smith, Commissioner Pam White via teleconference, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Director Tolman updated the Board on the following:

- Working to put bids together for FY2022 equipment including the carwash which he is hoping will be able to be purchased thru SourceWell or OPW. Once the carwash is ordered it will take approximately 24 weeks to be delivered.
- A truck for the landfill was ordered in January but still hasn't shown up but he is hoping it will show up before the end of FY2021. Since it is for the Solid Waste department there would be the option to purchase another truck or hold until next year since their funding works a little different.
- He is continuing to work with ICRMP regarding a damaged vehicle that he feels is borderline totaled. If he's not able to work something out with ICRMP he may need to get legal involved.

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

AUGUST 2021 TERM
CALDWELL, IDAHO AUGUST 17, 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 576790 to 576820 in the amount of \$25,373.47.

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for LaDawn Baysinger, Fee Collector

EXECUTIVE SESSION – CONSIDER PRELIMINARY NEGOTIATIONS INVOLVING TRADE OR COMMERCE IN WHICH THE COUNTY IS IN COMPETITION WITH GOVERNING BODIES IN OTHER STATES OR NATIONS, PURSUANT TO IDAHO CODE SECTION 74-206(1)(E)

The Board met today at 8:33 a.m. for an Executive Session to consider preliminary negotiations involving trade or commerce in which the County is in competition with governing bodies in other states or nations, pursuant to Idaho Code Section 74-206(1)(e)

Commissioner White made a motion to go into Executive Session at 8:33 a.m. pursuant to Idaho Code, Section 74-206(1) (e). The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion with Commissioners Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Pam White, and Leslie Van Beek, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Brooklin Salemi and Randy Tallman, via Webex, and Deputy Clerk Monica Reeves. Deputy PA Doug Robertson joined at 8:39 a.m. via Webex. Commissioner Keri Smith arrived at 8:44 a.m. The Executive Session concluded at 8:50 a.m. with no decision being called for in open session.

CONSIDER SIGNING FCO's FOR DESERT PINE ESTATES NO. 2 AND STEADY ACRES SUBDIVISION

The Board met today at 9:00 a.m. to consider signing the Findings of Fact, Conclusions of Law and Order (FCO's) for Desert Pine Estates No. 2 and Steady Acres Subdivision. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner Jennifer Almeida, DSD Director Steve Fultz, and Deputy Clerk Monica Reeves. The items were considered as follows:

Consider signing FCO's for Desert Pine Estates No. 2, Case No. SD2020-0038 - Staff reviewed the conditions of approval with the Board. Upon the motion of Commissioner Van Beek and the second by Commissioner White the Board voted unanimously to sign the FCO's for Desert Pine Estates Nos. 2.

Consider signing FCO's for Steady Acres Subdivision, Case No. SD2020-0039 - At the last hearing the Board wanted to correct a word on Plat No. 12 and add a note indicting that a septic system was found on the site including the lot number on which it was located and that said system was pumped and properly backfilled pursuant to SWDH and DEQ standards. Upon the motion of Commissioner Van Beek and the second by Commissioner White the Board voted unanimously to sign the FCO's for Steady Acres Subdivision.

The meeting concluded at 9:05 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION TO CONSIDER PERSONNEL MATTER PURSUANT TO IDAHO CODE 74-206(1)(A) AND (D) - INTERVIEW AND CANDIDATE EVALUATION FOR DIRECTOR OF HUMAN RESOURCES

The Board met today at 9:07 a.m. to interview and evaluate candidates for the Director of Human Resources. Commissioner Van Beek made a motion to go into Executive Session at 9:07 a.m. pursuant to Idaho Code, Section 74-206(1) (a) and (d) regarding a personnel matter and to discuss records exempt from public disclosure. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Van Beek, White, and Smith 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, Clerk Chris Yamamoto, HR Generalist Jennifer Allen, Deputy PA Zach Wesley, and Deputy Clerk Monica Reeves. Applicant Michael McCoy arrived at 9:10 a.m. and left at 9:59 a.m. Applicant Dee Hall arrived at 10:08 a.m. and left at 10:46 a.m. Applicant Kim Foster arrived at 10:55 a.m. and left at 12:07 p.m. The Executive Session concluded at 12:18 p.m. with no decision being called for in open session. Interviews will resume tomorrow. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

AUGUST 2021 TERM
CALDWELL, IDAHO AUGUST 18, 2021

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Timberlake Construction in the amount of \$18,462.00 for Facilities Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Coronar LLC dba Los Mariachis Mexican Restaurant #2 to be used 8/21/21; Raising Our Bar LLC dba Raising Our Bar to be used 9/24/21; 9/24/21; 9/19/21; 9/18/21; 9/17/21; 9/12/21; 9/11/21; 9/10/21; 9/9/21; 9/6/21; 9/5/21; 9/4/21; 9/3/21.

PUBLIC HEARING – REQUEST BY TROOST FAMILY LIVING TRUST AND BEST INVESTMENTS, LLC FOR A REZONE, CASE NO. RZ2020-0029

The Board met today at 9:00 a.m. to conduct a public hearing in the matter of a request by Troost Family Living Trust and Best Investments, LLC, for a rezone, Case No. RZ2020-0029. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, TJ Wellard, Greg Bullock, C.R. Cooper, Jan Harper, Sarah Lawrenson, Bryan Lawrenson, Gary Beers, Fred Roe, Theresa DiMauro, Patricia Salisbury, interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed she used to live within 100 feet of the property, and a lot of her neighbors and good friends are here today, including the person who purchased her home but there is no reason for her to recuse herself from this hearing. She also disclosed that prior to taking office in January she talked to the Lawrensens about this case in a way that was general in nature and she referred them to the comprehensive plan and the zoning ordinance.

Jennifer Almeida gave the oral staff report. Troost Family Living Trust & Best Investments, LLC are requesting a rezone of three (3) parcels that total 24.31 acres from an “A” (Agricultural) zone to an “R-R” (Rural Residential) zone. The subject properties, parcel nos. R35590012, R35598010A, & R35598014 are located in the NW ¼ of Section 32, T4N, R3W, BM, in Canyon County. The property is designated as residential on the future land use map and it lies within the Caldwell area of impact and they designate it as low-density residential which is three dwelling units per gross acre. The area contains a mix of agricultural and residential uses. Within one mile of the site there are 30 platted subdivisions for a total of 1,181 lots with an average lot size of .69 acres. (Some of the lots are located within the city limits which is why the average seems low.) A majority of the property is designated as prime farm ground if irrigated. Access will be via Tranquil Place which is a private road that extends to Linden Street. The highway district will not require a traffic impact study. The P&Z Commission heard the request on May 6, 2021, and the request was denied due to a tie vote. Staff has found the project does comply with the County code and the comprehensive plan and staff is recommending approval. If the request is approved today a second hearing will be required because it will be a material change to the P&Z Commission’s recommendation.

The following people testified in support of the request:

TJ Wellard testified the property is designated in the comprehensive plan as future residential. There are 1,100 lots within a mile of the subject property, and a lot of the property that is residential use are older subdivisions or administrative land divisions so they are not zoned as residential, all of the use is residential. The area is predominately residential use. With the rural residential zoning they would be allowed a total of 12 lots, but they have negotiated with the neighbors to keep it more compatible with the area so they reduced the number of lots to 10. The neighbors’ concerns deal with traffic and water. The Caldwell city limits are located a half-mile away. The plan is to have pressurized irrigation for each lot. Following his testimony, Mr. Wellard responded to questions from the Board.

Greg Bullock testified that in 2011 a developer purchased several acres and received 5 administrative splits and broke up 78 acres and then realized nothing would sell so in 2013 they decided to donate the land to NNU. Mr. Troost purchased it with another partner. The project, Rhett's Acres, consists of 10 lots and the developer has hired a contractor to pave the private road. In a couple years the land will be contiguous to the city limits and they will be allowed to have three lots per acre. Mr. Bullock said after meeting with the neighbors they reduced the number of lots and agreed to some CC&R's. Mike Provost has farmed this but has said he is about done with it because of access issues for the machinery. Irrigation will be provided to all parcels either by gravity flow or pressurized irrigation.

Sarah Lawrenson testified she hates to see farmland disappear but we have to be realistic when looking at the facts of the case. The property is located within the impact zone which could allow as many as three homes per acre and if the developer wanted to wait for water and sewer this is what they would be looking at. The property is not owned by farmers, it's currently owned by developers so it will get developed one way or the other and a two-acre minimum is better than a high-density development. The rezone is in keeping with the current lots around us. She still has questions about irrigation.

Gary Beers testified the petition signed by the neighbors represents they have concerns with explosive growth and its impacts, however, they are better aware of the other agencies that are responsible for addressing concerns about irrigation access, water quality and road impacts. Their preference is the land be kept in agriculture, but they recognize the inevitable development of this land and believe that in supporting the change to rural residential they are best positioned to limit the impact of future development by a zoning that restricts the number of houses to the least possible residential density in comparison to other residential zoning options.

Brian Lawrenson gave testimony regarding the flow of traffic and access on Linden Street.

The following people testified in opposition to the request:

Fred Roe has mixed feelings about the request but is basically opposed to it due to concerns with irrigation water and well water and the lowering of the aquifer. He believes the developers should tile the ditch to Linden Street.

Theresa DiMauro testified about her concerns regarding traffic, irrigation, and well water, as well as the city not being able to keep up with the demand for services.

Patricia Salisbury was opposed to the request but did not offer testimony.

Rebuttal testimony was offered by Greg Bullock where he spoke about how they have spent a lot of time working with the neighbors. There will be CC&R's where the homes have to have a minimum of 1,800 square feet, and shops will be allowed but they have to have matching material to the homes. A couple of animals will be allowed on each lot. Following testimony, Commissioner

White made a motion to close the public testimony. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Van Beek said she appreciates the developers' willingness to work with the neighbors and she noted that the Board carefully evaluates the impacts to the area. Commissioner Smith said this is a good transition piece and there is the opportunity for redevelopment. It is an agricultural area that is actively farmed and crop dusted, and there is one subdivision across the street that's residential. She does not think the development will change the character of the area, but a city subdivision would change it. Commissioner White said this hearing is an example of how to adjust and approach growth through collaboration. Following the Board's deliberation Commissioner Van Beek made a motion to approve the request from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone, as well as approve the FCO's for Case No. RZ2020-0029. The motion was seconded by Commissioner White and carried unanimously. The ordinance was not signed because a second hearing will be held. The hearing concluded at 10:06 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Executive session to consider personnel matter pursuant to Idaho Code 74-206(1)(a) and (d)
Interview and candidate evaluation for Director of Human Resources

*Continued to 8/20/21 at 1:15 pm

FY2022 BUDGET HEARING

The Board met today at 5:21 p.m. to conduct the Fiscal Year 2022 Budget Hearing. The hearing was held in the public meeting room of the Administration Building located at 111 11th Avenue North in Caldwell. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Clerk Chris Yamamoto, Controller Zach Wagoner, Prosecutor Bryan Taylor, Chief Civil Deputy PA Sam Laugheed, Assessor Brian Stender, Treasurer Tracie Lloyd, Chief Deputy Treasurer Jennifer Mercado, PIO Decker Chief Probation Officer Elda Catalano, Director of Misdemeanor Probation Jeff Breach, Public Defender Aaron Bazzoli, Sr. Systems Analyst Steve Onofrei, Landfill Director David Loper, Juvenile Detention Center Dir. Sean Brown, DSD Director Steve Fultz, Weed Control Superintendent AJ Mondor, Parks Director Nickie Schwend, Indigent Services Director Yvonne Baker, Juvenile Detention Center Director Sean Brown, Assistant IT Director Eric Jensen, Director of Court Operations Jess Urresti, PA Office Manager Melinda Longoria, Deputy PA Zach Wesley, Captain Harold Patchett, Lt. Travis Engle, Fleet Director Mark Tolman, Assistant Fleet Director, Dawn Pence, Ambulance District Director Michael Stowell, various county employees, Kathy Alder, Claudia Frent, Steve White, Hip and Anne Delgado, other interested citizens and Deputy Clerk Monica Reeves.

Chris Yamamoto said tonight's budget presentation will be the greatest budgetary story any county has ever told. There was an op-ed in Sunday's newspaper and he wants to go over those comments that were made and set the record.

Zach Wagoner said *the article in Sunday's newspaper stated there has been 6.5% year-over-year increase in salaries for new and existing employees since 2016. Since the 2016 implementation of the compensation plan, the annual average salary increase for employees is 3.5% per year:*

For FY2017 the average salary increase was less than 1% increase (included both a COLA and a step increase)

For FY2018 the average salary increase was 4.9%

For FY2019 the average salary increase was 4.6%

For FY2020 the average salary increase was 4.9%

For FY2021 the average salary increase was 2.1% (Zero COLA included in the FY2021 budget)

It was stated this equates to an increase in property taxes of \$19M. In reality the total of those increases was \$7M and the County revenues outside of property tax over the same time increased \$14M, more than covering the \$7M in salary increases.

It was stated that since 2015, property taxes have increased more than \$19M. That is an accurate statement. It's important to note that in FY2015 we relied heavily on fund balance to fund the budget. We provided significant property tax relief FY2009 through FY2015. In 2009 we levied \$38M in property tax. Through prudent fiscal management we were somehow able to decrease our property tax request by \$4M, and FY2015 was the low point where we used fund balance to fund the budget. Since then we've had the shift – you cannot rely on fund balance forever, once you spend a dollar it's gone. In the 14 years since 2009, the average annual property tax increase is 3%. State law allows an increase of 3% plus new construction, so we are significantly below what state law would afford us to levy for property tax.

It was stated that salaries, if this budget is approved, would have increased more than \$24M. From FY2015 including the tentative FY2022 budget, the salary increase would be \$15.5M.

The article mentioned a lack of a capital improvements plan with a corresponding funding source for projects including a new public safety building. The questions are what is the new public safety building and what is the funding source for the new public safety building?

It was stated the County's fund balance has more than doubled at \$79.9M since FY2015. County fund balance has increased 65% since FY2015. The FY2015 fund balance was \$48M and it's estimated that at end of the current fiscal year it will be \$79.9M, an increase of \$31M/65%. If the fund balance were to have doubled it would be over \$96M. It's also extremely important to note that out of that \$79.9M, \$25 million is reserved and restricted for specific purposes including the landfill, but not all of that \$80M is freely available to use at our discretion.

It was stated that there was a lack of transparency in the use of federal funds under ARPA. American Rescue Plan Act revenue replacement funds are clearly identified and included in the FY2022 budget.

Commissioner Van Beek said in 2015 the property taxes levied were \$34,656,753 according to the CAFR report and in 2020 it was \$53,867,654. The question about the public safety building has been asked and finding the revenue source for that is under the statutory authority of the Clerk. She has made several proposals on that, but we have not thoroughly discussed those proposals yet. The average increase year-over-year was taken from 0% increases and in some instances up to 30% increases so it was an average. It matters which year you look at for those fundings, and if in the numbers for the \$19M if we had \$6.2M that would equate to \$24M property taxes levied. It has been an increase of \$19M since 2015.

Controller Wagoner reviewed the FY2022 tentative operating budget. This is the second year Canyon County is decreasing its property tax request. It is \$286,000 less than last year's request and \$434,819 less than the 2020 property tax request. For the second year in a row the County is taking zero (0) new construction increase, and zero (0) 3% increase, and once again the County is requesting zero (0) from forgone.

The levy rate decreased 40%. That is tremendous, however, for an owner-occupied residence taxes paid increased 15% while the rate went down 40%. That's happening because residential property values are skyrocketing. The average owner-occupied residence value has increased 76% over five years resulting in a tax shift from commercial properties to residential properties.

Earlier this year the Clerk, Treasurer, and Assessor put a great deal of time, work, and effort into providing property tax relief for homeowners. Working together with Rep. Skaug and local concerned citizens they crafted a masterpiece of legislation that would have provided real property tax relief to everyone including homeowners. That proposal was co-sponsored by 48 representatives and senators, but unfortunately it did not even receive a hearing. HB389 increased the maximum homeowner's exemption amount to \$125,000 and limited property tax increases with an exception for a fire protection district annexing property.

The budget includes over \$75M for employee salaries and benefits. Within that amount is a \$5M investment in our current personnel. Also included is \$2.8M for 35 new fulltime positions. Of those 35 positions, 20 are in response to the addition of three new judges the County will receive in October.

The total expenditure budget is just over \$117,341,644. The budget includes a total investment of almost \$42M for operations and capital improvements including the following highlights:

- \$10M for the Fair exposition center and site improvements project
- \$1M for general vehicles, police vehicles and trucks
- \$560,000 for a loader and service truck at the landfill
- \$1.4M for the annual lease payment for modular inmate housing
- \$800,000+ for facilities investments
- \$500,000 for a fleet carwash
- \$170,000 for a jail body scanner

Also included in the budget are ARPA monies. The American Rescue Plan Act provides that Coronavirus local fiscal recovery funds may be used for the provision of government services to the extent of a reduction in revenue due COVID-19. Prior to COVID-19, Canyon County's general revenue growth rate was 10.5% per year. Canyon County's estimated 2020 general revenue WITHOUT COVID-19 is \$106M. COVID-19 interrupted our 2020 revenues. The actual 2020 general revenues were just over \$100M. The revenue reduction, as a result of COVID-19, is \$6.1M and is available from ARPA monies for the provision of government services. The tentative budget includes the following government services paid for with ARPA funds:

- \$70,000 for outside financial audit
- \$85,000 for architect fees
- \$255,000 for the roof replacement on Pod 5
- \$850,000 for annual liability insurance premium
- \$501,000 for public safety vehicles
- \$1.4M for the annual lease payment for inmate modular housing
- \$895,000 for inmate food service
- \$1.8M for inmate medical service
- \$170,000 for the jail body scanner

Clerk Yamamoto does not like the idea of the ARPA funds but said if we don't take our share it will go to other communities. With the unprecedented growth it's getting expensive and difficult to provide services which is why they are adding 35 new positions. We are doing that and raising salaries to attract and retain employees and we're doing all that while lowering the budget from the last two years while having a \$79M fund balance and that should be a celebration. Commissioner Smith thanked the Clerk for preparing a budget that took care of the taxpayer with property tax relief, and took care of the employees. She asked if ARPA funds can be used for ongoing costs, or should those costs not be included? Clerk Yamamoto said we have just under \$23M, which is half of the ARPA funds that have been in the bank for the past month, and the expenses they plan to cover with the \$6.1M in ARPA funds do fall within the guidelines. Sam Laugheed said the Clerk, Controller, and Treasurer have looked at this extensively and as of the last version of the FAQ's from the Treasury and the Office of the Inspector General, it split the ARPA funds in two: the ones that are revenue replacement and the ones that have to do with COVID response. As of the last FAQ's, he is very comfortable with the approach the Clerk and Treasurer have laid out. Commissioner Van Beek said Rep. Youngblood advised the City of Nampa officials not to use ARPA funds for ongoing expenses. Of the \$6.1M there are two one-time costs: the \$255,000 for the Pod 5 roof replacement and \$85,000 for architectural fees for the storage facility, but the balance of that is for the ongoing expenses. She objects to the \$1.4M for the Pod 6 lease. She said the County has several years to figure out how to use the ARPA funds and the Board should be involved in looking at how to utilize that. Sam Laugheed reviewed the FAQ's promulgated by the Dept of Treasury as of June 17, 2021, and said the interim final rule gives broad latitude to use funds for the provision of government services. We can't pay interest or pay down outstanding debt, or replenish rainy day funds, but otherwise we have broad latitude. Clerk Yamamoto said we can remove the \$6.1 million and it would be replaced by property tax which would go up \$6 million and then we'd have our full almost \$23M in still in the bank to spend

somewhere else. We have the opportunity to spend this for replacement monies and this is the only opportunity we have to do that, which is relief for the taxpayer. Doing anything otherwise makes no sense. Commissioner Van Beek said the cost of living adjustment was included with the salary increases going forward last year. For 2020 it was 1.3%, this year the information coming from the Social Security Administration for the cost of living increases says it could be the highest in nearly 40 years. In 2022 they are predicting an increase of 6.2% so the way this would work it would mean that you would eliminate salary increases, you would not give those at this time, you would wait until the end of the year, and December is when the Social Security Administration publishes their numbers for the actual costs of COLA's. Her proposal is to onboard an HR Director to do the salary information and then open the budget and give an accurate cost of what COLA is. She pointed out that she did lobby to include some type of adjustment for some directors that were not included. Commissioner Smith said, as part of the budget hearing tonight, the Board is not approving a compensation plan nor is it approving any specific salaries. Controller Wagoner said that is correct; the Board is considering approving the FY2022 budget, not fixing individual salaries. The practice in prior years has been that closer to October 1st, the start of the new fiscal year, individual salaries are fixed at that time by resolution. Commissioner Smith said the budget theoretically gets approved today and then the Board establishes or updates the compensation plan. In past meetings she has said she wants to "blow up the plan", but the context behind that is she believes there are issues with the compensation plan. She shared her own personal story about why she left County employment a few years ago because of the lack of opportunity to grow and have compensation that was equitable for the education she had garnered and the amount of work she produced, and so she personally thinks the plan needs fixed or updated, not so much as blown up. Assuming the Board makes those changes, she asked what the Board has in its toolbox to make adjustments once the budget has been passed. Mr. Laugheed said the main limitation on changing the budget after it's been passed is making sure there is notice and opportunity to be heard if you're going to reopen the budget. If you are committed to working within the amount the budget has been passed, the main limitation is staying within that sum. Canyon County is an at-will employer, employee salaries are fixed for the year, and there are changes throughout. The statutes have a little bit of ambiguity about how exactly the Board is supposed to set those salaries, but once you have approved the budget you can work within it to make changes. Commissioner Smith noted some budgets could go up or down based on the type of equity the Commissioners establish. Mr. Laugheed said we would run into a potential problem. There are two different statutes that are on-point with respect to this, and one of them requires the Board to publish the tentative budget and it says after that tentative budget is established at this final budget hearing it cannot go up. In that tentative budget the statute requires us to publish the proposed budgets by department and by office and so there is some ambiguity as to whether that prohibition on increasing the budget applies to the big \$117M number, or if it applies to the office/department numbers and so if you were to take appropriated monies away from a given office to redistribute them to another office or department there could be issues with the funds involved because of restrictions and there could be issues related to the due process notice that was given. It's a slippery concept. The Board can do most things with notice, opportunity to be heard, and a record that that shows a reasonable purpose. Clerk Yamamoto said in regard to moving within funds that is historically something we have not done. Commissioner Smith asked if it requires Board action to move money from an office's "A" budget to their "B" budget and vice

versa. Controller Wagoner said that happens after Board approval/resolution, and generally how that's happened in the past is towards the end of the fiscal year, once we get close to having all the bills paid, he puts together a resolution for the Board to consider approving those transfers. In regards to the issue of COLA's, Clerk Yamamoto said he had no intention of the suggested budget with the COLA that we ended up with right up until the Sheriff's Office lost three (3) dispatchers to the City of Nampa. We are down 12 employees in the jail, and we are down to 5 patrol deputies on the road now and so we have to do something, we have to get competitive. With the package that's being proposed in this budget we are not competitive, all we are doing is getting a little closer.

Public comment was as follows:

Kathy Alder appreciates the fact the County is not increasing taxes, but she would like to see a tax reduction. If the County takes the federal funds it provides an opportunity to reduce property taxes even more than a couple hundred thousand. Salary increases for employees is important and she believes the County does a good job the basic salary and benefits package. She noted increases in the Clerk's and Commissioners' salaries since last year. She believes what the County is using the \$6.1M ARPA funds for looks good, but said we need to be careful moving forward and look at the budget and reduce the property tax.

Claudia Frent thanked the County for not increasing the percentage in property taxes, but she disagrees that property taxes are not going up. Her income went down 30% this year and property taxes increased by \$1,800, and if that rate continues she will have to sell her home. She believes the country is heading in a bad direction but those who are elected are not doing anything about it and she's worried about a two-class system of the rich and poor being created. She wants to see a real solution to the property tax issue.

Clerk Yamamoto said we know the taxes are going up on residential and they are going down on commercial where we have a 70/30 split and they tried to get through to the legislators that we need to do something about that differential. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public comment. Commissioner White read a statement expressing her gratitude for the work employees and officials do. She thought Commissioner Van Beek's comments in the newspaper were bold, but they did note that the County did not take the 3%, or new construction, or forgone for the second year in a row. She said the employees are the greatest asset the County has and we have to update the compensation plan. Commissioner Van Beek said in FY2020 the elected officials took a small increase in salary but last year they opted to take no increase. We don't have a placeholder for non-property tax revenue and property tax revenue, and with the commitment of this Board to evaluate that we accurately pay our employees, especially given the information she has researched tonight on the cost of living adjustments, that will have to be made because of the current climate we are living in. She has a greater appreciation for what's been presented as a great story. Commissioner Smith said her only concern with the budget at this time is the frustration that we are not 100% open. COVID is real, however, we have to learn how to live with it. Nearly all of our employees are back to work but there is one area that recently stopped

business, per se, jury trials are not happening in Canyon County, but the taxpayer has to keep paying for that and there are 21 new positions tied to three new magistrate judges and she is deeply worried about funding those positions. We can shop at Walmart and Home Depot and join in this room tonight, but we aren't holding jury trials? That's upsetting to her. She shared a story about a woman who was standing on the sidewalk in front of the courthouse and she spoke of a crime (a rape) where the defendant did not have to serve jail time because of the plea bargaining that's going on and that is a sad situation. The detriment of COVID is beyond those who have gotten sick and for her, personally, if we cannot hold trials we should not fund new positions. Commissioner Van Beek said the previous Board asked this question of the Clerk and Controller last year, and in light of what's taken place since the decision was made last year she met with Rep. Mike Moyle and he said the judicial positions can be unwound at the legislative level, and he said if we don't need them in Canyon County the legislature will not hold the County to it. She agrees with Commissioner Smith. The County has taken the position and has received a number of emails asking the County to protect freedom and personal choice which would include a decision whether or not to wear a mask or get a vaccine. If the proposal is to remove funding for those positions she will second the position. There is a period where Commissioners can make adjustments by opening the budget and if there was movement forward in holding jury trials that could be brought back for Board consideration/approval. Commissioner White asked why we need three new judges if we aren't going to have jury trials. Prosecutor Taylor said jury trials are only one small component with regards to court operations. The State of Idaho has funded two new magistrate positions and one new district court position and a previous Board authorized that. The vast majority of court operations will continue; the magistrate judges will have full dockets and full calendars and we are going to have court trials, proceedings, pre-trials, motions to suppress, and there will be civil dockets the Clerk's Office will have to manage. The only thing the administrative order currently does not authorize is for the public to come in as jurors to have jury trials. We are still operating at 95% of those court dockets and without the positions we won't be able to staff the courtrooms. Clerk Yamamoto said the order curtailing trials and imposing a mask mandate is a recent occurrence and he hasn't had time to deal with it. He emailed the Administrative District Judge today and asked him to lift the mask mandate, but he has not received a response. Commissioner Smith said she was notified of the issue on Monday, and her point is we should be open and offering all services to our constituents. She wants to have a conversation with the ADJ and come up with a solution because if we can shop at Walmart and live our lives then we should be safe to assemble in a jury room. She's proud of the staff at drivers license and the DMV who've had a tortuous year and showed up for work every day and we can do the same for jury trials. Commissioner Van Beek the Board has always encouraged personal choice, hygiene, and self-care and we can be smart about the things that protect our level of health and safety. It was her understanding of the meeting held last year with the TCA, that if Canyon County had not opted to add the three judges they would have done it at a different location. The Board provided support for those new positions. Mr. Laugheed said the County's role in approving those magistrate positions is really limited and has to do with whether you would be willing and able to budget for the ancillary services the new judges would require. The concern, along with the short amount of time to consider this, would be the impact of cutting it. He doesn't know that it would affect the new judges coming over so much as it would affect the people who have court and the PA's staff who need to provide the services. He encouraged the Board to have those policy

discussions with the TCA and judiciary but right now it would be problematic to cut the positions. Clerk Yamamoto said he had a conversation with Chairman Smith who broached the subject of cutting 21 new positions. He said the courts will suffer and it will be a grievous situation but if she wants to make a political point that's a big one. Chief Public Defender Aaron Bazzoli said we are not having jury trials right now, but from March until mid-August we were doing jury trials and running them on a limited basis. The administrative order is temporary based upon the Supreme Court's order that has authority over the judges. We would love to have trials and he would love to have his clients who have been waiting 16 months to have their day in court. The County can say it's not going to fund the positions, you will start in October with two new magistrates and one new district judge, with potentially an empty courtroom without prosecutors, defense attorneys, clerks, court reporters, or bailiffs, and he doesn't know how that's going to look. The jury trial aspect in a criminal caseload is one small component. If the numbers scale down in the next couple weeks, Judge Southworth could lift that order and we would do jury trials. That is the hope. He asked the Board to address the issues with the Supreme Court and the ADJ. His department, along with the PA's Office and the Clerk's Office have never shut their doors. PD's have gone to the jail and met with inmates. Courts are still running and the system is still working. A number of things have been delayed but we had 40 people in a courtroom today, most with masks. He doesn't know if not funding those positions is going to achieve the results the Board needs, and if that's the case then perhaps don't hire the employees until everybody is ready. Commissioner Smith said ADJ Southworth confirmed via email that the Supreme Court placed the responsibility for entering COVID restrictions on the ADJ of each district. He chose that route. The Board will do as recommended because a rash decision would be rash, and we have opportunities to manage that moving forward but still fund the positions at this time. Clerk Yamamoto agrees with Commissioner Smith that a point needs to be made. This COVID control will continue forever until the American people have had enough. It needs to stop. He wants to make a point in this courthouse but at this late date it wouldn't be very nice.

Commissioner White made a motion to approve the presented budget for Canyon County for FY2022. Commissioner Smith then read the resolution into the record which states: *"As publicly noticed, and pursuant to Idaho Code §31-1604 and §31-1605, the Fiscal Year 2022 budget hearing for Canyon County was held on August 18, 2021. Having held the public hearing, and pursuant to Idaho Code §31-1605A, the Board hereby resolves to adopt a Fiscal Year 2022 expenditure budget for Canyon County in the amount of **\$117,341,644**, a Fiscal Year 2022 expenditure budget for the Canyon County Pest Control District in the amount of **\$330,327**, and a Fiscal Year 2022 Expenditure Budget for the Melba Gopher District in the amount of **\$12,000**. Sufficient revenue is anticipated to meet the appropriations of each office, department, service agency or institution for Fiscal Year 2022 barring unforeseen emergencies."* Commissioner Smith called for a motion to approve the resolution and budget as stated. Commissioner White made the motion to approve the resolution and budget. Commissioner Van Beek seconded the motion with discussion. She appreciates the issues that have brought clarification to this budget and she would support it with the provision that the Board has the ability to establish a capital improvement plan for the excess revenue that's in the budget currently. 46% is fund balance that is reflected if we take out the closure of \$25M as the Controller has indicated, and the ability to adjust the compensation plan pursuant to the hiring of a qualified director, and evaluate the cost of living adjustment information based on the

Social Security Administration's adjustment. Given the current dynamics she can support this budget with those additional requests for the Board to evaluate. Commissioner Smith said she doesn't know there if there is an official way to do that, but she is committed to having those discussions. She thinks the capital improvement fund is something that should be discussed and explored and she wants to see through an updated compensation plan. Commissioner Van Beek said that is good enough for her. Commissioner White said we do have a capital expense line in the budget - it was at a meeting just like this when we had the discussion and \$500,000 a year was committed to that line. Commissioner Smith said Commissioner Van Beek is just asking that we continue a discussion with some identified projects moving forward. Commissioner Van Beek said we do have a line but one of the problems is that line is subject to pilfering, and for the long-term the Board could establish a resolution to dedicate a percentage of either new construction, the retiring revenue allocation monies that will be returning to the County. There has to be a plan in place that succeeds us as Commissioners that drives projects forward in Canyon County. Ada County has done that with a strategic facilities plan and a corresponding funding plan and that's what she is talking about; it's very different than what we have. The line Commissioner White is talking about was stripped out and the money was taken for use on the Fair Expo building so she submits a portion of that is from fund balance, which is not an ongoing sustainable source or revenue sourcing to meet obligations if we are going to ever build a public safety facility we have to have identified revenue sourcing. Commissioner White said she does not like the word *pilfered*, because it suggests something dishonest, or behind-the-back, or secretive. The money has been used for capital expenses or projects, and the elections equipment was definitely a capital expense as is the Fair Expo building. Commissioner Van Beek said she and Commissioner Smith were involved in the discussion with IAC on the potential of what a sales tax would look like going forward and that's another avenue that we would explore to help augment the revenue sourcing. Commissioner White said that is local option. Commissioner Smith said we are going to rename it. Commissioner Smith called for a vote on the motion and all three Commissioners voting in favor of the motion. Commissioner Smith asked whether there were any no votes, there were none. The motion carried unanimously. (Resolution No. 21-170.) The hearing concluded at 7:16 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM

CALDWELL, IDAHO AUGUST 19, 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 June 2021, and the Quarterly report for April 1, 2021 to June 30, 2021.

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:53 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance: 2021-828, 2021-836, 2021-847, 2021-829, 2021-859, 2021-861, 2021-820 and 2021-822. Commissioner White made a motion to issue initial denials with written decisions within 30 days on the cases read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Liens were presented to the Board for signatures.

The meeting concluded at 8:55 a.m. An audio recording is on file in the Commissioners' Office.

MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-649

The Board met today at 9:02 a.m. to conduct a medical indigency hearing for case no. 2021-649. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Director of Indigent Services Yvonne Baker, the applicant and Deputy Clerk Jenen Ross. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to deny the case. The hearing concluded at 9:07 a.m. An audio recording is on file in the Commissioners' Office.

MATTER RELATED TO MEDICAL INDIGENCY REGARDING CASE NO. 2018-1143

The Board met today at 9:08 a.m. to consider a matter related to medical indigency regarding case no. 2018-1143. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross. The applicant joined by teleconference from 9:16 a.m. to 9:24 a.m. Director Baker explained that this case was approved on November 15, 2018, a total of \$207,605.60 in medical bills were paid on the applicant's behalf. To date, the total reimbursement amount is \$21,872.68. Columbia Bible Church made a payment of \$18,960.10 on behalf of the applicant. The last payment received directly from the applicant was December 23, 2020. The applicant owns a parcel of land which the county has placed a lien on, since the lien was placed the parcel has been subdivided into 2 lots. The applicant would now like to sell one of the parcels for approximately \$200,000 and is requesting to retain \$90,000 and to pay \$110,000 to the county. He intends to

use the \$90,000 to purchase a home (not on the second parcel of land) although he does intend to build a home on the second parcel sometime in the future. Director Baker noted that the county lien would be attached to any future home purchase. The applicant was contacted for further clarification on his plans for division and selling of his property in Marsing and his plans to build and buy a future home. Based on a question from Commissioner Van Beek and Director Baker, Mr. Robertson spoke about how the lien language could be structured to accommodate the parcel being divided. Commissioner White made a motion to approve case no. 2018-1143 for the applicant's plan to sell and pay-off so that the county is still protected. The motion was seconded by Commissioner Van Beek and carried unanimously. The meeting concluded at 9:27 a.m. An audio recording is on file in the Commissioners' Office.

MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:30 a.m. to consider matters related to medical indigency. Present were: Commissioners Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Commissioner White made a motion to continue case no. 2021-662 to September 23, 2021. The motion was seconded by Commissioner Van Beek and carried unanimously.

Case nos. 2021-654, 2021-573, 2021-577, 2021-487 and 2021-655 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 final denials with written decisions within 30 days.

Indigent hearings scheduled for September 9, 2021 have been vacated so Director Baker is requesting case no. 2021-696 be continued to October 21, 2021. Commissioner White made a motion to continue the case to September 9, 2021. The motion was seconded by Commissioner Van Beek and carried unanimously. After further discussion and clarification, Commissioner White withdrew her previous motion and made an amended motion to continue case no. 2021-696 from September 9, 2021 to October 21, 2021. Commissioner Van Beek seconded the motion which carried unanimously.

The meeting concluded at 9:34 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:03 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley, Captain Mike Armstrong

(left at 10:09 a.m.), Sargent Jason Roberts (left at 10:09 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing a resolution approving award of officer's badge and duty weapon to Sergeant Andrew Kiehl: Mr. Robertson said this award meets the necessary criteria and there is no legal reason not to sign. Commissioner White expressed her gratitude for Mr. Kiehl's service to Canyon County. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution approving the award of officer's badge and duty weapon to Sergeant Andrew Kiehl (see resolution no. 21-171).

Consider signing boating safety grant reimbursement request: Ms. Klempel explained this is the formal paperwork in order to receive reimbursement from the grant that was previously signed. There is no legal reason not to sign and all responsibilities of the grant have been met. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the boating safety grant reimbursement request. A copy of the request is on file with this day's minutes.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 10:11 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith 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 P.A. Zach Wesley, Deputy P.A. Alex Klempel and Deputy P.A. Doug Robertson. The Executive Session concluded at 10:40 a.m. with no decision being called for in open session.

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

CONSIDER ACTION ITEMS: RESOLUTION GRANTING A REFUND TO THE IDAHO YOUTH RANCH FOR BUILDING PERMIT FEES, AND A RESOLUTION APPOINTING BRIAN SHEETS TO THE CANYON COUNTY P&Z COMMISSION

The Board met today at 1:33 p.m. to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. The items were considered as follows:

- **Resolution granting a refund to Idaho Youth Ranch for a building permits:** The applicants overestimated the valuation of the projects when they applied for permits, but after the permits were picked up they determined the value was less than anticipated. The difference in value is \$1,104.5 per permit. The fees paid for both permits total \$74,460.68. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the refund for Idaho Youth Ranch in the amount of \$2,209. (Resolution No. 21-173.)
- **Resolution to appoint Brian Sheets to the P&Z Commission:** Mr. Sheets was recently interviewed by the Board; he will be filling an unexpired term on the Commission which will be effective September 1, 2021 and expire on December 1, 2023. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the resolution appointing Brian Sheets to the P&Z Commission. (Resolution No. 21-172.)

The meeting concluded at 1:37 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY MARK GUIJARRO FOR A REZONE, CASE NO. RZ2021-0016

The Board met today at 1:37 p.m. to conduct a public hearing in the matter of a request by Mark Guijarro for a rezone, Case No. RZ2021-0016. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planner Jennifer Almeida, Mark Guijarro, and Deputy Clerk Monica Reeves. DSD Planner Dan Lister arrived at 1:42 p.m. Commissioner Smith disclosed that she called the case planner and asked whether there was a public nuisance violation associated with this property. Jennifer Almeida gave the oral staff report. The applicant is requesting a rezone of Parcels R22072 & R22072012 from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone. The property is located at 23941 Freezeout Road in Middleton. If the request is approved to create two lots an administrative land division will be required. The future land use map designates the property as residential; it is also located within the Middleton impact area. The site is located within a nitrate priority area. There was a review of agency comments. On June 17, 2021, the P&Z Commission recommended approval of the request. Staff is also recommending approval of the request. Following her report, Ms. Almeida responded to questions from the Board. Commissioner Smith had questions of staff regarding the property history. Dan Lister reported the first division shows a T-1 off the platted parcel and the second division was done 2009, but it looks like it was a property boundary adjustment to expand the property rather than adding another house. The next division is the 1.03 acre and that is where it gets muddled because there is no record of the division. What is before the Board today is the applicant's house and the division was done without going through the land division which is why Mr. Guijarro is here today. Mark Guijarro testified he wants to split off an acre so he can build another home on the back acreage. The property is surrounded by residential uses and the size of his property is too large for him to maintain. Years ago, it was a salvage yard with storage of over 200 cars and the person who owned it, George Arndt, still owns the two lots on Willis Road between Freezeout Road and Stone Lane. Mr. Guijarro said the majority of the mess that was on the property has been moved to the corner. He has owned the property for two years and his goal is to build a home and make the property look nice. There are inoperable cars on the property but not all of them belong to

him. He spoke of how he has tried to be compliant and work with neighbors to remedy the situation. Commissioner Smith doesn't feel comfortable moving forward when there is still a property violation and she wants to see proof that the property complies with the public nuisance ordinance and the zoning ordinance before we move forward. Commissioner Van Beek said the applicant has demonstrated a lot of good faith in two years and she wants to give him an opportunity to clean the property. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to continue the hearing to September 3, 2021 at 9:00 a.m. The hearing concluded at 2:21 p.m. An audio recording is on file in the Commissioners' Office.

CONSIDER SIGNING CORRECTED ORDINANCE AND FCO'S FOR STEADMAN LAND, LLC, CASE NO. RZ2020-0012

The Board met today at 2:22 p.m. to consider signing a corrected ordinance and findings of fact, conclusions of law, and order (FCO's) for Steadman Land, LLC, Case No. RZ2020-0012. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, and Deputy Clerk Monica Reeves. Staff presented the Board with corrected FCO's and an ordinance which reflects the correct case number of RZ2020-0012. Initially it was presented as a 2021 case number. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the corrected ordinance and FCO's for Steadman Land, LLC, Case No. RZ2020-0012. (Ordinance No. 21-021 – corrected.) The meeting concluded at 2:23 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM

CALDWELL, IDAHO AUGUST 20, 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 576745 to 576788 in the amount of \$86,259.09
- The Board has approved claims 576982 to 577032 in the amount of \$559,860.73
- The Board has approved claims 577033 to 577055 in the amount of \$8,237.00
- The Board has approved claims 576957 to 576981 in the amount of \$104,281.18

- The Board has approved claims 576914 to 576956 in the amount of \$437,754.95
- The Board has approved claims 577056 to 577099 in the amount of \$37,969.12
- The Board has approved claims 576855 to 577099 in the amount of \$40,731.63
- The Board has approved claims 576885 to 576913 in the amount of \$295,257.92
- The Board has approved claims 576821 to 576854 in the amount of \$20,757.33
- The Board has approved claims 576721 to 576744 in the amount of \$18,226.13

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Tyson Ashby, Juvenile Detention Officer

CONTINUANCE OF PUBLIC HEARING TO CONSIDER A REQUEST BY CALVIN AND REBECCA GORDON FOR A CONDITIONAL REZONE; CR2020-0015

Commissioner White went on the record today at 9:06 a.m. to continue the public hearing to consider a request by Calvin and Rebecca Gordon for a conditional rezone, case no. CR2020-0015, to August 31, 2021. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE CITY OF STAR/CANYON COUNTY AREA OF IMPACT COMMITTEE REGARDING IMPACT AREA NEGOTIATIONS

The Board met today at 12:11 p.m. with the City of Star/Canyon County Area of Impact Committee regarding impact area negotiations. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, DSD Planning Official Dan Lister (left at 1:04 p.m.), Star Mayor Trevor Chadwick, Councilman Michael Keyes, Councilman Kevin Nielsen, Richard Edgar, Kevin Wheelock and Spencer Kofed, City of Star Planner Shawn Nickel, Star City Attorney Chris Yorgason, Other members of the public and Deputy Clerk Jenen Ross.

Commissioner Smith noted that a plan proposed by the City of Star and a map created by the Board were handed out for reference. A copy of both these documents are on file with this day's minutes. She also explained that Mayor Rule of Middleton is not supportive of either idea.

Director Fultz explained that at a previous meeting he was charged with gathering planners from the of cities of Nampa, Middleton, Star and Canyon County to negotiate this situation. Mr. Fultz was notified by the City of Middleton that they would not be participating at this time. Due to scheduling conflicts the group was able to meet just prior to this meeting. The City of Nampa has indicated that they would not be willing to give up the area shown on map provided by Star which

is an overlap of the Nampa impact area, however, they said they would be willing to have further discussions. Nampa also expressed that they would like to be a part of the committee of 9 in order to have input on this topic. Further discussion ensued as to how the statute works in regard to this committee. Mr. Wesley said it is really the county and a single city relationship. There could be separate committees with each city but not a combined committee.

Commissioner Smith said that the Board has given direction to Director Fultz to negotiate with each of the cities to pull back ½ mile to one mile. She said the goal is to not have impact areas that languish for 10 and 20 years, every few years have a continued discussion and map amendments so that constituents have an opportunity to continually provide input and understand where growth is going. Mr. Wheelock expressed that his concern is that with constant reevaluation the lots from the original approval continually getting smaller and you lose some of the bigger home, bigger acreage, wider country look. Commissioner Smith said some of the county's reason for bringing the boundaries smaller is to not have the sprawl and to keep a plan of in-fill at the forefront which will help with density and providing a clear buffer as growth moves out. Mr. Kofed said that is one of the concerns of the residents of that area of Canyon County between Star and Middleton, there is the issue of who controls the planning and zoning and density for that area. Commissioner Smith said that the 984 acres that have already been developed but no one has built on yet feels like a land-grab. Mayor Chadwick argued that it's a land-grab if the city takes it but not if the property owner requests to be annexed in. Commissioner Smith has concerns that a potential of nearly 4000 homes is a significant impact and wondered if the City of Star or the schools can handle the growth. Mayor Chadwick pointed out it's not 4000 homes overnight, it would be built out over a 20-year plan.

Discussion ensued regarding the development of American Homes 4 Rent and the density this kind of development brings to an area. There are concerns about how that kind of growth can be controlled and done appropriately. Mr. Nielsen feels that limiting an area impact to a certain size and constantly renegotiating presents a challenge in that cities plan for that area of impact and as things grow and change there could be inconsistencies in planning. Mr. Keyes spoke about how in their 2019 comprehensive plan they anticipated development that would abut properties that are "unlikely to subdivide in the future" and they do create special buffer zones in those areas. They also recognize that there are people who have acreages that are enclaves within the existing city limits and have created special buffers for those. There are other areas, several on the Canyon County side, that have been identified as special transition areas that would require special buffering.

Commissioner Smith asked about the situation with Leighton Lakes which is a Canyon County approved subdivision with 5-acre parcels and abuts a Hunter Homes subdivision. This will be a fairly significant density compared to the 5-acre lots and wonders what the plan is to protect the county residents in this situation. Mayor Chadwick said they would do something similar to what was done where Star Acres is in the center of Star, they required a buffer around those with one acre lots, they do the best they can to protect these kinds of situations. Additionally, they've updated their code, for those who've said they're never going to sell they are encouraging them to put their property in a land trust and then they can buffer around that area. Mr. Nielsen said he

thinks one of the best ways to help protect some of these things is to make sure these areas are included in the planning processes. One of the reasons they are requesting the area of impact where it is, is so plans can be defined and to work with those land owners what that's going to look like. Throughout the planning they've worked with the people who live there and their wishes and desires are reflected in the city's comprehensive plan. The city reiterated that they have a plan and they follow the plan, one of the biggest problems they have is that up until 2019 there was a horrible comprehensive plan and city code which have now been updated to prepare for the future and orderly development.

An additional map was displayed which includes the TAZ number from COMPASS. A copy of the map is on file with this day's minutes.

Commissioner Smith asked if the three citizens on the committee have had a chance to review the maps and have any comments. She stressed that this needs to keep moving forward and there needs to be a committee recommendation on a boundary. The recommendation will then go back to the county commission and the city council which will each vote. If passed by both groups then it would be overlapping Middleton pushing it to the Idaho statute that requires the two cities to then come together and negotiate; if negotiations fail it would then go to a vote.

Councilman Keyes asked for clarification as to if all the of the cities will be asked to pull back their area of impact or if it's just something special being requested of the City of Star. Commissioner Smith explained that it was direction given to Director Fultz to scale back all of impact areas in order to protect farm ground so there can be in-fill and have an identified area for growth that is clear to developers. The city asked, assuming the pull back of impact areas is successful, what happens when a city received an annexation request on an area that is outside of the ½ mile boundaries, or combines properties that they own. Commissioner Smith said that the county interpretation is what was sent in the letter to the city, the county doesn't believe that cities can annex outside of impact areas, specifically it is not believed that cities can impact into other entities impact areas. Today's meeting is establishing those areas and doing what can be done to help move that forward.

Commissioner Smith said that at this point everyone needs to come up with something reasonable because it's either going to go to the voter or to a judge. Mr. Nickel asked what the county is going to allow for land uses if all the cities pare back their areas of impact. Commissioner Smith feels that when the impact areas are so large it's hard to have a plan where the county can help with city growth and encourage annexation. By paring it back it provides a specific area where the county can help the cities with their master plans and providing for growth that aligns with them. Mr. Wheelock asked if the county will be changing the codes to not allow for smaller lots, to which Commissioner Smith confirmed the county would be doing that and following city ordinances to require curbs, gutters and streetlights. Councilman Keyes said he would be willing to consider, for this process here, moving the area of impact to Kingsbury as requested with an agreement that when Middleton pulls theirs back to a ½ mile the City of Star will too. He also has concerns that the county is trying to establish urban growth boundaries which to his understanding is a line in which a city can't extend its city limits past and allows space to be reserved for agricultural uses.

Commissioner Smith said that property rights say that people have the right to apply for zone changes and she's not going to say that she's not going to follow that.

Mr. Kofed indicated that the group of three citizens have not met as a group yet although they did speak briefly prior to today's meeting, he asked what the expectation was for the three of them to meet. Commissioner Smith said she doesn't feel that is the expectation, the entire committee of 9 all have a vote and the best way to go is to just have open dialog amongst the committee. Mr. Kofed indicated he was recently at a meeting with community members and feels their main concern is that development is done correctly with buffers in place that work with acreage and farming. The fear of the citizens is that it will all go into higher density if it goes out of the Commissioners control. The city said there was recently a hearing for a new development and no one from the surrounding area spoke up, however, the wishes and desires of people who did show up and spoke were taken into consideration. Mr. Kofed said that the issue with the citizens in that area is that they elect the Board of Commissioners but they have no power to elect the mayor or city council members so they lose control because their elected officials are no longer making the land planning decisions for their area.

Mr. Lister spoke about area of city impact agreements and how there are parts where the county follows the city ordinance and parts where the city follows the county ordinance. It still comes before the Board as the current agreements have waiver requirements so certain ordinances could be waived thru a process. As part of this process to come up boundaries there also needs to be an agreement to determine what can be agreed upon.

Commissioner White said that the people she's spoken with feel that their expressed issues or concerns fall on deaf ears and they have not been called upon to speak [at meetings/hearings]. They also have concerns that they will be forced to annex into the city. Mr. Nielsen said that their city council meetings have to follow open meeting laws and anyone signed up to offer comment is allowed to speak. Additionally, they make announcements before the meeting to allow anyone the opportunity to sign up and at the conclusion of public comment ask the audience if there is anyone still wanting to make comment.

In response to a question from Mr. Wheelock, Commissioner Smith said that the City of Middleton does forced annexations, the City of Caldwell has done a couple and the City of Nampa has never done them to anyone's knowledge. Mr. Wheelock feels that in this context the City of Star isn't annexing anyone who isn't asking to be annex. Mayor Chadwick said that he doesn't believe in forced annexation, he believes in the rights of the people to choose to be annexed. Commissioner Smith explained that when an impact area is set a city can legally force annexation within that area. If a property is smaller than 5 acres and within an impact area a city can force annex if the property is contiguous to the city or an enclave. However, if you have a parcel that is over 5 acres within an impact area a city cannot force annex.

Commissioner Smith feels a decision by the committee should be delayed until there is an opportunity to negotiate with the City of Middleton. The suggested boundaries would be for both Middleton and Star to stop at Kingsbury and then each would go north and south ½ mile around

each of the annexed areas. The city requested that at the next meeting the Board provide a map showing similar ½ mile boundaries around Middleton. Commissioner Smith said she will get some updated maps to share with Middleton and start negotiations. She asked the city to send an updated shape file showing the city boundaries to Jennifer or Tony Almeida. The maps will be published as 'draft' on the land use page of the county website, the city also said they could add the maps to their website.

The committee will meet again on September 7, 2021 at 2:30 p.m. The meeting concluded at 1:31 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM

CALDWELL, IDAHO AUGUST 23, 2021

PRESENT: Commissioner Keri K. Smith, Chair – 2021 Agricultural Tour
 Commissioner Leslie Van Beek, Vice Chairman – 2021 Agricultural Tour
 Commissioner Pam White – 2021 Agricultural Tour
 Deputy Clerks Monica Reeves/Jenen Ross

There were no meeting held this day.

AUGUST 2021 TERM

CALDWELL, IDAHO AUGUST 24, 2021

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
 Commissioner Leslie Van Beek, Vice Chairman – 2021 Agricultural Tour
 Commissioner Pam White – 2021 Agricultural Tour
 Deputy Clerks Monica Reeves/Jenen Ross

There were no meeting held this day.

AUGUST 2021 TERM
CALDWELL, IDAHO AUGUST 25, 2021

PRESENT: Commissioner Keri K. Smith, Chair – **OUT**
Commissioner Leslie Van Beek, Vice Chairman – 2021 Agricultural Tour
Commissioner Pam White – 2021 Agricultural Tour
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED CLAIMS ORDER NO. 2124

- The Board of Commissioners approved payment of County claims in the amount of \$1,662,406.64 for a County payroll.

There were no meeting held this day.

AUGUST 2021 TERM
CALDWELL, IDAHO AUGUST 26, 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 577207 to 577207 in the amount of \$1,540.00

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved employee status change forms for Jamie Toledo, Grounds-keeper Supervisor and Chiu-yi Lin, Interpretive Specialist

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for B&N Legacy LLC DBA Cowgirls to be used 9/4/21; Tricycle LLC AKA Eastside Tavern to be used 9/12/21; Tricycle LLC AKA Eastside Tavern to be used 9/25/21

DETAILED MINUTES TO COME AT A LATER TIME

Executive session to consider personnel matter pursuant to Idaho Code 74-206(1)(b)

DETAILED MINUTES TO COME AT A LATER TIME

Medical Indigency Decisions

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

CONSIDER SIGNING RESOLUTIONS GRANTING REFUNDS TO HATCH DESIGNS AND JANICE RALLS FOR WITHDRAWN PERMIT APPLICATIONS

The Board met today at 1:37 p.m. to consider resolutions granting refunds to Hatch Designs and Janice Ralls for withdrawn permit applications. Present were: Commissioners Leslie Van Beek and Pam White, DSD Director Steve Fultz, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. Director Fultz said Janice Ralls is requesting a reimbursement for funds paid for an application for a home-based business. She was looking at having retail sales but that is not a permitted use at her location so she is seeking a reimbursement of her application fee. Staff did not spend much time on this request. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to grant the refund in the amount of \$550 to Janice Ralls. (Resolution No. 21-174). Director Fultz said Jeff Hatch/Hatch Designs filed an application for a rezone, comprehensive plan map amendment and a conditional use permit (CUP). The request went through the hearing process and was denied. Staff did not have to go through the CUP efforts and thus out of the \$4,200 that was paid DSD is recommending a reimbursement of \$850. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to refund \$850 to Hatch Designs for the CUP for Case No. RZ2020-0019. (Resolution No. 21-175).

PUBLIC HEARING – REQUEST BY EVELYN FLOYD FOR A REZONE FOR CASE NO. RZ2021-0013

The Board met today at 1:40 p.m. to conduct a public hearing in the matter of a request by Evelyn Floyd for a rezone from an “A” (Agricultural) zone to an “M-1” (Light Industrial) zone, Case No. RZ2021-0013. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planning Official Dan Lister, Kolby Peterson, Samantha Caldwell, and Deputy Clerk Monica Reeves. The applicant did not appear for the hearing. Commissioner Van Beek disclosed she lives two miles from the subject property but that will not impact her ability to make an unbiased decision in this case. Dan Lister gave the oral staff report. The applicant, Evelyn Floyd, is requesting a zoning map amendment (rezone) of Parcels R34072, R34141 and R34141010 from an “A” (Agricultural) zone

to an "M-1" (Light Industrial) zone. The properties are located at 10726 Lincoln Road in Caldwell. The property was recently adjusted to allow two buildable lots; one has a house and uses on it, and the other is a field/pasture that could be used for residential or agricultural uses. Most of the area is still zoned agricultural, and light industrial is located to the northwest. The City of Caldwell's jurisdiction is located to the south. This is a transitional area from residential to industrial uses. The property consists of best suited soils; one acre has moderately suited soils. There are large properties with rural residential zoning, but there are still ongoing agricultural uses even to the south where the city's jurisdiction is located. The property is adjacent to the Ward Massacre Park. With M-1 zoning there are a slew of uses that could be impactful and without a development agreement that restricts uses or provides mitigation it's difficult to think there will not be impacts. This is a prime agricultural lot and the City of Caldwell is in opposition to the request. On July 17, 2021, the P&Z Commission recommended approval of the request. Staff is recommending denial and believes the applicant should go through a conditional rezone process. Mr. Lister said in a previous conversation the applicant indicated they may withdraw the application. Samantha Caldwell offered testimony in opposition to the request. She would rather see residential growth than industrial uses in the area. Her concerns include the lack of a development plan and the potential impacts. She said the owner has posted the property for sale and if he's selling we cannot guarantee what future buyers would do with the property. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek agrees with the staff report and the testimony that an M-1 zone is not a fit and it would change the nature and character of the area. She asked staff to obtain comment from Parks Director Schwend regarding the proximity to the historical park, and to review the conditions associated with the Idaho Sand and Gravel pit that's located nearby to see how long they can operate. Mr. Lister said Director Schwend was contacted but she did not provide comment. Staff will work with the City of Middleton and help them identify what their industrial and commercial needs are, and how to identify what the buffer is and how to help them while protecting the area. Commissioner Van Beek said this is a premature area because there are areas that are out of compliance with the code and no thoughtful planning on how to have transition zones. It would be beneficial to know how close city services are. Commissioner White doesn't like the fact that the applicant is not present and hasn't given any information on what's going to be there, and the neighbors deserve to know what's going on with the property. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to deny the rezone for Case No. RZ2021-0013. Because the P&Z Commission recommended approval and the Board denied the request, the matter will have to be re-noticed and come back to the Board for a second hearing concluded at 2:01 p.m. An audio recording is on file in the Commissioners' Office.

AUGUST 2021 TERM
CALDWELL, IDAHO AUGUST 27, 2021

PRESENT: Commissioner Keri K. Smith, Chair - **OUT**
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 Joel Merriam, representing Swainson's Pointe Subdivision for a plat vacation; Case no. VAC2021-0001

*This case will be continued to 9/14/2021 @ 9:30 am

DETAILED MINUTES TO COME AT A LATER TIME

Action Item: Consider signing Treasurer's tax charge adjustments by PIN for July 2021

AUGUST 2021 TERM
CALDWELL, IDAHO AUGUST 30, 2021

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

CONSIDER AUGUST 30, 2021 ACTION ITEMS

The Board met today at 9:04 a.m. to consider the August 30, 2021 action items. Present were: Commissioners Keri Smith and Pam White, DSD Planning Official Dan Lister, interested citizens, and Deputy Clerk Monica Reeves. The items were considered as follows:

File in minutes the Treasurer's monthly report for July 2021 - Upon the motion of Commissioner White and the second by Commissioner White, the Board voted unanimously to file the Treasurer's monthly report for July 2021.

Consider signing resolution granting a transfer alcoholic beverage license to Sushi LW, LLC DBA Sushi Sushi - Upon the motion of Commissioner White and the second by Commissioner White, the Board voted unanimously to grant the transfer of alcoholic beverage license to Sushi LW, LLC. (Resolution No. 21-176.)

The meeting concluded at 9:06 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY SILVIA CASTRO FOR A REZONE FOR CASE NO. RZ2021-0009

The Board met today at 9:07 a.m. to consider a request by Silvia Castro for a rezone, Case No. RZ2021-0009. Present were: Commissioners Keri Smith and Pam White, DSD Planning Official Dan Lister, CJ Castro, Silvia Castro, Anna Maria Herrera, Carlos Rivera, David Gallina, Meg Gallina and Deputy Clerk Monica Reeves. Today's hearing was continued from August 13, 2021. Dan Lister gave the oral staff report. The applicant is requesting a rezone of Parcel R29112 from an "R-R" (Rural Residential) Zone to an "R-1" (Single Family Residential) Zone. The property is located at 2303 E. York Avenue, Nampa.

The applicant wants to divide the property into a total of three parcels; one parcel being 3.02 acres (where the existing house is located); and the rest would be a one-acre division creating a total of three parcels. The property is surrounded by other rural residential and R-1 zoning. The property abuts city jurisdiction; Nampa's shows it as a low-density residential area next to a medium density area. The bike path and route abuts the Wilson Pathways along the north side of the property. The property is surrounded by residential subdivisions, most of them located within Nampa's impact area or jurisdiction. Within the area is 103 subs with an average lot size of .41 of an acre. Nampa Highway District identified the access to this property as East York Avenue, which is an unmaintained public right-of-way so that is usually a license agreement with the owners that they maintain their road and that is what the highway district will require as they work to comply with improvements. Nampa Fire District wants an access permit at the time of building permit. Nampa Engineering – would be hard to bring city services to this property; they do not oppose this application, however, at the time of division they will have to correct their address. An irrigation easement will be required and encroachments will require review, and a land use change application is required prior to land division or platting.

Neighbors expressed concern about the access being limited and confusing because as it goes back to the Gallina property it splits off and looks like an area where people can park for the pathway and a road connecting to the Castro property. There have been complaints that there is an auto shop and auto use on the property and that is why the Board tabled the item on August 13 so staff could do a site visit and come back with photos for review. A site visit was conducted on August 20. A 12-foot road serves the property; there are two roads, one looks like it's a maintained 15-foot gravel-based road, and there's a sign for parking and access to Wilson Path but it looks like neighbors are parking there. At the back of the property there are storage containers and an inoperable vehicle; there are other vehicles parked on the west side of the property; there are RV's on the east border of the property. Staff reached out to Mr. Castro and identified the public nuisance violations including weeds, the inoperable vehicles, and the storage containers that require permits. On June 17, 2021, the P&Z Commission recommended approval

of the request. Staff believes the findings for this case support approval of the rezone. Following his report, Mr. Lister responded to questions from the Board.

The following people testified in support of the request:

CJ Castro, who owns the subject property with his wife, Silvia Castro, testified he is working with the Nampa Highway District on widening the road and bringing it up to district standards. He addressed the weeds, RV's, old vehicles, and the containers located on the property. Commissioner Smith advised Mr. Castro that he can have two unregistered vehicles on the property but the remainder have to be operable and registered. Discussion ensued about whether the vehicles have registrations. The applicant's plan is to divide the property so his father-in-law and aunt can build homes on the site. Some of the cars on the property belong to people who live on the site, and some belong to other people. Mr. Castro said he will remove the vehicles that do not belong to those who live on the property. He currently lives on the property with his wife, children, and other family members. Commissioner Smith said her concern is the Castros have changed the area by letting the property degrade this way, and by allowing the divisions they will be allowed to have more trailers and cars on the parcels and she's worried the property will not be improved.

Anna Maria Herrera is the applicant's aunt and she wants to move to the property to help with family responsibilities and assist with raising children since the death of her sister, the applicant's mother. She wants to live on the site and make it beautiful place for family. She has no plans to sell or add more units to the property. There will be two new houses built on the property; one for the applicant's father, and one for Ms. Herrera.

Silvia Castro testified that since her mother passed away she has been taking care of her two sisters, in addition to two children of her own. She wants the property division so she and her husband can have their own home and so that her father and aunt can each build their own home. She allowed her aunt to store trailers on the property. Future plans include abating the weeds and installing a fence. They did not know they needed to have a permit for the containers that are stored on the property, but they do intend to move them.

Carlos Rivera testified that he will move to the property with his mother. He had been storing two trailers on the subject property, but over the weekend he moved the trailers and another vehicle to a storage facility.

The following people testified in opposition to the request:

David Gallina lives on York Avenue and his biggest opposition concerns the 12-foot road because by adding two more homes it will increase the traffic on that one-lane road. There will need to be a plan for how to maintain the road. There are currently six homes on 21 acres and the proposed lot sizes will be substantially less than what is currently on York Avenue. He has concerns with the number of items that have been moved onto the property. Following his testimony, Mr. Gallina responded to questions from the Board.

Meg Gallina testified she is not opposed to the division, but she is concerned about use of the property and the access road. She said it's commendable to live there with family, but things

change and it is possible in a few years the situation could change and the owners may have to sell. The road needs to be useful the way other city roads are so that people do not think they can park excessive cars and allow weeds to grow.

In response to questions from Commissioner Smith, Mr. Lister said if they build three properties they will have to have a private road system to serve those three properties at the property line. The fire districts wants to see if there are proper turnarounds in place. This will only need a land division application when going through platting, so it would be working at the land division stage to address what is required and it will be conditioned as part of the land division application and so at the time of building permit they would have to have it completed before a building permit is issued. The parcel is an original lot and they can split it up to four lots without platting. They could voluntarily annex into the City of Nampa, but there is no way to get services there at this point. The services are separated by a canal and a pathway so it would be very difficult for a three-lot division to pull services. Rebuttal testimony was offered by Mr. Castro who stated his neighbor stopped maintaining the road after he found out it was the city's responsibility. The applicants have been working with highway district to improve the road, and they plan to have documentation that will keep the property in the family. They will follow the regulations and maintain the property. Commissioner Smith had questions of Mr. Lister regarding the staff report and the ordinance requirements. She wants more information showing the public road right-of-way, and she wants the applicant to provide evidence the property is being brought into compliance, including registration information for the vehicles that remain on the property, and she wants the applicant to work with the fire district and highway district and understand what the road improvement requirements are going to be. Staff was asked to find out if the road right-of-way is mapped. Commissioner White made a motion to continue the public hearing to September 15, 2021 at 1:30 p.m. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 10:31 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with the Executive Director of Nampa Family Justice Center (NFJC) to review the program

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with the Idaho Office of Emergency Management

DETAILED MINUTES TO COME AT A LATER TIME

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

Action Items:

Consider signing development agreement regarding Knife River; Case no. DA2020-0002
Consider signing resolutions granting refund to Brandon Fisk for a withdrawn rezone application

AUGUST 2021 TERM

CALDWELL, IDAHO AUGUST 31, 2021

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

APPROVED CLAIMS

- The Board has approved claims 577304 to 577304 in the amount of \$213.50

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- CDW-G in the amount of \$1,088.01 for Information Technology Department

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Old Brunswick LLC dba Brunswick Club to be used 9/4/21.

DETAILED MINUTES TO COME AT A LATER TIME

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

Action Item: Consider signing resolution authorizing the retirement of CCSO K9 Jerry

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with COMPASS

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with Idaho Transportation Department to discuss Middleton Bypass

PUBLIC HEARING – REQUEST BY CALVIN AND REBECCA GORDON FOR A CONDITIONAL REZONE,
CASE NO. CR2020-0015

The Board met today at 1:31 p.m. to conduct a public hearing in the matter of a request by Calvin and Rebecca Gordon for a conditional rezone, Case No. CR2020-0015. Present were: Commissioners Keri Smith and Pam White, DSD Planner III Kate Dahl, TJ Wellard, and Deputy Clerk Monica Reeves. Commissioner Smith disclosed that the Gordons, through their Quality Trailer Sales company, have consistently supported her kids in fair projects, and they heavily supported her previous employer, which is the non-profit Destination Caldwell. She has not personally profited from their support and she believes she can hear this case without any conflicts. Kate Dahl gave the oral staff report. The applicants are requesting a conditional rezone of Parcels R36131012A0, R36131012A2, and R36131012 from “A” (Agricultural) to “R-R” (Rural Residential). The properties are located south and east of the intersection of Red Top Road and Tucker Road in Greenleaf. Several of the parcels were created through a conditional use permit (CUP) and some were divided outside the zoning ordinance and as a result they are requesting the rezone in order to reinstate the building permits and go through the administrative land division process. The parcel is 21 acres and the maximum buildout would be 10 lots, but they are only requesting 4 parcels with an average size of 5 acres. There are multiple properties that use the irrigation delivery ditch and there have been some issues which they believe can be addressed through the development agreement with a water users maintenance agreement. The P&Z Commission recommended approval on April 15, 2021, and staff finds the rezone is generally consistent with the comprehensive plan. The surrounding uses are also agriculture and there are some residential uses to the west. The property is located within Greenleaf’s area of city impact, but it is not close enough to annex. Following her report, Ms. Dahl responded to questions from the Board. Ms. Dahl said two of the parcels will be combined; the original parcel was divided into five parcels and some were illegal divisions so they are going to combine the one parcel back into each other so there will be four parcels. The conditional rezone will give them the density to be able to do the after-the-fact administrative land division to authorize all four of the parcels. Commissioner Smith had several questions regarding property history and platting. TJ Wellard testified the Gordons own several acreages in this area. The neighbor who owned the house and acreage came to a situation where she needed to sell and the Gordons purchased it to make use of the land and the existing house. They rented the house and tried to irrigate the land and run horses and cows on the ground as pasture, but due to the terrain it took too much time and money to make it worthwhile for farming. It’s in the impact area for Greenleaf which shows it as high-density residential. The property has a finger ridge down the middle of it so the Gordons wants to put a few houses up there and have large acreages so people can have hobby farms. Mr. Wellard gave a history of how the splits occurred. The CUP in 1998 spit off an existing house which left the remainder of the original with two building permits without platting; if a rezone took place the original parcel would only be four parcels. To obtain the other two parcels there will have to be a subdivision plat because it would be greater than the four off the original. Part of the conditions are to keep this as a buffer from the rapid growth in the City of Greenleaf, which has been aggressive in encouraging development to pay for their sewer system. The Gordons are hoping to

use this as a buffer between their commercial agricultural ground and the growth of Greenleaf. The Gordons are willing to address irrigation issues, either getting their own head gate and pipe to the property to have pressurized irrigation, or, doing something alongside the concrete ditch. They will work with the neighbors and figure something out that works for everyone, and they will work with the neighbors to do property line adjustments. The Gordons want to leave it open so they can split off the existing house as an administrative land division leaving the remainder so there would still be four, and then plat the three, so that platting is not a requirement of the entire development but only when they exhaust the administrative land divisions. Commissioner Smith wants the applicant to figure out the wording for the development that states they will do a land division that will have two parcels that will include the balance and then they will plat the last lot. She also wants language about require water metering on residential subdivisions. Mr. Wellard said the property is controlled by a head gate that's measured over a weir so there will have to be a water master for the project who will be in charge or ordering and determining how much water can go through. It may not be metered, per se, but the ditch company does control opening the head gate. He said it will be addressed in the water users' maintenance agreement. Commissioner Smith wants the conditions of approval to state that the water master will schedule the water allotments, and make reference to the Board allowing a phased approach for this case. She noted that staff needs to update the findings of fact so they are consistent with today's discussion. The FCO's and development agreement will be brought back later at a later date for the Board's consideration. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner White made a motion to approve the conditional rezone and development with the changes to the FCO's and the conditions of approval as outlined in today's discussion. Those documents, along with the ordinance, will be considered at a future date. The hearing concluded at 2:11 p.m. An audio recording is on file in the Commissioners' Office.

THE MINUTES OF THE FISCAL TERM OF AUGUST 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

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