

OCTOBER 2021 TERM  
CALDWELL, IDAHO    OCTOBER 1, 2021

PRESENT:     Commissioner Keri K. Smith, Chair  
                 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 Nathaniel Campbell, Maintenance Technician; Isaiah Govia, Deputy Public Defender II

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hyland Software Inc. in the amount of \$3,300.00 for Information Technology Department
- Carousel Industries in the amount of \$4,542.57 for Information Technology Department
- SANS-Security Awareness in the amount of \$6,120.00 for Information Technology Department
- Iderra Inc. in the amount of \$7,969.50 for Information Technology Department
- C.M.S. in the amount of \$16,000.00 for Information Technology Department
- SHI in the amount of \$26,199.96 for Information Technology Department

APPROVED JUNE 2021 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of June 2021 were read and approved and found to be a proper record of the proceedings of the Board of Commissioners of Canyon County, Idaho. Also approved was the synopsis for publication. Minutes of the Board of Canyon County Commissioners' meetings are on file in the Commissioners' Office and may be viewed upon request.

BOARD DISCUSSION REGARDING EMPLOYEE APPRECIATION TIME OFF

The Board met today at 8:55 a.m. for a discussion regarding employee appreciation time off. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy Clerks Monica Reeves and Jenen Ross. Commissioner Smith said that typically the Board gives appreciation time at Thanksgiving and Christmas. Due to the way the holidays fall this year and with the raises that were provided to employees that Friday, November 26<sup>th</sup> is sufficient appreciation time this year. Commissioner Van Beek concurs with Commissioner Smith.

Further discussion ensued regarding Juneteenth. At this time the federal reserve has not adopted the holiday in their list of recognized holidays. The Board decided the day will be recognized but not included as a paid holiday.

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

OPENING BIDS FOR FY2022 PICKLES BUTTE SANITARY LANDFILL GEOTECHNICAL EXPANSION BORING PROJECT SOLICITATION OF BIDS

The Board met today at 9:12 a.m. to open bids for FY2022 Pickles Butte Sanitary Landfill Geotechnical Expansion Boring Project. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley and Deputy Clerk Jenen Ross. The following bid was received:

Holt Services, Inc  
Received September 30, 2021 at 10:41 a.m.  
Bid amount \$145,809

The bids will be reviewed by Prosecutor's Office and Landfill staff. A recommendation will be brought to the Board at a later time.

The meeting concluded at 9:13 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)  
Candidate interview for P&Z Commission

DETAILED MINUTES TO COME AT A LATER TIME

Meeting to discuss BOCC meeting room renovation  
\*Rescheduled to 10/4/21 at 2:30 pm

DETAILED MINUTES TO COME AT A LATER TIME

Meeting to discuss temporary office solutions for the Public Defender's office  
\*Rescheduled to 10/4/21 at 2:30 pm

## CONSIDER SIGNING A RESOLUTION DESIGNATING POLLING LOCATIONS FOR THE NOVEMBER 2, 2021 ELECTION

The Board met today at 10:50 a.m. to consider signing a resolution designation polling locations for the November 2, 2021 election. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Alex Klempel, Elections Supervisor Haley Hicks and Deputy Clerk Jenen Ross. Ms. Hicks explained that 13 polling locations will be open just about county-wide, only one precinct won't be open. Ms. Hicks said that early voting will be available at the Train Depot from October 18-29 from 8:00 a.m. to 5:00 p.m. She also provided information on how voters can register at the polls on election day. There are two precincts that will be all mail-in due to the low number of eligible voters; voters in those precincts will automatically be sent a mail-in ballot. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution designating polling locations for the November 2, 2021 election (see resolution no. 21-204). The meeting concluded at 10:56 a.m. An audio recording is on file in the Commissioners' Office.

## MEETING WITH LOCAL MAYORS TO DISCUSS GROWTH IN CANYON COUNTY

The Board met today at 11:39 a.m. with local mayors to discuss growth in Canyon County. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Steve Fultz, Parma City Mayor Angie Leigh, Greenleaf City Clerk Lee Belt, Middleton City Mayor Steve Rule, Greenleaf City Mayor Brad Holton, Nampa City Mayor Debbie Kling, Caldwell City Mayor Garret Nancolas participated via Webex (left at 12:58 p.m.), City of Star Mayor Chadwick joined the meeting via Webex at 12:26 p.m. and Deputy Clerk Jenen Ross.

Mayor Nancolas said growth in the valley has been both a privilege and a challenge for the City of Caldwell. He feels the city has planned well. Their infrastructure plans have been carried out and are in good condition, noting there is plenty of capacity at the Caldwell treatment plant. He spoke about the good working relationship with neighboring communities in regard to planning of the impact areas and how decisions were made based on who could best serve from an infrastructure standpoint. Over the years the City has worked really well with Nampa, Middleton and Greenleaf to plan impact areas and evaluate infrastructure. They've been really conservative in looking at the area of impact to determine if it can be served with water, sewer, police, fire, etc. Along with the sewer and water masterplans, they've also worked really hard with neighboring communities on the functional application map for road systems to best serve arterials and collectors so that Caldwell, Nampa and Middleton are building roads to the same specifications. He explained they worked to create incentives for infill projects with their red-carpet team and land use ordinances. They recently updated their comprehensive plan and are in the process of updating some of their land use tables and schedule. In response to a question from Commissioner Smith about a new urban renewal district planned near Notus, Mayor Nancolas said that it is called the North Revenue Allocation Area. It is similar to the one brought to the county a year ago, however, they are trying to accommodate Project Imagine and their selected location which has

changed a couple of times. Site location is between Caldwell and another state and the only way they will be able to come to Caldwell is if the city is able to offer a tax increment financing situation for them; Project Imagine will pay for those costs upfront and after a period of years will be reimbursed by the city. They hope to have the revenue allocation area to the Commissioners by mid-November/early December. In response to a question from Commissioner Van Beek, Mayor Nancolas said it is crucial to the timeframe to have it implemented before December 31<sup>st</sup>. The Caldwell City Council has already approved the declaration of blighted or underserved areas (specific to water, sewer and transportation) – this includes the area previously proposed for the jail. Commissioner Van Beek asked about that property either being annexed into the city or it being a city/county partnership. Mayor Nancolas said that whenever they do a revenue allocation area it is all within the area of impact, they want to be able to serve it and annex as they can. They do believe there is a possible annexation path but it is all up to one property owner, whom he has visited with and believes they are creating that path. There are several properties in that area that do want to be annexed. Commissioner Van Beek said she appreciates Mayor Nancolas' tenure as mayor and the vision he's brought to Caldwell. She supported this last time and anticipates supporting it again this time. Commissioner Smith asked if the moratorium that was issued worked and what was learned from it. Mayor Nancolas said that it has already been lifted but they changed their ordinance to include an assessment of the ability of the new development to pay for services that are required. They worked with the development community to come up with a process so when there are requests for annexation, especially residential, they evaluate how to provide services such as police, fire and even parks. House Bill 389 really changed the dynamic but not for the good. They had to pause to evaluate how to work with developers to bring development that will pay for itself. He explained that there are two large buildings coming in (a total of approximately 600,000 sq. ft.) which pushes the city to the brink of hitting the cap. Any residential growth in addition would push them over the cap placed by the legislature. They have learned with HB389 if new growth cannot pay for itself it makes for a very difficult situation, particularly in regard to police and fire.

Mayor Rule said that in the next couple of months they will have 1600-1800 lots in front of the city council and P&Z for consideration; several hundred were approved last month. They are also looking at approximately 6000 lots either annexing into the city or are right on the city border. He expressed his concerns about traffic around the high school and the negative affect HB389 has had on the City of Middleton. Middleton is at 95% residential and 5% commercial and because of that doesn't have a strong tax base but Mayor Rule said he is doing all he can to invite business to the city. He said they are creating a new urban renewal area going south toward Middleton Rd. and west toward Hwy 44 in an effort to open up and build infrastructure. They are working on roadway planning to develop a concept of a park/walkway/commercial area. Additionally, the extension of Cemetery Rd. to Middleton Rd. creates traffic relief around the downtown Middleton area and a developer on the east side will put in the same road to Hwy 44 and Duff Ln. In response to a question from Commissioner Smith regarding Middleton's infrastructure being able to handle the 6000 new lots, Mayor Rule said that industry is doing a good job of keeping up with the water, however, they do not have the capacity to keep up with waste water. They are preparing to run a judicial review confirmation for a new sewer plant addition that would be able to handle those numbers; currently, they are able to accommodate 2500. Commissioner Smith also asked about

approving the new lots, Mayor Rule said that if those 1800 come forward at the beginning of the year they won't be able to commit to being able to service them unless they get the plant upgraded. Their hope is to have the plant done in two years and be able to handle another 1000 homes. Mayor Kling spoke about what the City of Nampa has experienced in receiving bids for the upgrade to their waste water treatment plant; they have found it costing more and taking longer than expected. Mayor Rule said they have several million saved to do the next upgrade by 2023 but in the meantime, they have to get ready for a larger upgrade. In response to a comment from Commissioner Van Beek about the issue of traveling Hwy 44, Mayor Rule gave further clarification of their transportation plan to eliminate some of the issues on that highway. He said they have identified 9<sup>th</sup> Street as a local collector and an additional commercial corridor.

Mayor Holton said the City of Greenleaf has similar issues to the City of Middleton; they are a bedroom community that runs over 97% occupancy. They are unique in their planning and zoning in that subdivisions are allowed up to 5 lots, anything above that moves to a planned unit development. With help from the developers they anticipate having a 20/80 mix of commercial and residential because for every major development they are going to have to supply information and work in partnership with the city as to what that commercial is going to be. The City of Greenleaf is at about 50% growth which has the potential to change the character of the city if planning isn't done correctly. Greenleaf is in the middle of ag ground, they are rural Canyon County so they are sensitive to the crop and the farmer's needs. Their plan is to grow from the city out and not find themselves with "island developments". At this time, they have plenty of capacity for public services and the ability to accommodate some amount of growth. In the past they have worked with Wilder and Notus to make an economic corridor (for sewer service) between the three communities down Peckham, to Notus Rd., but it has yet to come to fruition. However, this week the plan has been brought back because it was realized that it would be more economical for Wilder to connect into Greenleaf than to build an individual system. In regard to water, the long-term plan was for Greenleaf to meet halfway with both Notus and Wilder. They are in a high nitrate priority area and just a short distance from city hall there are wells that are almost 80 times over the healthy limit for nitrates which causes concern as it is heavier water and it's going to go to the west and north. They want to make sure that to the south they put in quality wells, deliver good water and take care of it in a responsible way. Mayor Holton is concerned that long-term, septic tanks will have a cumulative effect and just due to gravity it will run thru the strata to cities as "island developments" are done out in the county.

Mayor Nanocolas asked about the high percentage of growth mentioned by Mayor Rule and Mayor Holton which would push them over the HB389 percentage cap and how that is being addressed. Additionally, he noted that it is not a matter of "if" septic tanks fail but "when" – the City of Caldwell has provided sewer service to numerous subdivisions on the edge of the city limits, some done under a state of emergency because wells were being contaminated. Mayor Rule said that when a subdivision in the county is approved it's not as dense as subdivisions approved by the city council so they're really not upset with what the county is doing. Mayor Rule said the Middleton city council tend to approve subdivisions at about 3 lots per acre and seem to favor a more rural feel. They've implemented a pre-annexation agreement in order to allow a pathway thru to a higher density development that might want to develop when Caldwell or Middleton is

annexing. Mayor Holton said that the statements they changed their city ordinance to has been reviewed by 43 land use attorneys. The city council has to have the metrics placed before them that the proposed new growth is not impacting the existing citizenry for the new development, these metrics have to be measurable and discernable for the city council to be able to make that decision. If new growth places expense upon the existing populous or reduction of public services, they have the ability to decline. For the City of Greenleaf, just \$2M in building permits will exceed the 8% cap. Mayor Holton explained that Mayor Kling has tried to compel the Mayors of Canyon County to look at their books and see what the actual dollars are; Greenleaf is in the process of doing that as a collective communication to the legislature. The legislator that represents his area voted for the bill and even in conversations within the past two weeks doesn't feel it is a big deal, Mayor Holton feels they are very removed from even realizing what they've done to the cities and that the bill should be repealed in its entirety. Mr. Moyle has never replied to any of the certified mail requests that they tell them even one of the 197 municipalities that exceeded 8% increase in their budget that is not directly tied to a specific growth issue. His feeling is that the premise of HB389 is fabricated, it's trying to solve a problem that doesn't exist. Mayor Holton said they are fortunate in their cooperative agreements between Wilder, Greenleaf, Parma and Homedale but they have taken the lion's share of Canyon County's requests for police response in the county. It's worked for everyone, but as new growth comes and if HB389 is still in effect it's not only impacting Greenleaf and Wilder it's also impacting the north western portion of Canyon County in an extremely negative way and he is very concerned about getting it dealt with. In order to handle HB389 the City of Greenleaf will get to \$2M in building permits and then they'll have to decline if it doesn't meet the metrics of "does it not impact the existing taxpayer?" If it does then no if it doesn't then you're welcome to build. In regard to the bond, they were in a consent order which is an agreement with either EPA or DEQ that both parties agree they're in violation, suspend and withdraw the day-to-day fines and agree to do "X" at a certain time. For the City of Greenleaf, it was to put in an entire collection system and a new sewer treatment plant. That facility is around \$10M and the revenue bonds provided by the state has extended the timeframe from 20 years to 30 years. The problem is that they were started off at an arbitrarily low interest rate and there are three tiers that will be coming forward in the years to come. They will be in the position of not being able to meet their bond payments because they don't have the autonomy to scale, even today they have the highest sewer rates per month of any municipality in the county because they have the newest system. It is autonomy to scale that had a plan to pay it off, but the State of Idaho has broken that and the City of Greenleaf is caught in the crosshairs.

Mayor Rule thinks the City of Middleton is 15-20 years behind on what the sewer rate charges should have been to catch up with where they should be today. He believes when they do move forward, the monthly processing rate will probably be 3 times what it is today. They have repaired about a 15% margin of treating clear surface water thru their sewer plant and got a lot of capacity back just by not treating ground water.

Commissioner Smith doesn't think that the policing levels have increased much in the past 20 years. If you look at the whole county's growth over the last 20 years and the level of officers on the ground in the community it does not even come close to matching the growth. However, with more officers making more arrests there is question about having a jail facility to accommodate.

Commissioner Smith spoke about some of the numbers in regard to domestic violence and suicide, with domestic violence rates being unprecedented since COVID. She wondered with the growing communities if we are doing them a service? Can the level of safety they deserve be provided? Mayor Holton said they have that challenge, in regard to multi-family they don't have the police force to deal with it which is a consideration in approving those kinds of developments. The proper place for growth is within city limits and people are desperate for anything. The City of Greenleaf is not in a position to approve of multi-family dwellings being built. The transfer of development rights to keep prime agricultural ground almost requires municipalities to do the multi-family. They know where they want to go they just don't know how to get there.

Mayor Leigh spoke about their upgraded waste water treatment and the impact it's had to residents. It had to be done though because they were at capacity with no room for growth. With the anticipated completion of the system in the spring there is also a new subdivision in the works. Additionally, the trailer park sold and they'd now like to add on to it. If those two projects go thru they will be at capacity again. However, the way the system is build it offers options for expansion and additional capacity. They are working on a project with a subdivision developer who is replacing one big trump line that goes down to the sewer, in exchange for sewer connections for the subdivision. With that being done it will give them flow capacity to grow but not actual sewer capacity. As far as policing goes, they work well with Wilder and recently starting contracting with Notus so they've responded to some of their calls. They've restructured their schedule to run with 4 full-time officers in order to pay a bit more and hopefully attract a better-quality officer. They also have a full-time administration person who assists with code enforcement and some of the officers' administrative type work.

Mayor Kling explained her priorities for growth include - grow wisely, growth needs to fund growth, preserve the quality of life and ag ground. For the City of Nampa growth has been funding growth thru impact fees and she encouraged everyone to implement them. Currently the city is considering implementing a utility impact fee - this would be a fee in addition to hook-up fees. She said her team would be more than willing to work with any other city even just to answer questions regarding public works issues. She noted that their greatest growth was from 2000-2010, when they grew by 30K people; they only grew by 18,600 in the past decade. In an effort to preserve ag ground she asked the county to not approve subdivisions in the middle of county ag ground, she thinks that is critical. If you want to grow wisely you have to grow in, not out. However, that creates more density in the city. Agriculture is key to the community and manufacturing related to ag is a great business. Ag ground needs to be preserved in order to preserve the businesses that are using it. She said she appreciates the cooperative effort between the City of Nampa and Canyon County regarding impact areas in south Nampa. Another big issue surrounding growth is transportation, there is not enough funding for the roads. She appreciates ITD and the work they've done in regard to improvements but it hits the citizens huge when you have to use tax dollars for road improvements. They've been doing a 1% increase in property taxes just to fund roads but they have a \$14M annual deficit just for roads. The City of Nampa did not have a building moratorium because they already have a process in place thru the fiscal impact study to evaluate the value that's coming from every development to make sure it's paying its way. They are also going to use the fiscal impact study to determine the business they have, the wages and the housing to support

the wage range. Historically they have just taken what's come in instead of going after what they need and she would like to shift that, it goes back to determining who they really want to be. She would like to see that discussed among Canyon County leadership - who does Canyon County want to be from an industry standpoint? What is the right mix? Some of the challenges they face with policing include drug trafficking, sex trafficking and the changing culture. Right now, they have 132 police officers which is the number that was funded in 2009. There seems to be a more violent culture with a lot of unrest and you don't know what's coming; she thinks the funding of police is very important. She wonders, looking long-term, with the cap from HB389 how do you fund what you have to fund?

Commissioner Smith said the county wants input from the cities in regard to the comprehensive plan map, planning and growth, impact areas and who Canyon County wants to be. She feels that agriculture is Canyon County's most valuable resource and if it's not protected the businesses everyone has worked so hard for is begging for failure. She said the county would like to pull back the impact areas but need to know where the cities want residential, commercial, industrial and what needs to be protected for ag.

Director Fultz spoke briefly about the process of working thru the comprehensive map planning.

Another meeting was scheduled for October 15, 2021 at 11:30 a.m. for continued discussion.

The meeting concluded at 1:03 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2021 TERM  
CALDWELL, IDAHO    OCTOBER 4, 2021

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

APPROVED TRANSFER OF SICK LEAVE TIME TO VACATION TIME

- The Board approved the transfer of sick leave time to vacation time for A. Gallegos

APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Bryce Martin

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for 3 Girls Catering LLC dba Three Girls Catering

#### COMMISSIONERS OFFICE STAFF MEETING

The Board met today at 8:42 a.m. for an office staff meeting. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy Clerks Jenen Ross and Monica Reeves. The Board reviewed this week's schedule with staff. The Board advised staff that Canyon County is giving up its seat on the behavioral health board so that a Washington County elected official can serve. (This topic was discussed at a recent Idaho Association of Counties meeting.) The meeting concluded at 8:56 a.m. An audio recording is on file in the Commissioners' Office.

#### MONTHLY COMMUNITY INPUT MEETING

The Board met today at 9:02 a.m. for the monthly community input meeting. Present were: Commissioners Keri Smith and Leslie Van Beek, Travis Hunter, Jim Hunter, Steven Sywick, Lamont Bostrom, Colleen George, Steve Burton, Mark Cron, Larry Olmsted, Delbert Chappell, Facilities Director Paul Navarro, Sr. Customer Service Specialist Becky Kearsley, other interested citizens, and Deputy Clerk Monica Reeves. The topics of discussion were as follows:

Travis Hunter and Jim Hunter, who are residential homebuilders, spoke about the Star Impact Area and the committee of nine discussions. Their company, Hunter Homes, is the second largest stakeholder in the discussed area and they said it makes no sense for half of their property to be in Star and the other half in Middleton. They presented the Board with information that highlighted some of their projects. Travis Hunter referenced the Leighton Lakes developer who is challenging their projects. Commissioner Smith said she loved the presentation and said Canyon County's stance does not have anything do with the Hunter Homes projects; it's about the County's interpretation of state law. Her concern deals with adding to the floodplain with fill and pushing water onto neighboring properties, she hopes the Hunters are doing what they can to have no adverse impacts to development. Jim Hunter finds it odd that one person with special interests paid for a legal opinion and gave it to a city who pushed it to another city. Mr. Hunter said he too has his own qualified legal opinion on this topic and he urged the Board to "keep it clinical."

Steven Siwek, who works for Hunter Homes, encouraged those with questions/concerns to visit the company's projects because they are impressive and will bring amazing value to the area.

Lamont Bostrom and Colleen George spoke to the Board about their request to use the public meeting room in the administration building. Mr. Bostrom is the District 12 chairman of the Canyon County Republican Party and the group has historically been allowed to reserve the public meeting, however, he was recently informed that only the chairman of the Canyon County Republican Party would be allowed to reserve the room for Republican party issues. He believes the meeting room should be available for public use, as long as it's available. Colleen George added that the use of the room seemed to become an issue when the group asked to hold both in-person meetings and virtual meetings. Commissioner Smith noted the amount of time/costs involved when staff has to set up the room after hours, conduct COVID cleaning protocols, etc., and said perhaps we need to look into charging a fee to help cover the costs for after-hours use. Commissioner Van Beek suggested the parties work it out internally within the Republican Party and speak to the committee chairperson. The Board will take the request into consideration.

Steve Burton asked whether the Board is considering an injunction regarding the Star Impact Area. Commissioner Smith said the Board will not disclose where it is with that. The Board is on the record negotiating with the City of Star for an impact area and has spoken with the City of Middleton to try to get them to pull back their impact areas, but that does not appear to be working. The Board does not agree with Category A annexations outside impact areas.

Mark Cron, who lives in the two-mile buffer area between Star and Middleton, spoke of his concerns with large-scale development being put in when there is no infrastructure to support it which causes safety issues.

Larry Olmsted asked about the status of planning for a new jail. He noted that back in May of 2019 citizens were told the jail was maxed out and the County was paying to house prisoners in other locations. He believes the DLR study has no validity and therefore we need a fresh start with a planning group and there needs to be a dedicated capital construction fund. He wants impact fees to be considered as well.

Delbert Chapel spoke of his concerns with the negative impacts of residential development that are impacting his way of life.

The meeting concluded at 10:02 a.m. 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 10:11 a.m. with the City of Star/Canyon County Area of Impact committee regarding impact area negotiations. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, DSD Director Steve Fultz, DSD Planner Jennifer Almeida, GIS Analyst Tony Almeida, Star Mayor Trevor Chadwick, Councilman Michael Keyes, Councilman Kevin Nielsen, Richard Edgar, Spencer Kofoed, Kevan Wheelock, City of Star Planner Shawn Nickel, Star City Attorney Chris Yorgason, Middleton Mayor Steve Rule, Other members of the public and Deputy Clerk Jenen Ross.

Commissioner Smith said she spoke with the City of Middleton about pulling back their area of impact but did not get a commitment from them to do that. She is going to continue moving forward in the plan to ask cities to pull back their impact areas to ½ mile. The county's vision is to have growth in areas identified for community. Additionally, she wants to see impact areas that are adjusted/evaluated every 3-5 years to account for growth so that there are controlled growth areas.

Councilman Keyes feels that in the last meeting the group neglected to include the legislative intent. There are 3 criteria to be considered – trade area, geographic factors and areas that can reasonably be expected to be annexed into the future. He spoke about what he feels the intent is and how the City of Star's plan fits that intent. If you were to time test it for 'reasonably expected to be annexed' within the 3-5-year timeframe it meets the legislative intent. Councilman Keyes feels that adjusting Star's request to only include areas north of the river is consistent with what the legislature intended and that it's much more consistent than the ½ mile boundary that has been proposed.

Commissioner Smith noted that there also needs to be discussion about the text and what is actually being agreed to.

Mayor Rule feels that the City of Middleton is under-represented and has not been invited to the table. Commissioner Smith explained the committee was set up based on state statute. There has to be a boundary created and no matter what it will overlap Middleton; at that point, per state statute, the two cities will have to negotiate. If there is no agreement reached it will then go back to the constituents for a vote. Commissioner Smith said that the role of this committee is to negotiate the area of impact agreement, today is not for discussion on annexations. Once discussions with the City of Star are completed Commissioner Smith anticipates sending a letter to the City of Middleton asking to negotiate because of the overlap. Once there is a recommendation from the committee of 9 it is her understanding that each respective Board is to consider adopting the recommendations. If both Boards adopt the recommendation, then there will be an overlapping boundary so the cities of Middleton and Star will have to negotiate. If negotiations end in a deadlock it will have to go to the constituents for a vote.

Mr. Yorgason clarified that state code says that if the areas of impact overlap the cities involved shall negotiate boundary adjustment recommended to their individual city councils. Then if the cities cannot reach an agreement either city can request the Board of County Commissioners recommend adjustments to the area of city impact; if the cities can't agree then one of those cities can ask the county to come up with a solution. If the cities, then don't agree with the county recommendation then it goes to the voters for a decision. If either city objects to the recommendation of the BOCC the county shall conduct an election of the qualified electors giving them the option of which area of impact they want to reside in. The election finalizes the situation, there are no more options for negotiation between the city and county.

Discussion ensued about potential boundary lines and certain properties that would be excluded. Copies of maps referenced are on file with this day's minutes. Both the cities of Star and Middleton have annexed to Kingsbury and there is testimony from both communities that they are able to service that area.

Kevan Wheelock suggested letting the developer decide which way they're going to and leave it open to their interpretation in regard to the pink square on map B.

Councilman Keyes made a motion to adopt the map based upon discussion of the boundary lines including areas to be included and excluded.

Additional discussion ensued regarding the expansion of impact areas and collection of impact fees. Mayor Chadwick addressed a question about the areas not currently within the impact area that are already established subdivisions stating that they would not be included in the City of Star unless they annex in, or they are force annexed in although parcels that are 5 acres or more cannot be force annexed. Sewer and water will not be provided unless their septic systems fail.

Commissioner Smith said the text portion needs to be determined to clearly outline exactly what is being agreed to by both the city and the county.

Following discussion regarding interpretation of the boundaries and clarification the motion was seconded by Councilman Nielson stating that this area of impact proposed takes into consideration land use applications that are currently before the City of Star, the geographic Boundaries that seem most reasonable surrounding that area and feels like it follows the statute that the committee is operating under.

A vote was taken on the motion as follows:

Commissioner Smith voted no stating this is a highly agricultural area, there are some vacant lands north of the area however, she thinks there is a really valid reason to control that growth and bring those areas back and have identified areas.

Commissioner Van Beek doesn't necessarily dislike the proposed plan but she can't vote on something when she doesn't understand what it looks like. She would need a little more information even though she fundamentally doesn't disagree with the lines that have been drawn.

Committee member Richard Edgar is in favor of the original proposal.

Committee member Spencer Kofoed voted no.

Committee member Kevan Wheelock said that with the exceptions that have been excluded, he votes yes.

Councilman Keyes believes this proposal is consistent with the statute that they have been directed to follow and voted yes.

Councilman Nielson likes Commissioner Van Beek's request for more information. He thinks that's needed and it will be most beneficial is in the text. His vote on the boundary is yes.

Mayor Chadwick voted yes.

A vote was taken on the motion with Mayor Chadwick, Councilman Keyes, Councilman Nielson, Mr. Wheelock and Mr. Edgar voting in favor of the motion. Commissioners Smith and Van Beek and Mr. Kofoed voted in opposition. The motion passed in a 5-to-3 split vote.

Tony Almeida will map the boundaries and another meeting will be scheduled to discuss the text.

The meeting concluded at 11:29 a.m. An audio recording is on file in the Commissioners' Office.

EXECUTIVE SESSION – DISCUSS PERSONNEL MATTER PURSUANT TO IDAHO CODE, SECTION 74-206(1)(B)

The Board met today at 1:24 p.m. to discuss a personnel matter. Commissioner Van Beek made a motion to go into Executive Session at 1:25 p.m. pursuant to Idaho Code, Section 74-206(1) (b). The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion with Commissioners Smith and Van Beek voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Trial Court Administrator Jamie Robb, Assistant TCA Benita Miller, Admin. Supervisor Tara Hill, and Deputy Clerk Monica Reeves. The Executive Session concluded at 1:35 p.m. While in open session the Board indicated its support to the TCA to allow for telecommuting for one of their employees.

PUBLIC HEARING – REQUEST BY CALLISTER, LLC, AND C4 SUBDIVISION FOR A REZONE AND

PRELIMINARY PLAT, CASE NOS. RZ2021-0010 & SD2021-0008

The Board met today at 1:44 p.m. to conduct a public hearing in the matter of a request by Callister, LLC, and C4 Subdivision for a rezone and preliminary plat, Case Nos. RZ2021-0010 and SD2021-0008. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Jennifer Almeida, Alec Egurrola, John Carpenter, and Deputy Clerk Monica Reeves. Today's hearing was continued from September 23, 2021 where the Board sought additional information regarding fencing; adding lot numbers to the irrigation plan; a proposal for landscaping at the entrances; corrections to plat notes pertaining to irrigation; and why the development includes three road names. Jennifer Almeida reported that the GIS analyst consulted with EMS personnel about the road name requirements and they indicated they would be okay with two road names, but they prefer the development use three road names. The Board had questions of staff regarding road names and EMS addressing issues. Discussion ensued. Alec Egurrola testified in support of the request and said the developer is adamant about not having fencing because it would not be in keeping with the character of the area and would create a visual barrier against the agricultural space and openness. He spoke about the amenities that will be provided for connectivity and pedestrian traffic to mesh with the area. Each homeowner will be required to plant and maintain trees, but not necessarily have a landscape buffer. The developer will provide an entryway and will clear up the irrigation issue regarding gravity irrigation going to the pond providing pressurized irrigation. No domestic wells will be used for irrigation. The developer wants to provide something that is good for the area, but wants to keep the development in conformance with the community. John Carpenter testified the developer is not opposed to a condition of approval that says every lot shall be hooked to pressurized irrigation and the lots owners agree not to water from the well. The developer prefers to keep the HOA responsibilities as small as possible, there will be CC&R's for the pond, pathway, entryway, and the pressurized irrigation. Commissioner Van Beek spoke about the developments in the area that have grand entryways and islands which represents a better class, higher quality development. Mr. Carpenter said the developer plans to make this project consistent with what exists out there and he is not opposed to the fencing, he thinks it does not fit with the area, but if the Board wants fencing on the perimeter, minus the pond, that's fine. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner Van Beek does not like the presentation, but she understands in an area of transition we have to find ways so maybe that's the best way to mitigate. Commissioner Smith would like to see larger lots for the buffer, however, that won't help in this situation. There is a huge demand for one-acre lots and this developer is willing to not add pressure to the aquifer by using private wells; they will have to put in pressurized irrigation systems and if it's in the CC&R's there is civil action that could happen. Commissioner Van Beek said the biggest lot in this development might be Lot No. 10 at 1.37 acres, so if they have a house that takes up a 1/2 acre of that they would technically be a little over on their private well, but the rest will follow state code. Commissioner Smith said in looking conclusion of law no. 5 for providing adequate facilities and services, our finding is that the developer is proposing pressurized irrigation and that will serve all landscaping needs including residential lawns and landscaping, and we are not adding to the pressure of the aquifer to use to draw from that water source. She wants to modify no. 5 to state that pressurized irrigation is proposed and will be required to serve all the lots. Commissioner Van Beek said there should be some coordinated

effort on the part of the developer if they are going into a transition zone to represent that blend and to make it aesthetically pleasing for agriculture and residential use. Commissioner Smith said the request is in compliance with the map as well as the identified text. When considering the surrounding land uses the conclusion is that it is more appropriate than the current zone, but it hurts her heart because it is prime farm ground and land use decisions have changed this area. It's not being plopped down in the middle of agricultural ground – there are residential subdivisions to the south, rezones to the east/west and north. It's a transition area and so that being said R-1 is probably more appropriate. Commissioner Van Beek said because of the developments within a mile radius of this property, it should be similar to other quality projects that have coordinated planning including fencing and landscaping. Commissioner Smith doesn't want to set the precedent and keep approving requests just because they are adjacent to other R-1 zones. She asked staff to reference as much as they can even the rural residential zoning changes, and mention specifically the agricultural zone to the north is buffered by the pond so there is a natural buffer, that's important because we have required some setbacks on other subdivisions from agriculture and because of that buffer she doesn't think it's applicable to require an additional setback. What we've done on a couple of those is a 100-foot setback and it helps with aerial spraying. If there's any structure within the 100 feet of a property line, aerial sprayers cannot spray it any longer. Perhaps they can agree to agricultural disclosures in the CC&R's. Commissioner Van Beek said there is an enhanced agricultural disclosure that Mr. Wilke submitted for a land use hearing last week that is more restrictive than the right-to-farm act so maybe we can look at incorporating that language. Commissioner Smith said typically she would be recommending denial until we had a development agreement but since they applied for the subdivision she wants a finding that we want an agricultural disclosure and that's how we will make it compatible with the surrounding land uses. Ms. Almeida said there can be a reference that this is an application that also includes a subdivision plat and as part of the conditions of approval for that subdivision plat, an agricultural disclosure was required which will help with the compatibility issues. Commissioner Smith wants to change no. 3 for the ag disclosure and compliance with normal setbacks. On finding no. 4 the only change she has is to reference the City of Star annexations in the area. She asked staff to modify the finding to tie back to the subdivision as well and what we will condition as discussed on the record, and also City of Star. Identify that both communities have annexed within one mile of the property and that changed the character of the area. The County is not contributing to it. Commissioner Smith wants a reference that it's in platting. Commissioner Van Beek made a motion to approve the rezone with the articulated conditions of approval attached to the subdivision portion for the rezone for Case No. RZ2021-0011, which includes the recommended changes to findings of fact and conclusions of law as stated during deliberation. Staff is directed to make changes to the findings of fact, conclusions of law and order that will be signed at a later date. The motion was seconded by Commissioner Smith and carried unanimously. The Board's deliberation on the subdivision request was as follows: Commissioner Smith wants the FCO's to specifically note that pressurized irrigation shall be utilized for the common lot as well as for all homes including lawns and landscaping and that it be included for management in the CC&R's. Commissioner Van Beek would like a landscaped entryway and for the developer to work with the City of Middleton to make that subdivision commensurate with what's going on in the development in the direct area of impact. She also wants there to be consistent fencing and landscaping. Ms. Almeida said we have to figure

out how that would be enforced and what kind of evidence we would require before the plat comes to the Board. Commissioner Smith said we should require a pre-annexation agreement be submitted before the final plat. Commissioner Van Beek said the City of Middleton removed their objection with the pre-annexation agreement; it means they are staging it to mirror, at some point in time, what the city requires. Commissioner Smith offered to assist staff with writing that condition. She suggested a condition of approval that they submit a pre-annexation agreement with the City of Middleton with their final plat application. If they cannot negotiate that they will come back and tell us why and amend the condition. There shall be a condition of approval that each homeowner will sign an agricultural disclosure acknowledging there are agricultural uses in the area and that it stays with each lot and is passed to each owner. Commissioner Van Beek made a motion to approve the subdivision for Case No. SD2021-0008 with two conditions of approval:

- The pre-annexation agreement with the City of Middleton for approval at the final plat stage, and a condition of approval for the agricultural disclosure that stays with each lot as per the Board's discussion.
- The change to the pressurized irrigation condition to require the system be used for all landscaping and lawns.

The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 2:58 p.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO DISCUSS TEMPORARY OFFICE SOLUTIONS FOR THE PUBLIC DEFENDER'S OFFICE

The Board met today at 3:00 p.m. to discuss temporary office solutions for the Public Defender's office. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Public Defender Aaron Bazzoli, Controller Zach Wagoner, Facilities Director Paul Navarro, Assistant Director of Facilities Rick Britton, IT Director Greg Rast, Assistant IT Director Eric Jensen, Assessor Brian Stender and Deputy Clerk Jenen Ross.

Director Navarro spoke about how the Public Defender's office is out of space. One option they've been exploring is to lease a 10x44 temporary classroom structure to be placed in the parking lot near the juvenile justice building. It will not have water or sewer but will have electricity and point-to-point data. The total initial cost is \$11,335.00 and \$583.00 on a monthly basis. A detailed breakdown of costs is on file with this day's minutes. The office would provide space for 4 attorneys handling juvenile justice cases. Commissioner Smith said she is not a big fan of this plan. She doesn't feel it's leading the community in a direction she likes. Mr. Bazzoli said he does still have space for the 3 attorneys that will be starting next month. Commissioner Smith spoke more about her concerns with this plan and Commissioner Van Beek expressed her desire for establishment of an improvement plan with funding. The Board would like to see options to lease space in Caldwell explored. The meeting concluded at 3:14 p.m. An audio recording is on file in the Commissioners' Office.

## MEETING TO DISCUSS BOCC MEETING ROOM RENOVATION

The Board met today at 3:16 p.m. to discuss the BOCC meeting room renovation. Present were: Commissioners Keri Smith and Leslie Van Beek, Facilities Director Paul Navarro, Assistant Director of Facilities Rick Britton, IT Director Greg Rast, Assistant IT Director Eric Jensen, Assessor Brian Stender and Deputy Clerk Jenen Ross.

Commissioner Smith said the Board has budgeted to make changes to the meeting room. Some of the requests include a smartboard and better sound for both recording and audience members. Based on a comment from Commissioner Van Beek, Director Navarro requested specifics on what the Board would like to see to enhance the esthetics of the room. Commissioner Van Beek would like to have two additional tables that can be moved around the room with a pop-up feature. Director Rast spoke about the possibility of wired mics for the Commissioners' desk and wireless for the participant desks. He said at a very minimum there needs to be power and network cable to the floor boxes. Director Rast suggested 24" monitors within the desk in front of each Commissioner. Directors Rast and Navarro feel there would need to be approximately 4 floor boxes installed however, that will require cutting of the concrete floor and the meeting room will be unusable for 2-4 weeks during the construction. Commissioner Smith would also like to have a QR code for the public to access land use documents and to be able to sign up to testify; Director Rast said that is mostly time and programming but would take it into consideration. The IT department will be meeting with the vendor next week to discuss availability of the equipment – most of the equipment currently being used will be replaced. Other possibilities being considered include a document scanner for display on the monitors, a monitor behind the Board, rearrangement of the monitors on each wall and an additional one toward the back of the room, reconfiguration of the desk so that there are options for standing or sitting – possibly a 6-8" dais, chair-rail molding, paint, the recording lights will remain, phone integration and possible drop mics vs. wireless mics. Discussion ensued regarding the dais, Commissioner Smith envisions just the desk being raised and the use of taller chairs so that there can be a stand or sit option and the Board will remain at the same height. Commissioner Van Beek is more in favor of a raised platform for the Board as opposed to Commissioner Smith's suggestion. Additionally, the Board would like the ability to stream meetings but further discussion may be necessary to make a final decision and accommodate the cost in the budget. The meeting concluded at 3:45 p.m. An audio recording is on file in the Commissioners' Office.

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

APPROVED CLAIMS ORDER NO. 2201

- The Board of Commissioners approved payment of County claims in the amount of \$1,802,645.07 for a County payroll

APPROVED CLAIMS

- The Board has approved claims 578115 to 578155 in the amount of \$50,184.45
- The Board has approved claims 578035 to 578035 in the amount of \$50.70
- The Board has approved claims 578034 to 578034 in the amount of \$225.00

APPROVED TRANSFER OF SICK LEAVE TIME TO VACATION TIME

- The Board approved the transfer of sick leave time to vacation time for H. Hibbert

MEETING WITH THE DIRECTOR OF FACILITIES TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 8:44 a.m. with the Director of Facilities to discuss general issues, set policy and give direction. Present were: Commissioner Leslie Van Beek, Commissioner Smith participated via teleconference, Facilities Director Paul Navarro and Deputy Clerk Jenen Ross.

The following topics were discussed:

- Remodel of courtroom no. 6 was completed in September; they are now just waiting for the Supreme Court audio/visual contractor to complete their portion.
- Some FY2022 projects have been started and are nearly complete including a remodel of a vault in IT for office space, exterior painting of the Weed and Pest office and shop and remodel of the Coroner's Office. The Facilities department will also be working on upgrading courtrooms 1-5 but are waiting on delayed materials. Upgrades to some of the sidewalk and planter concrete at the DMV has been done.
- Purchase orders will be coming in for removal of a tree in the courtyard, re-roof the Extension office, fire alarm upgrades and architectural glass for entry doors and the BOCC private entrance.

- There is a leak in a waterline in front of the courthouse which they have been working on but have been struggling to find competitive bids or contractors. However, there is a staff member who has experience with excavation and may be able to help. At some point water to the building will need to be shut off so there will be afterhours and weekend work. Sprinkler lines were damaged during the sidewalk replacement so they are also working to repair/replace those.
- Fair Expo building project is moving along well. The concrete contractor is about 2 weeks behind and they are concerned about the weather changing not giving an opportunity for the concrete to cure properly. Director Navarro addressed questions posed by Commissioner Van Beek regarding timeframes and the contractor's bond.
- Director Navarro has been working with the City of Caldwell on the pedestrian bridges that URA funds will be used for. They have located some prefabricated bridges and are working with legal on how those can be procured. Three manufacturers have been identified, one of which may be part of the intergovernmental cooperative agreement which the county could join. They have reached out to T-O Engineering to see about assisting in the engineering of the abutments, once they are designed they can either be put out for bid or ask if HC Company would like to build them. Mr. Navarro briefly addressed some of the projects the URA money has already been used for and upcoming projects.
- After the meeting regarding the BOCC meeting room yesterday, Director Navarro has thought of some other renovations that room could probably use such as paint and other options for the dais and the floor boxes.
- Commissioner Van Beek asked if the words "In God We Trust" can be added over the County seal. Director Navarro said it could be done and Commissioner Smith asked to see a mock-up.

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

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

The Board met today at 9:08 a.m. with county attorneys for a legal staff update and to consider agenda items. Present were: Commissioner Keri Smith and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, EOM Christine Wendelsdorf (left at 9:10 a.m.), Facilities Director Paul Navarro (left at 9:12 a.m.) and Deputy Clerk Jenen Ross. The agenda items were considered as follows:

***Consider ratification of Idaho Office of Emergency Management 2019 EMPG:*** Ms. Wendelsdorf explained this is a matching grant that pays a portion of her salary and benefits and pays for the Motorola radio contract. The county overmatched the grant and in order to get a refund the paperwork needed to be submitted by the end of September. Due to a lack of quorum in the office

the Board provided authorization via email so the paperwork could be submitted by September 30<sup>th</sup>. Commissioner Van Beek made a motion to ratify the Idaho Office of Emergency Management 2019 EMPG. The motion was seconded by Commissioner Smith and carried unanimously. A copy of the document is on file with this day's minutes.

***Consider signing solicitation of bids for fall 2021 polished concrete floors at the Fair Expo Building:*** Director Navarro said 3 contractors he's previously worked with have been identified for this solicitation of bids. He is anticipating the cost to be approximately \$100,000 to \$140,000. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the solicitation of bids for fall 2021 polished concrete floors at the Fair Expo Building. A copy of the solicitation of bids is on file with this day's minutes.

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

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

Commissioner Van Beek made a motion to go into Executive Session at 9:13 a.m. pursuant to Idaho Code, Section 74-206(1) (b), (d) and (f) regarding personnel matters, records exempt from public disclosure and attorney-client communication and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and Deputy P.A. Doug Robertson. The Executive Session concluded at 9:41 a.m. with no decision being called for in open session.

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

***Consider signing engagement letter with Givens Pursley LLC and joint representation, joint prosecution, privilege and confidentiality agreement between Canyon County, the City of Middleton and Givens Pursley:*** Mr. Laugheed said that getting outside counsel is not something the Board or PA's Office takes lightly so these documents were closely scrutinized for conflict or appearance of conflict. In this case the Prosecutor's Office is entering a contract to provide misdemeanor prosecution services for the part of Star that expands into Canyon County so they will be business partners to a limited extent. In light of that it was agreed that it would be best to have the PA's Office step aside in this representation. Commissioner Van Beek made a motion to sign both the engagement letter with Givens Pursley LLC (see agreement no. 21-077) and the Joint Representation, Joint Prosecution, Privilege and Confidentiality agreement between Canyon County, the City of Middleton and Givens Pursley (see agreement no. 21-078)

The meeting concluded at 9:44 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REZONE HEARING FOR ESSEX HOLDINGS VI, LLC, AND PRELIMINARY PLAT FOR GENEVA ESTATES SUBDIVISION, CASE NOS. RZ2020-0023 AND SD2020-0042

The Board met today at 9:53 a.m. to conduct a public hearing in the matter of a request by Mason & Associates representing Essex Holdings VI LLC, for a rezone of Parcels R32989 and R32989010 from an “A” Zone (Agricultural) to an “R-1” Zone (Single Family Residential). The request also includes a preliminary plat with irrigation and drainage plan for Geneva Estates Subdivision, a 28-lot residential subdivision. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planning Official Dan Lister, Will Mason, Angie Cuellar, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. Through a re-noticed hearing the request is coming back for consideration after the Board denied the rezone on July 28, 2021 based on the following:

1. The area is still predominately agriculture and consists of viable farm ground. The soil classification is 1 and 2; the surrounding lots are still in agricultural production.
2. The City of Nampa previously stated the request was inconsistent with their plan, but they have submitted a new letter stating they oppose it because it impacts their planned growth for that area which promotes medium-density residential. This is just outside the impact area, which they are working on to extend the impact area past the park, this property would be part of that impact area change. The property is adjacent to a city park to the north and it's close to two future sites for the Nampa School District. With the property being so close to the park and future school sites it would be better served with higher density rather than a low density.
3. The request does not promote orderly growth and promotes sprawl into agricultural zones without extension of infrastructure or services and the result ultimately creates an enclave lot as the city grows into this area.

Staff is recommending denial of both requests. Commissioner Smith said at the last hearing the development needed to touch at least two sides of the development, and she would still like that included in the findings if the Board ends up denying this. Will Mason testified in favor of the request. In the 2020 comprehensive plan the property is shown as a residential area and that's why they came forward with the idea that it is against a city park and Nampa school district parcel to the west, and also the impact area is on the east side. After the last hearing there was some indication the Board wanted to see if there was a way to make this a higher density. He spoke with the city about potentially extending sewer and water to the project and they said they would consider it with the condition that the project would be annexed when it was available to touch the city, and that they would pay the impact fees at the time of the building permit. The city requested the sidewalk and landscaping along Lonestar Road and Midway Road and the developer has no issues with that. The highway district is okay with the interior roads. The health district does not allow anything less than one acre without one of the two services so they could go down to a ½ acre lot with city water and then they would have a little less than two acres. If they brought in water/sewer he proposes an agreement to allow a higher density if the Board will consider it.

Commissioner Smith said if it has central sewer and/or water they would be able to reduce to 12,000 square feet; she would support ½ acre density with sewer OR water. Mr. Mason will do a pre-annexation agreement with the city, and a development agreement with the County. He also said this could be a moot point if the city says its not ready to extend water or sewer. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to table Case Nos. RZ2020-0023 and SD2020-0042 indefinitely to allow the applicant time to work on a pre-annexation agreement and some of the details regarding services to that area, including a development agreement with the County. The hearing concluded at 10:06 a.m. An audio recording is on file in the Commissioners' Office.

### MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 1:46 p.m. for the monthly elected officials' meeting. Present were: Commissioners Keri Smith and Leslie Van Beek, Assessor Brian Stender, Treasurer Tracie Lloyd, Clerk Chris Yamamoto, Controller Zach Wagoner, HR Director Kim Foster, and Deputy Clerk Monica Reeves. The following topics were discussed:

**Observance of Juneteenth** – Initially when the Board considered the observance of Juneteenth it was told courts and banks were going to be open that day, but it's come to their attention that is not true and so they would like feedback from the elected officials on whether they want the Board to reconsider that date. Treasurer Lloyd is concerned about the due date for taxes in June since and she needs clarification so she can set up billing/due dates. June 19, 2022 falls on a Sunday and if we observe it as a holiday, as the state and federal governments do, Monday the 20<sup>th</sup> would be a holiday so taxes would be due on June 21<sup>st</sup>. She wants consistency and fairness to all taxpayers. She will contact the state tax commission and ask for a formal opinion. Assessor Stender said ITD will be closed and if DMV is open his staff will have no state support to allow transactions. Clerk Yamamoto is opposed to new holidays; however, if the federal and state governments are closed it creates issues for almost everything his offices do. Commissioner Smith prefers not to issue a formal decision yet, but she does want to retract the formal decision on whether it will be a day off.

**Introduction of HR Director Kim Foster** – The Board introduced Ms. Foster to the group and asked for comments from the elected officials. Treasurer Lloyd said we need a policy relating to the equipment that was handed out during the pandemic. She feels like the County doesn't have any teeth to get the equipment back if the person did not return to work. Clerk Yamamoto said Ms. Foster will want to meet with Audit staff. Commissioner Smith said when the Board changed the resolution for salaries it eliminated the compensation committee and it gave Director Foster direction on learning about that so she is hoping Zach Wagoner will help her learn what that system looks like and have more conversations moving forward. There has also been a change to the blue sheet/employee salary rate process. She noted it will be interesting to see what happens with employee turnover. Clerk Yamamoto and Assessor Stender both reported their employees are grateful for the compensation. The Board advised that it will give one (1) day off this year for

employee appreciation - Friday, November 26, 2021. The meeting concluded at 2:05 p.m. An audio recording is on file in the Commissioners' Office.

### TALENT DEPOT PRESENTATION FOR ARPA FUNDS

The Board met today at 2:36 p.m. for a presentation from Talent Depot, a company who is seeking ARPA funds. Present were: Commissioners Keri Smith and Leslie Van Beek; Shae Taylor; Darin Taylor; HR Director Kim Foster; HR Staff Ellen Cahalan, Demi Etheridge, Cindy Lorta, Bailey Allen, and Jennifer Allen; Controller Zach Wagoner; Treasurer Tracie Lloyd; and Deputy Clerk Monica Reeves. Darin Taylor said Talent Depot helps people understand who they are and what they want and then direct them to people who can help them get it. They target the unemployed who are looking for work, and those who are in college and high school. Shae Taylor is the CEO and founder of Talent Depot which helps people find jobs by gathering information and mobilizing it so everyone can use it. They help residents answer three critical questions:

- In what roles do people like me succeed?
- Who are they?
- How can I learn directly from them?

#### Worker Benefits:

Increase self-awareness and motivation to get back to work

Improve confidence, hope and mental health

Network more effectively into jobs and careers

Help low-income families and struggling household providers get discovered for opportunities that are a good fit based on their interests and natural abilities

#### Small Businesses Benefits:

Establish an open-source collaborative community pipeline to find, develop, and retain talent

Introduce a new way to encourage the workforce to come back to work

Redirect unsuccessful candidates to the talent pool

Find and establish channel partners for business expansion (i.e., learn the cues to build better rapport)

Support talent development for internal teams

**Proposal A:** Apply for \$1.47M (Year 1: \$790,000 and Year 2: \$680,000) of Coronavirus state and local fiscal recovery funds. Their solutions fit the criteria by helping communities meet pandemic

response needs and rebuild a stronger, and more equitable economy as the country recovers. They will use recovery funds to build and launch an online Talent Depot directory and Hero Center for the City of Caldwell. Their solutions directly address negative economic impacts caused by the public health emergency, including economic harms to workers and small businesses.

**Proposal B:** Apply for \$3.98M (Year 1: \$2,096,500 and Year 2: \$1,884,000) of Coronavirus state and local fiscal recovery funds. Their solutions fit the criteria by helping communities meet pandemic response needs and rebuild a stronger, and more equitable economy as the country recovers. They will use recovery funds to build and launch an online Talent Depot directory for each city in Canyon County, and a statewide Hero Center.

Commissioner Smith said at a recent conference there was discussion about 1) building a program for everyone to compete for the funds, and 2) if we take funds and give them to other organizations there is a lot of reporting and risk involved. There has to be accountability of those funds. Commissioner Van Beek said we don't have the rubric for applying/receiving but we need something firm in place. Controller Wagoner said the County has agreed to the acceptance of \$44M under the American Rescue Plan Act and the responsibility and the risk for ensuring the funds are used in accordance with guidelines falls on the County. Darin Taylor said this program meets allowable expenses guidelines and they can report expenses in a way that will be easily tracked. Commissioner Smith said the Board will visit with Controller Wagoner and Treasurer Lloyd and see if we can come up with a plan to solicit some ideas or types of proposals and what that looks like. Darin Taylor said what he sees this unfolding is for the County to identify a program so that anybody can apply. In the meantime, instead of saying we'll wait for \$1.47 million we can be taking steps for \$100,000 or \$200,000, or smaller amounts. No Board action was required or taken today. The meeting concluded at 3:38 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2021 TERM  
CALDWELL, IDAHO    OCTOBER 6, 2021

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

PUBLIC HEARING – REQUEST BY CRAIG BEAN FOR A REZONE, CASE NO. RZ2021-0037

The Board met today at 9:32 a.m. to consider a request by Craig Bean for a rezone of Parcel R29320 from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone, Case No. RZ2021-0037.

Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Craig Bean, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The 7.83-acre property is located at 11690 Lewis Lane in Nampa, and is an original parcel. Last year the applicant submitted a land division application to divide the property and then decided he wanted to rezone it to add one more split. The conceptual plan shows it would split the house away, which is just over one acre, and two parcels would be available resulting in a total of three parcels within a rural residential zone. The lots will share an access off Lewis Lane. The property has surface irrigation water rights and future owners will have to observe the 50-foot irrigation easement. The future land use map designates the area as residential. Mr. Lister reviewed the agency comments that were received. On August 19, 2021, the Hearing Examiner recommended approval of the request. Staff is also recommending approval. Following his report, Mr. Lister responded to questions from the Board. Craig Bean testified he inherited the property from his parents' estate and he does not farm or have cattle nor does he have the equipment to maintain it. He is continually spraying the property to maintain a weed-free fire break between his property and the neighbors' property because there was an act of arson in July of 2018 before he took possession. In order to maximize the potential benefit from the property he wants to divide it into three parcels and retain for himself the portion with the home west of the canal and north of Lewis Lane, and then divide the other portion into two parcels with the intent of selling them. He has talked with the adjoining property owners and they do not object to his request. Commissioner Smith asked Mr. Bean to expand on the criteria/questions that must be answered in the findings of fact such as whether the use is consistent with the comprehensive plan, and whether rural residential is more appropriate than the current agricultural designation and whether it's compatible with surrounding land uses, etc. Mr. Bean noted the development that's occurred in the area and how it's not feasible to farm the property. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. Commissioner Van Beek said this is a transition area heavily dominated by agriculture, but there have been decisions made that have created a checkerboard of development. There are also water issues and so in this case if it were by itself and not bordered that would be different for her in evaluating a decision. Mr. Bean could get an administrative land division creating one more parcel but then there is the issue where he is saying he cannot maintain it and the ability of another person buying six acres might be in the same boat. There was no objection about water, there is access, and there are no objections from neighbors, and the configuration of the parcel creates a piece of ground that someone may not know what to do with. Even though it's not ideal and it creates one more area of development at least it's a rural residential request, but that doesn't mean he couldn't come back in the future and divide it again. Commissioner Smith believes the rezone will create a precedent for farm ground to be developed. There was discussion with staff regarding the ordinance amendments the Board will consider next week which will include a provision for the division of nonviable parcels in an agricultural zone. Mr. Lister said staff doesn't think this sets a precedent given the characteristics of the subject property. Commissioner Smith said it goes back to the argument for nonviable. There are huge farming operations to the west and south of the subject property and she would prefer to table this case and get through next week's ordinance amendment hearing and then make a decision. Mr. Lister said staff is showing that this is still in the current comprehensive plan and the future designation is residential and recent decisions have allowed rural residential in close proximity of

this property. We have a new comprehensive plan coming out which would change this area and decisions on that. Commissioner Van Beek said staff has a good argument and it places the Board in a difficult position where today there are more informed users of information and the ordinance that is driving some of the development we historically haven't seen. She likes staff's analysis but this case would probably go to a split decision which could cause it to be reheard, or we could table the case after the ordinance amendment goes into effect and allow Mr. Bean the opportunity to get a copy of the staff report and provide information and make a persuasive argument if he wants to move forward with a conditional rezone or under the ordinance provision. Mr. Lister said the application fee is \$550 for the nonviable split and so it would have to go through that process which will take 20-30 days because of the noticing requirements. Commissioner Smith said we are not guaranteeing approval, we are just saying we want to see if the ordinance amendment passes and if it gives Mr. Bean enough time to decide if that's an option for him. If there are changes to the ordinance this application will be pushed out for another hearing. If the case were denied today it would get the applicant to a final decision. Commissioner Smith wants to table this request and see what happens with the hearing next week on the ordinance amendments to the zoning regulations, also, it may be in his favor to have the full Board present to hear Mr. Bean's request. Commissioner Van Beek made a motion to table the hearing to October 20, 2021 at 9:30 a.m. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 10:22 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING WITH PUBLIC DEFENDER TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:35 a.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Public Defender Aaron Bazzoli and Deputy Clerk Jenen Ross.

Commissioner Smith noted that she is sensitive to changes to the County seal and does not want to see alterations to it as is currently being used in the Public Defender's department. Her intention is to put restrictions on it so that it can't be altered and establish how it can be used by Offices and departments. She is supportive of a seal being created specifically for the Public Defender's department. The Board provided permission to Mr. Bazzoli to use the standard county seal with Public Defender beneath it for shirts they are planning to order.

Mr. Bazzoli updated the Board on the following:

- FY2021 case count year in review and comparison to FY2020 and FY2019.
- Spreadsheet indicating FY2021 case load counts by attorney.
- The majority of employee evaluations are complete; he will be meeting with supervisors regarding feedback received from staff.
- Budget was at 99% overall. Commissioner Van Beek asked about the 'doctors' budget line item, adjustment of funds from FY2021 to 2022, bar dues fees and interpreter fees.

The meeting concluded at 11:06 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 11:12 a.m. with the Fair Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Fair Director Diana Sinner and Deputy Clerk Jenen Ross.

Director Sinner updated the Board on the following:

**2021 Post Fair report:**

- Record numbers were set for attendance and revenue
- 339 head were sold at the market livestock sale
  - Discussion ensued regarding the possibility of selling wristbands as a multi-day pass
- A review of operating revenue & expenses and budget vs. actual was provided

**Building Rental/non-fair events:**

- The facility is booked every weekend thru March and continuing to fill thru April and May
- An updated rental process, application, agreement and fee structure will be presented to the Fair Advisory Board next week and the BOCC at the next monthly meeting
- Event calendar for the website is scheduled to be live in mid-October

**Fair/Extension MOU:**

- The MOU is still being reviewed by the university; the Board asked Diana to follow up with Carrie Clarich with the Extension office and for it to be done within 5 working days

**Other discussion items included:**

- Agricultural Programs Coordinator
- Lease agreement with city is scheduled for next week
- Employee evaluations have been completed

The meeting concluded at 11:30 a.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 7, 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 578156 to 578192 in the amount of \$20,364.16
- The Board has approved claims 578236 to 578252 in the amount of \$8,126.34
- The Board has approved claims 578036 to 578069 in the amount of \$92,495.18
- The Board has approved claims 578291 to 578306 in the amount of \$16,600.69
- The Board has approved claims 578362 to 578404 & 577949, 577558, 578070 in the amount of \$74,722.84

#### APPROVED TRANSFER OF SICK LEAVE TIME TO VACATION TIME

- The Board approved the transfer of sick leave time to vacation time for S. Gatewood; A. Hartley

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Lily Brown, Interpretive Specialist-part-time; Kim Foster, Human Resources Director

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Command Sourcing, INC in the amount of \$16,128.00 for Canyon County Sheriff
- Tree Maintenance in the amount of \$2,000.00 for Facilities Department
- RBA Architects in the amount of \$75,600.00 for Facilities Department
- JB's Roofing in the amount of \$49,138.00 for Facilities Department
- Johnson Controls in the amount of \$6,325.00 for Facilities Department
- Architectural Glass & Glazing in the amount of \$18,527.00 for Facilities Department

#### MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 8:50 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross.

The following cases do not meet the eligibility criteria for county assistance and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to issue initial denials with written decisions to be issued within 30 days. The cases nos. are as follows: 2021-983, 2021-984, 2021-970 and 2021-985.

Director Baker presented a subordination agreement for case no. 2018-1573 which was approved in 2019. The total amount paid out by the County and the CAT Board is \$29,484.15. The applicant is attempting to secure a refinance of mortgage where funds will be received at closing for home repairs. Ms. Baker noted that the applicant has consistently made their \$25 monthly payment since their case was approved. The Board took no action today but requested additional information regarding the repairs to be completed, the value of the home/land and other financial commitments. The Board has asked if the applicant can make a 10-15% payment as part of the subordination agreement.

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

#### MEDICAL INDIGENCY HEARING FOR CASE NO. 2021-481

The Board met today at 9:04 a.m. to conduct a medical indigency hearing for case no. 2021-481. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel, Attorney Mark Peterson on behalf of St. Luke's, Tara Roberts on behalf of St. Luke's and Deputy Clerk Jenen Ross. Following testimony provided by Director Baker, Mr. Peterson and Ms. Roberts and Board discussion Commissioner Van Beek made a motion to issue a denial on case no. 2021-481. The motion was seconded by Commissioner White and a request for discussion was made by Commissioner Smith. After the discussion a vote was taken on the motion with Commissioner Van Beek voting in favor and Commissioners White and Smith voting in opposition. The motion failed in a 2-to-1 split vote. Commissioner White made a subsequent motion to continue the case to November 4, 2021. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 9:52 a.m. An audio recording is on file in the Commissioners' Office.

#### MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:55 a.m. to consider matters related to medical indigency. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Indigent Services Yvonne Baker, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross.

Commissioner Van Beek made a motion to issue final denials with written decisions within 30 days on case nos. 2021-394 and 2021-375. The motion was seconded by Commissioner White and carried unanimously.

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

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

The Board met today at 10:04 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, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Chief Deputy Sheriff Marv Dashiell (left at 10:10 a.m.), Director of Juvenile Detention Sean Brown (left at 10:21 a.m.), HR Generalist Jennifer Allen (left at 10:21 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

***Consider signing resolutions to accept the donation of K9s from Bryce Moore and a K9 for Ashley Moore:***

Chief Dashiell explained they've recently retired two K9s and have been granted the opportunity to adopt two new K9s with a retail value of \$4500 to \$6500 for each dog. The Sheriff's Office has worked with legal in preparing the adoption paperwork. The County will become the owner of the property but if for whatever reason the K9s don't work out with the County it is likely Mr. Moore and/or Ms. Moore would request the dog(s) be donated back to them. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign resolution accepting the donation of K9s from Bryce Moore (see resolution no. 21-206) and Ashley Moore (see resolution no. 21-205).

***Consider signing resolution authorizing the destruction of files of former employees with employment end dates prior to October 1, 2011 maintained by the Human Resources Department:*** Ms. Klempel said the list has been reviewed and a couple files were removed but HR has been instructed to review the list once signed by the Board. Commissioner Smith identified one name on the list she would like removed from destruction, the Board agreed it will be struck from the list. The name is on page 1 of attachment A (Commissioners' Office). Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the resolution authorizing the destruction of files of former employees with employment end dates prior to October 1, 2011 maintained by the Human Resources Department (see resolution no. 21-209). Ms. Klempel said a revised replacement page removing the noted employee will be sent by legal.

***Consider signing resolution authorizing the destruction of files of former employees of the Canyon County Juvenile Detention Department with employment end dates prior to October 1, 2011:*** These records were stored at Juvenile Detention but destruction will help both HR and Juvenile Detention with clean-up of records. The "newest" records being destroyed are dated 2006 but the 2011 date is used to comply with the statute. Juvenile Detention doesn't generally keep these files and it is believed they were inadvertently stored there. Commissioner Smith would like to find out what happened to the 2006-2011 employment records. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution authorizing the destruction of files of former employees of the Canyon County Juvenile Detention Department with employment end dates prior to October 1, 2011 (see resolution no. 21-208).

Commissioner Smith said in the Board's daily folder there is a cooperative agreement with the University of Idaho for extension programs which is scheduled for discussion at 11:00 a.m. today. It is her understanding that the Agent's office has not successfully signed the Fair agreement, which has been a year in the works. She would like to fully understand this agreement and be able to negotiate with them on roles, expectations and accountability. Mr. Wesley said there are some outstanding items that go along with this agreement. The agreement in place was prepared by the university and primarily designed to document their budget appropriation and to control how the shared employees are treated. There are three documents for those shared employees that go along with this agreement that are outstanding/waiting on university signatures. This particular agreement could be held until the others are received back. The outstanding items are the 4H/Fair MOU, and the 3 loaned employee agreements which are county employees who function as the administrative assistants for the Extension office. Mr. Wesley responded to Commissioner Smith's question regarding the Extension office's spending authority without this agreement being signed stating that the agreement is to document roles and appropriation. The appropriation was already made within the budget and he doesn't believe this MOU puts any restraints on the allocations. Commissioner Smith is concerned about funds being handed over without any purview, she feels like the Board has the authority to request information on how funds are being managed as they are taxpayer dollars and it is the Board's responsibility to make sure those monies are used appropriately. Mr. Wesley said those parameters could be set but may have been a better conversation prior to the budget being adopted. Mr. Laugheed concurred with what Mr. Wesley said but noted that since it is now past the point the money has been appropriated the question before the court would be whether their expenditures are lawful charges against the county. It would be hard to argue that they aren't since they were appropriated without conditions. Commissioner Van Beek feels that due diligence has been done in meetings with the Agent's office letting them know that the county needs a signed agreement. Mr. Laugheed said that the closest the county could come to specific authority would just be the general principle that even after the Board has appropriated monies the Board still has to sign off on expenditures. Commissioner Smith said these expenditures don't come thru the Board for approval, the Board is only aware of them after they're completed. Mr. Wesley said that some of the terms could be incorporated into the MOU. The Board is supportive of Commissioner Smith asking these things of the Extension office. Commissioner Smith wants to make sure there is a clear expectation. Mr. Laugheed suggested that an audit of the monies provided by the county would be appropriate and could be beneficial.

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

EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION

Commissioner Van Beek made a motion to go into Executive Session at 10:38 a.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) regarding personnel matters, records exempt from public disclosure and attorney-client communication. 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, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Zach Wesley, Deputy P.A. Alex Klempel and

Deputy P.A. Doug Robertson. The Executive Session concluded at 11:30 a.m. with no decision being called for in open session.

The meeting concluded at 11:31 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### MEETING WITH THE COUNTY AGENT TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION AND ACTION ITEM

The Board met today at 11:33 a.m. with the County Agent to discuss general issues, set policy and give direction and consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, County Agent Jerry Neufeld, Debbie Lowber, Carrie Clarich and Nic Usabel with the Extension office and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing agreement between University of Idaho Extension Office and Canyon County for University of Idaho Extension Programs:*** Mr. Neufeld provided a history of this agreement. Several years ago, a couple of counties requested a more comprehensive agreement vs. just budgetary paperwork which is what was previously provided. His understanding is that the agreement has been reviewed by both county legal and university legal. Mr. Wesley confirmed that and provided some additional information. Commissioner Smith said the county has been waiting over a year for the 4H/Fair MOU to be signed and it's important to her to have the agreements on the loaned employees signed. She would like an opportunity for the Board to review this agreement and coming up with some parameters and deliverables. Commissioner Smith doesn't feel comfortable moving forward until there is some kind of accountability and the expectation that the MOUs are addressed in a timely manner. She would like to see all the documents reviewed at the same time, to make sure everyone is working together. Mr. Wesley provided options on ways these documents could be handled and addressed. The Board spoke about items they would like to see included in the MOU including an annual review and an audit of previously used funds. Once the Board has had an opportunity to review, any comments can be forwarded to Mr. Wesley to be compiled and sent to the university.

Ms. Clarich spoke about the 4H/Fair MOU, she said it first goes to the State 4H office then to the University of Idaho Grants and Contracts office, both offices submitted questions which Ms. Clarich has answered so she is not sure what the hold up is.

Mr. Neufeld said roofing of the building should start this month.

The meeting concluded at 11:53 a.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 8, 2021

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

APPROVED CLAIMS

- The Board has approved claims 578307 to 578361 & 578223 to 578229 in the amount of \$18,163.62
- The Board has approved claims 578253 to 578290 in the amount of \$61,024.75
- The Board has approved claims 578193 to 578235 (not including claims 578223, 578228, 578229) in the amount of \$94,217.19

There were no meetings held this day.

OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 12, 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 578070 to 578114 in the amount of \$42,817.61

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Jenniffer Odom, Permit Tech I

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Mtn. Home Auto Ranch in the amount of \$143,424.00 for Fleet Department
- Dell in the amount of \$28,640.70 for Canyon County Sheriff
- Dell in the amount of \$2,891.38 for Canyon County Sheriff
- Dell in the amount of \$20,978.40 for Canyon County Sheriff
- ESRI Ince in the amount of \$45,800.00 for Information Technology Department

DETAILED MINUTES TO COME AT A LATER TIME

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

- Action Item: Consider signing real estate lease agreement for the Caldwell Events Center and/or Canyon County Fairgrounds with the City of Caldwell (Agreement No. 21-079)
- Action Item: Consider signing FY22 ITD Traffic Enforcement Grant Project Agreement (TEGPA) (Agreement No. 21-080)

\*Legal staff meeting continued to today at 1:00 PM

DETAILED MINUTES TO COME AT A LATER TIME

Action Item: Consider signing resolution granting a transfer alcoholic beverage license to Swirl Wine Shop and Lounge LLC dba Swirl Wine Shop and Lounge (Resolution No. 21-207)

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

Commissioner White made a motion to go into Executive Session at 9:07 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion 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, Prosecutor Bryan Taylor, Deputy P.A. Alex Klempel, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley, Christopher Meyer and Melodie McQuate with Givens-Pursley and Deputy Clerk Jenen Ross. The Executive Session concluded at 9:58 a.m. with commissioner Van Beek making a motion to continue the legal staff update to 1:00 p.m. today. The motion was seconded by Commissioner White and carried unanimously. The meeting concluded at 9:59 a.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY TODD CAMPBELL FOR A DEVELOPMENT AGREEMENT MODIFICATION, CASE NO. DA2021-0002

The Board met today at 10:06 a.m. to conduct a public hearing in the matter of a request by Jay Walker representing Todd Campbell for a development agreement modification to agreement #20-168, which was approved as part of Case No. CR2020-0005. (Today's case number is DA2021-0002.) The modification removes the restriction for development to not exceed 48 residential lots. The properties, consisting of approximately 108 acres, are located at 19618, 19611, 19503 and 19595 Northside Boulevard in Caldwell, also known as Parcels R34252, R34263012, R34263010, R34263 and R34263011. On August 19, 2021, the P&Z Commission recommended approval of the request. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Jay Walker, Todd Campbell, Jerome Mapp, interested citizens, and Deputy Clerk Monica Reeves. Commissioner Van Beek noted for the record that the subject property is located close to where she lives. Dan Lister gave the oral staff report. The request is to modify a development agreement associated with a conditional rezone that was approved in 2020, and it seeks to remove the restriction for development. There was an agreement that 98 acres within the R-1 zone would not exceed 48 lots. The property totals 108 acres. With the 98-acre lot to be zoned R-1 it shall not exceed 48 residential lots. There is a 10-acre portion that will remain R-R and is not being affected by this request. The average lot size is 1.8 acres. It was decided this was a transitional area between Nampa and Caldwell, and Caldwell services were pretty far away at that point and felt that this was a good transitional area from Caldwell's planned density of a higher density/highway corridor area. Nampa is showing a community mixed use and some medium density. The applicant believes this is still consistent with the FCO's in 2020, and they found that 1) the lot sizes approved was based off an initial NP study, as well as not wanting to do a traffic impact study so if they keep it under 50 they wouldn't have to do that. The applicant is saying they have done a preliminary NP study that supports the modification and they are not opposed to completing a TIS. The modification still provides diverse housing options and supports a higher end product. Nampa Fire does not oppose subject to their standards. Canyon Highway District provided an amended letter acknowledging this will require a TIS. Staff is recommending approval which is consistent with the P&Z Commission's recommendation. Following his report, Mr. Lister responded to questions from the Board. Jay Walker testified in favor of the request. Todd Campbell has secured the 10-acre parcel which was not the case when Todd Lakey previously presented the case. He is now the sole owner of the 98 acres and the 10 acres. At the time the Board approved the zoning there was limited information and he wants to demonstrate what additional property studies have been done since then that demonstrate their presentation of the layout is appropriate. Their study in 2020 was a preliminary study by AllWest and it was solely done on web-based information, there was no onsite investigation to arrive at the density of 48 lots. Mr. Campbell has brought in Atlas MTI, a local geotechnical engineering firm and hired them to evaluate conditions. They did 9 test holes and sampling was done on three approved perimeter wells adjacent to/within the property boundary. An updated NP study is ongoing contingent on this approval. The nitrate results came back in the 1.3 to 6.0 milligrams per liter range which is well below what was indicated by their web-based analysis and with this they are well under the maximum contaminant level of 10 milligrams per

liter. Based on this detailed analysis, they arrived at the conceptual plan of 75-80 lots. A neighborhood meeting was held, and people are supportive of the estate lots Mr. Campbell will bring. They are working with highway district on the traffic impact study process and on the improvements to Skyward Road, and they will meet the fire district's requirements. There are no flood zones associated with this property; they will meet the irrigation district's design requirements and setbacks for their easements. Mr. Walker said it was clear the City of Caldwell was seeking a higher density and felt the product and the transitional component of this property would do better with more density. The layout is consistent and will result in high-end estate lots that will benefit the area. Following Mr. Walker's testimony, he responded to questions from the Board. He thinks the previous owners were solely looking to sell and they didn't pay much attention to the layout of the nitrate levels or the traffic conditions and that is why Mr. Campbell has continued that to more detail by local experts and have discovered they do not have to cap it at 48-lot threshold. Commissioner Smith said at the time they evaluated the land use with the development agreement with the surrounding uses, they did not make a decision based off the full potential of those. She asked if the applicant has considered a community system. Mr. Walker said in their review of the notes it was based on nitrate levels from a web-based analysis that was erroneous and they were trying to avoid any additional expenses prior to selling the property. He said the applicant is not interested in a community well and/or sewer system because of the hardship and the distance from the property to sewer/water. The timeline would not be agreeable to moving forward with the project. Commissioner Smith said the minutes from the underlying hearing state that Mr. Lakey talked about the character of the area and that the larger lots is what the Board was considering because it fits better than the city density. There was a reason for the larger lots. Jerome Mapp testified how he spoke in opposition to last year's request because the City of Caldwell believed the property should be annexed into the city and they recognized the distance between city boundaries. At that hearing, Mr. Lakey testified that the city's comprehensive plan was identified as a highway corridor and that the guidelines stated that residential units could be built up to four units per acre. Mr. Mapp said he tried to explain that that was just a guideline, and it didn't really mean the city would endorse four units per acre. The Board didn't agree, but what Mr. Lakey said was would you rather have 48 lots or four units per acre and the Board agreed that 48 lots was preferred to having high density development in this area. Mr. Mapp did not agree with the decision. The applicant is seeking an 80% to 90% increase of residential development with no sewer or water or public services of that sort. The applicant states they had limited information at the time but the decision was made on that information. Today the city has been looking at utility increases in that area. If the applicant is proposing to increase 80%-90% in development units that's a substantial change to their original request and it should be heard at a separate hearing. Mr. Mapp said the city has more information to share and he requests the matter be denied. Following his testimony, Mr. Mapp responded to questions from the Board. Commissioner Smith said she's heard the City of Nampa has a system that works well where the developer builds a community system that can be taken over by the city once annexation is adjacent, but the applicant said that is typically discouraged. Mr. Mapp said the city has been discussing services in the area because they've had more requests for development out there. Jay Walker offered rebuttal testimony and said they are planning a transitional product and they understand there will be public services and developments that are popping up all over that area. This is an area that's at the cusp of Nampa and Caldwell and is in Caldwell's impact area and

they plan to have their input on the infrastructure that's created there. There was discouragement of drylines and understanding where the public services were existing today, it's not customary for them to have standalone independent systems for sewer and water, they like them to incorporate into their trunk mains and extend. The utilities and main trunks that would be viable for this area are in Nampa, but this is in the Caldwell impact area. They are agreeable to doing a TIS. This will be a nice development by having few more lots to do the infrastructure improvements and make a beautiful product that's different than the density that exists. The decision for 48 lots in an R-1 zone was based on a nitrate level that has been proven incorrect through sampling tests so that necessitated them to present a better product, something that is more marketable and allows the new owner to have some input. The cost is wholly based on frontage of lot length, and a two-acre lot is twice as expensive in development costs as a one-acre lot and yet that doesn't translate for the revenue brought in. Costs are extremely high, and the supply is down. Mr. Lister said staff recommended denial twice because it was premature for this area. It's prime agricultural ground and Caldwell opposed it because of the developments they are working on to get services to that location. It was determined this is a transition area, close to other schools near Nampa's area. Mr. Mapp made a point of order and said Mr. Walker added additional evidence as part of his rebuttal, but it was not in relationship to Mr. Mapp's comments, and he continued with new information such as he was speaking for the city engineer, city requirements, and lot size in relationship to the type of buildings, two acres vs. one acre. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek said it was Mr. Mapp's testimony that this represents a substantive change from what was presented, and it deserves a different hearing. We can find support for a new hearing based on whether the conditional rezone is more appropriate than the current zoning designation if it's compatible with the surrounding land use if it changes the nature and character of the area. At the previous hearing Todd Lakey made a passionate plea which sold the Board on a development that was in a transition area which superseded Mr. Mapp's statement that the City of Caldwell had plans for annexing this. If the current owner cooperated with the Holtons and there was an intent to sell this ground and request a higher zoning designation that is a substantive change. She has not been able to support the argument that there was necessity in this. Commissioner Smith said the ordinance says it must be accompanied by a statement demonstrating the necessity for the requested modification, but she did not find evidence that matches. Mr. Walker said the necessity was based on a lack of information, but the record doesn't talk about that evidence. Because of the two cases not matching it doesn't demonstrate a need, and it is a substantial change. She supports a denial. Changing the site to protect the rural agricultural area is something that could happen through a new conditional rezone with something very similar to what's being requested, but one of the things we have been doing in agricultural areas is asking for agricultural disclosure agreements. Having a conversation with how much Nampa and Caldwell have grown in the last year, and hearing from the city engineers about community systems, we cannot look at those things today, but if we were able to look at those through another process we could come to a new decision. Commissioner Van Beek said this area was conditioned on the argument Todd Lakey made and it did not encompass the things the Board is being asked to make today. She made a motion to deny the request for a development agreement modification in Case No. DA2021-0002. Her preference would be that a new hearing be pursued. The motion was seconded by Commissioner Smith.

Commissioner White said sometimes you come back and look at a higher density, and more homes will cause this subdivision to be equitable for the impact area and it will not have to be subsidized by current homeowners. If it's not efficient for a developer or homeowner, then it's not going to be beneficial to the city either. Commissioner Smith said it's in Caldwell's impact area and part of our agreement with them, and the purpose identified, is to promote public health, safety, general welfare, peace, good order, comfort, and convenience of Canyon County and the inhabitants. It goes on to look at the economical and compatible infrastructure and to identify an urban fringe in the unincorporated areas surrounding the City of Caldwell and the potential for development changes in land use that are planned, designed, and constructed for orderly manner compatible with the City of Caldwell. Every report you read about growth is northeast and west of Middleton and it's in this gap between Caldwell and Nampa. Of all the places we should be promoting sewer and water and connectivity this is one of those areas but the development agreement circumvents that process. She stands by the proposal to deny the request. Commissioner Van Beek said she does not necessarily object to the proposed size, she objects to the process because it feels like what was argued for, that there was a clear process for the argument being made to make this an R-2 zone so when presented with those two sides, this is what Commissioners chose was a rural lower density. Had they made an argument for R-1 with the Holtons at that time maybe they could have sold it on that. The product they asked for was not a Corey Barton product; they said what they were lacking in the inventory was a place for white collar professional workers to land in between those who are leaving Canyon County to work in Ada County. She believes there is still a reason to build custom homes on one-acre lots but to have this much of a change is difficult with some of the issues that have presented themselves in the testimony from Mr. Walker. Commissioner Smith directed staff to modify the FCO's to meet that decision. Commissioner White was opposed to the denial. The motion carried by a two-to-one split vote with Commissioner White casting the dissenting vote. The signing of the written decision will be scheduled at a later date. The hearing concluded at 11:40 a.m. An audio recording is on file in the Commissioners' Office.

CONTINUED LEGAL STAFF UPDATE - EXECUTIVE SESSION – PERSONNEL MATTER, RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION

*\*This morning's legal staff update was continued to this afternoon.*

Commissioner Van Beek made a motion to go into Executive Session at 1:07 p.m. pursuant to Idaho Code, Section 74-206(1) (b) and (d) to discuss a personnel matter and records exempt from public disclosure and attorney-client communication. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek, and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, HR Director Kim Foster, Deputy PA Zach Wesley, Deputy PA Doug Robertson, Deputy PA Alex Klempel, and Deputy Clerk Monica Reeves. The Executive Session concluded at 1:32 p.m. with no decision being called for in open session.

## MONTHLY MEETING WITH ADMINISTRATIVE DISTRICT JUDGE AND TCA TO DISCUSS GENERAL ISSUES

The Board met today at 2:32 p.m. with the Administrative District Judge and TCA to discuss general issues. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, ADJ Davis VanderVelde, TCA Jamie Robb and Deputy Clerk Jenen Ross. The following items were discussed with the Board:

- Eviction Court Coordinator position closed yesterday so they are now going thru applications and hope to have someone hired soon.
- A new Judicial Assistant position is open; Ms. Robb worked with the new HR Director to rework the job description and it will be coming before the Board prior to being posted.
- New emergency order from the Idaho Supreme Court regarding suspension of juries until December; the new order states that felony sentencing does not have to be person, only if there is a potential life sentence and even those can be held remotely if stipulated; treatment courts can be held in person at the discretion of judges as well as civil protection order hearings. There are still no juries, however, all other court operations are continuing. At this time jury trials are suspended until December 6<sup>th</sup>; Canyon County is at a 91% incident rate and the Supreme Court cut off rate is a 25% incident rate. Discussion ensued regarding how the courts will get caught up and actions that are being taken in the meantime.
- Number of contacts with the Court Assistance office were provided.
- Commissioner Smith asked about the SILD program.
- Commissioner Van Beek noted that Owyhee County would like to start a guardianship/conservatorship program and asked if Ms. Robb could reach out to them with her experience with the program.

The meeting concluded at 2:53 p.m. An audio recording is on file in the Commissioners' Office.

## MONTHLY MEETING WITH THE PARKS DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 3:03 p.m. with the Parks Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Parks Director Nicki Schwend, Assistant Parks Director Laura Barbour, Outdoor Recreation Planner Juli McCoy, Programs Manager Eric Savadow and Deputy Clerk Jenen Ross. The following updates were provided:

- Working on getting FY2022 projects started including the master plan, HPC letters will go out soon letting them know of their award, RFP for National Registry for Map Rock and the rural landscape study. Discussion ensued regarding the historic buildings on the Franz Witte property.

- Employee evaluations have been completed for those where it applied; most of the staff have been in their positions for less than a year but she is very proud of the way they have handled issues that have arisen this year.
- 4 staff members are headed to the Great Basin conference in Las Vegas tomorrow.
- Discussion ensued regarding the agreement with Idaho Fish and Game for Martin Landing and Wilson Ponds. The agreement for Martin Landing has been beneficial in maintaining the camping areas. However, the agreement for Wilson Ponds has not been as beneficial in recent years. Originally the advantage to the agreement was to be able to conduct educational programs and help maintain the area for Canyon County citizens but in recent years the Facilities department has felt the majority of the maintenance has fallen to them. Additionally, she doesn't feel that her department will have the capacity to conduct the educational programs there and would like to focus on other areas. Currently, both Martin Landing and Wilson Ponds are in the same agreement so Director Schwend will work with legal to revise and separate the agreements.
- Commissioner Van Beek let Director Schwend know that her meetings will be moving to quarterly.

The meeting concluded at 3:30 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 AND CONSIDER AN ACTION ITEM

The Board met today at 3:40 p.m. with the Director of Development Services to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz and Deputy Clerk Jenen Ross. The action item was considered as follows:

***Consider signing FCOs and ordinance for Callister LLC & C4 Subdivision; Case nos.: RZ2021-0010/SD2021-0008:*** Commissioner Smith said this was a rezone to R1 and was adjacent to C3 Subdivision. It is in the Middleton impact area and they have agreed to a pre-annexation agreement with the City of Middleton as well as an ag disclosure to be signed by all lot owners within the subdivision. Additionally, pressurized irrigation will be used for all landscaping. Commissioner Smith noted that Planner Jennifer Almeida made all the requested changes and the findings are in accordance with an approval. Commissioner Van Beek made a motion to approve the FCOs and ordinance for Callister LLC & C4 Subdivision; Case nos.: RZ2021-0010/ SD2021-0008. Commissioner Smith added to the motion to authorize the signing of the ordinance amendments to the Canyon County zoning map. The motion was seconded by Commissioner Smith. A vote was taken on the motion with Commissioners Van Beek and Smith voting in favor and Commissioner White abstaining from voting due to lack of participation in the hearing. The motion carried unanimously. See ordinance no. 21-027.

Director Fultz updated the Board on the following:

- Staffing remains shorthanded although 3 offers were recently made and accepted; a Permit Tech will be starting Monday, a Code Enforcement Officer will be starting in two weeks, and a Planner II will also be starting in two weeks. Further discussion ensued about additional personnel matters.
- They are working with a couple of entities on potential projects in regard to economic development.
- The first round of workshops for the comprehensive plan just concluded. A considerable amount of comments were received so they are working to evaluate those and potentially apply them. In November they hope to schedule a meeting with the ag community for their input on the plan. A joint meeting is planned for December with additional workshops taking place in January and finalization in February or March. Commissioner Smith suggested an insert could be added to tax notices which would be a good opportunity for transparency and collection of input. The coordination of dates and locations for ag meetings is still being worked thru.
- Director Fultz will be meeting soon with Director Rast regarding a potential project management position to discuss the benefits.
- A general job description has been drafted for an in-house engineer position which Director Fultz would like to send to the Board for review and comment. He thinks perhaps the position could also be utilized by other departments and/or Offices.
- The FEMA issue continues to move toward resolution.

The meeting concluded at 4:07 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2021 TERM  
CALDWELL, IDAHO    OCTOBER 13, 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 578405 to 578425 in the amount of \$754,124.56

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Samuel Murray, Deputy Public Defender

### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Salt Lake Wholesale Sports in the amount of \$35,424.00 for Canyon County Sheriff
- Global Tractor Company in the amount of \$43,626.00 for Fleet Department

### MEETING TO CONSIDER SIGNING TREASURER'S TAX CHARGE ADJUSTMENTS BY PIN FOR SEPTEMBER 2021

The Board met today at 9:09 a.m. to consider signing the Treasurer's tax charge adjustments by PIN for September 2021. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioner Smith noted there are 5 adjustments being made for September and upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to sign the Treasurer's tax charge adjustments by PIN for September 2021. The meeting concluded at 9:10 a.m. An audio recording is on file in the Commissioners' Office.

### CONSIDER SIGNING FCO'S, ORDINANCE, AND DEVELOPMENT AGREEMENT FOR CALVIN AND REBECCA GORDON'S CONDITIONAL REZONE, CASE NO. CR2020-0015

The Board met today at 9:32 a.m. to consider the Findings of Fact, Conclusions of Law, and Order (FCO's), an ordinance, and a development agreement in regards to Calvin and Rebecca Gordon's conditional rezone request, Case No. CR2020-0015. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planner III Kate Dahl, TJ Wellard, and Deputy Clerk Monica Reeves. The Board previously heard this request on August 31, 2021 at a public hearing and subsequently decided to approve the request with some modifications. Kate Dahl said this was a parcel that had a couple illegal divisions and didn't give a building permit and there was some confusion with parcel research about whether they needed an administrative land division for platting. Once that was cleared up staff added to the FCO's that the first two parcels are eligible for an administrative land division and the subsequent two parcels would need to go through the subdivision process after the conditional rezone is approved. The second condition that was cleared up was the water users' maintenance agreement that needed to add some clarity for the irrigation delivery identifying a water master and doing some water allotment and maintenance solutions. Those were the two big conditions that were clarified. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve and sign the FCO's, ordinance and development agreement for Case No. CR2020-0015. The motion was seconded by Commissioner White and carried unanimously. (Ordinance No. 21-028 and Agreement No. 21-081.) The meeting concluded at 9:38 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Executive session pursuant to IC 74-206(1)(b) and (d) to discuss personnel issues related to specific employees and related documents

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with HR Director to discuss general issues, set policy and give direction

PUBLIC HEARING - REQUEST BY TANNER VERHOEKS FOR A REZONE WITH A DEVELOPMENT AGREEMENT, CASE NO. RZ2021-0019

The Board met today at 1:38 p.m. to conduct a public hearing in the matter of a request by Tanner Verhoeks for a rezone with a development agreement, Case No. RZ2021-0019. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Tanner Verhoeks, other interested citizens, and Deputy Clerk Monica Reeves. Dan Lister gave the oral staff report. The applicant is requesting a rezone of Parcels R20800, R20801 and R20803 from an "A" (Agricultural) zone to an "R-1" (Single Family Residential) zone. The request includes three original parcels that were created by a subdivision in 1972, and the applicant is seeking to divide the property into a total of 12 lots for an average lot size of 1.5 acres. The request includes a development agreement that includes the following restrictions:

1. The maximum number of future parcels created from the three existing parcels shall not exceed 12.
2. Quail Run shall be improved to paved road standards substantially consistent with the conceptual plan prior to the occupancy of the sixth house on the subject parcels, or within 12 months of approval, whichever comes first.
3. The right to farm shall be disclosed to all future parcel owners and existing public nuisance issues as defined by County code regarding existing abandoned items, derelict vehicles, feral animals, trash piles, and accumulated belongs shall be removed from the subject parcel prior to land division approval.

The P&Z Commission considered the full rezone on July 15, 2021, and on September 16, 2021, it came before the Board of Commissioners and after considering the area the Board tabled the hearing to allow the applicant to submit a development agreement considering the paving of roads, limiting residential lots to 12, and to disclose that the owners are in an agricultural area and are in a right-to-farm state. Mr. Lister described the surrounding area and reviewed agency comments. The property is within a residential designation in the comprehensive plan, it's also in a nitrate priority area. It is not prime farmland. The neighbors support the request. Staff is recommending approval of the conditional rezone. Tanner Verhoeks testified in favor of his

request and said he appreciates the need for a development agreement. The project will consist of 12 lots and the roadway plans will be submitted to the highway district this month. He said Haven is taking three existing parcels, one of them had an abandoned house that was falling apart and another had an old trailer house with decades of accumulation on it. He lives at the end of the lane and purchased the two parcels next to him. He said the neighbors, the Taylors and the Lakes, are excited for the project. He plans to keep it an acreage, rural neighborhood with a walking path around the perimeter of the project. Since acquiring the property, he has cleared 95% of the nuisance items and sent timeline photos to staff showing the progress that has been made. The rehab on the existing blue house is underway and will be completed the end of November. They have focused on irrigation supply and have talked with the highway district and a tree farmer to transplant some mature trees off his property onto the new property. Irrigation will be provided to each lot and they have plans to do some monument signs at the entrance of Quail Run at Emmett Road. He will do fencing and will gravel ditches to minimize weeds. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek likes the project as it's creating a community that is commensurate with the agricultural climate around him. She appreciates his diligence in pursuing the code enforcement issues. She is in favor of the project. Commissioner Smith asked about having a sample of an actual agricultural disclosures, and whether the other divisions will be allowed by an administrative land division with no platting required. Mr. Lister said as part of the land division application we already have a condition about the right-to-farm act, in this case, disclosure would probably be at the time of sale; however, this requires the applicant prior to land division to show how they are going to disclose that. Commissioner Smith said it's a conditional rezone with a development agreement and if those conditions are not met the Board can rescind the rezone. They have to apply for the administrative land division within two years. Commissioner Van Beek made a motion to approve the FCO's, the development agreement, and the ordinance (to be signed by the applicant at a later date) for Case No. RZ2021-0019. The motion was seconded by Commissioner White and carried unanimously. (Ordinance No. 21-029 and Agreement No. 21-082.) The hearing concluded at 1:56 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 14, 2021

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

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: 2021-995; 2021-1005; 2021-992 and 2021-1002

Case no. 2021-1004 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.

Director of Indigent Services Yvonne Baker presented a subordination request on case no. 2018-1573. Discussion ensued regarding the applicant's request for subordination of the lien. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to grant the subordination request.

Liens and lien releases were presented for Board signatures.

The meeting concluded at 8:51 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Public meeting to consider resolution granting The Stow Company a property tax exemption pursuant to Idaho Code 63-602NN

- Action Item: Consider signing resolution granting The Stow Company a property tax exemption pursuant to Idaho Code 63-602NN (No. 21-210)

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with county attorneys for legal staff update and action item

- Action Item: Open bids for solicitation of bids for Fall 2021 polished concrete floors at the Fair Expo Building
- Action Item: Consider signing prosecution services term agreement between Canyon County, Canyon County Prosecuting Attorney and City of Star (No.

DETAILED MINUTES TO COME AT A LATER TIME

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

DETAILED MINUTES TO COME AT A LATER TIME

Public hearing to consider a request by Troost Family Living Trust & Best Investments, LLC for a rezone: Case no. RZ2020-0029

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

DETAILED MINUTES TO COME AT A LATER TIME

Meeting to discuss homeowner exemptions

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

The Board met today at 1:46 p.m. for a monthly code enforcement meeting to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Steve Fultz, Code Enforcement Officer Eric Arthur, and Deputy Clerk Monica Reeves. Mr. Arthur reported there are currently over 130 active cases for 2021: 76 public nuisance cases; 49 zoning violations; and 8 building permit violations. Of the nuisance cases, 27 were for weeds only and 14 were for weeds and other violations. The department has onboarded a new employee and they will try to get caught up; they also have some part-time administrative help to assist with the caseload. According to Mr. Arthur, Director Mondor feels he would need to be code enforcement in order to enforce weed cases. Deputy PA Wesley said the Board could designate him as code enforcement for that narrow area. Commissioner Smith said at one of his director meetings the Board told Director Mondor to take on weed control so they will reaffirm that with him. Commissioner Van Beek asked for an update on an ongoing public nuisance case involving a nursery on a property. Director Fultz said they are doing more site visits, and because it involves a specific case the discussion needs to take place in Executive Session, which was held as follows:

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

Commissioner Van Beek made a motion to go into Executive Session at 1:56 p.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) discuss records exempt from public disclosure and attorney-client communication, and to communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner White. A roll call vote was taken on the motion with Commissioners Smith, Van Beek and White voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Steve Fultz, Code Enforcement Officer Eric Arthur, and Deputy Clerk Monica Reeves. The Executive Session concluded at 2:36 p.m. While in open session discussion resumed about an active case that has become a public nuisance and an attractive nuisance. The property is open and vacant and there is a burned down RV as a result of faulty wiring in the house. The property has been vacated and is a danger and has been posted and we are 12 days out for the abatement window to expire. Commissioner Smith said if they haven't cleaned the property by then and this is a public health concern we should move forward with abatement. Commissioner Van Beek agrees.

The meeting concluded at 2:37 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

#### PUBLIC HEARING – CONSIDER ORDINANCE AMENDMENTS, CASE NOS. OR2021-0022 AND OR2021-0024

The Board met today at 2:48 p.m. to conduct a public hearing to consider ordinance amendments for Case Nos. OR2021-0022 and OR2021-0024. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Todd Lakey, Alan Mills, David Ferdinand, Darin Taylor, Sean Conner, John Cotner, Jose Saucedo, Christy DeVinaspe, Shawn Harman, Laurie Harman, Tyler Bogier, Greg Hathaway, Cody Lords, Dustin Lopez, other interested citizens, and Deputy Clerk Monica Reeves. The hearings were heard separately as follows:

**Case No. OR2021-0024:** *An Ordinance amending Chapters 1, 2, 6 and 7 of Canyon County Code of Ordinances; An Ordinance designating an infraction penalty for land use ordinance violations. Amends canyon county ordinances to establish a fixed infraction penalty for public nuisance, building code, and zoning ordinance violations. Authorizes an escalating infraction penalty for first 3 violations and misdemeanor penalties, thereafter, provides updated misdemeanor penalties and designates persons empowered to enforce the ordinance by citation.* On September 16, 2021, the Planning and Zoning Commission recommended the Board of approve the request.

Zach Wesley said they have been working on an amendment to the code enforcement ordinance for a few months, and the model adopted was used in the City of Middleton where we would have infractions in place before misdemeanor offenses for various code enforcement violations. The general penalty section in the ordinance has been amended to provide for three levels of

infraction: \$50, \$100, and \$200. Subsequent to that everything would be a misdemeanor. The ordinance changes would be in the nuisance section, building permit section, and zoning section.

Public comments were offered as follows:

Darin Taylor said in 2017, to minimize the number of cases that go to court, the legislature invited cities and counties to change as many violations to infractions as possible. It's an effort to keep the demand on court facilities less. This is a good move to change the penalties for the first three violations to infractions; the fourth one is a misdemeanor.

Commissioner Smith said this is a great solution that shows the County is diligent in gaining compliance and she supports the ordinance. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the ordinance amendments and sign the ordinance and summary for Case No. OR2021-0024 with the noted changes. The Board signed the FCO's, the ordinance and the summary (No. 21-030.)

**Case No. OR2021-0022:** *An Ordinance amending Chapter 7, articles 3, 17, and 18, zoning regulations, of the Canyon County Code of Ordinances; and severability clauses; and effective dates. Chapter 7, articles 3, section 1, subsection (1): planning and zoning commission; membership and duties: amend the set number of members to comply with Idaho Code. Chapter 7, article 17, section 3, subsection 3: jurisdiction: amend provisions regarding land that is divided into fewer than five (5) parcels from the original parcel and include amended provision to chapter 7, article 18: administrative land divisions. Chapter 7, article 18: administrative land divisions: amend section 1: administrative land divisions for all zones to include amended provisions regarding land that is divided into fewer than five (5) parcels from the original parcel from article 17, section 3, subsection 3; amend section 3 to add regulations for administrative division of nonviable parcels in an agricultural zone; amend section 5 to be administrative division and relocation of building permits between contiguous parcels in an agricultural zone which was previously section 3; amend section 7 to be land divided by judicial division (court order) which was previously section 5. On September 16, 2021, the Planning and Zoning Commission recommended the Board of County Commissioners approve the request.*

Dan Lister gave the oral staff report on the text amendments to the Canyon County Zoning Ordinance and summarized the changes as follows:

The code says the P&Z Commission shall have seven (7) members; however, state law allows no less than 3 and no more than 12. Staff has had trouble maintaining 7 members so they are bringing an amendment to remove that requirement and sticking to state law.

The Board asked staff to add a nonviable section to the land division application. It's been confusing that it's located in the subdivision section instead of the land division section so augmentations have been made, and recommended it be moved to the administrative land division section for consistency.

The Board asked staff to look at a nonviable zone because they were getting a lot of cases for lots that were nonviable that were split incorrectly or had a lot of land that was not considered economically viable for agricultural (ag) ground. We were doing a lot of cases for rezones and conditional rezones when perhaps there was another avenue to allow a division or building permit to a property that was considered nonviable. The text amendment would bring those provisions back into the code to allow further division within the land division requirements to allow further division of no more than four parcels on an original lot.

Subsection 07-17-3, subsection 3 F. has provisions regarding land that is divided into fewer than 5 parcels from an original parcel. The changes have to do with existing provisions for land divisions and some issues we are having with those applications, such as having an approved irrigation plan, proof that conditions from previous approvals are met, if applicable; and proof that the development will not disturb slopes greater than 15%. The current code states the development cannot be on slopes over 15%. If reading it that way, it triggers the platting process if there are slopes over 15% on the parcel being divided. The change would allow us to consider the development and have ways to condition it to where the development can be on a building envelope, or identify where the development will be so it does not disturb slopes over 15%. It gives more consideration of how the ground is being divided so that if it's in the middle of a pivot line can they relocate it to where it does not impact the existing ag use on the property.

Administrative division for nonviable parcels in an ag zone: The purpose is to allow the director the authority to review land divisions, in whole and part, and in addition to the sections for the land division application where division of a nonviable parcel within the "A" Zone will result in minimal interference to onsite and adjacent agricultural ground. The applicant will have to demonstrate the land is nonviable for agricultural use and will not impact onsite or adjacent agricultural uses.

The parcel shall contain land that cannot maintain productive ag use due to existing conditions and lack of resources such as lack of water, suitable soils, topography, compatibility, lot size or configuration. The division shall not impact existing onsite or adjacent agricultural uses. This provides mechanisms for people with agricultural land to replace areas that are nonfarmable with another use and still look at the area around it to ensure it's consistent with the ag uses around it, or on site, to identify the potential impacts and still provide ways to allow the property owner to use their agricultural land. Staff recommends the Board approve and adopt the proposed text amendment. Mr. Lister said the documents are not ready for the Board's signature today as staff and Legal are working on completing that document and will incorporate any changes the Board wants to make and bring it back at a later date.

Commissioner Smith referenced the repetitive language from the subdivision ordinance, 07-17-33; 07-18-01; and 07-18-03. Mr. Wesley said we need to check the language in the platting section to make sure these will be applicable to the land divisions. Additional review and comments followed. Commissioner Smith had questions/comments regarding:

- The history of where the minimum parcel size of 5 acres came from.

- Hillside development (people should be able to move dirt)
- She has issues with having applicants seeking written approval from districts having jurisdiction where those districts are holding permits for months. She wants to narrow the focus and remove the health district. If the applicant has done their due diligence they should not be held up.
- Administrative land division: Lot size and configuration to not impact onsite ag uses. We can talk about that for a future amendment in a different way that allows us to use the words *consider lot configurations* but not take away any of the property rights that come with an administrative land division.
- Compliance with public nuisance and zoning provisions
- Repetitive language should be moved to one section
- She wants clarification on 07-18-03 for administrative division – nonviable. Would someone be able to use this section on a nonoriginal parcel. Let's get discussion on if we want that to be an original parcel or for any parcel.
- **Relocation of building permits** – She wants to remove the provision where you have to have 100% ownership in both parcels. 07-18-05 4(b) – she wants to remove that. Transfer of development rights will help the agricultural zone and by removing that it will help us move permits to the less viable, if its available. That's a substantial change and would likely require another hearing.
- **7-18-07 (3) – land divided by judicial division** – There is an interpretation issue. If the parcel being divided is eligible for a residential building permit or an existing house does not have an administrative land division available, the court ordered division creates a residential building permit for each parcel but does not render any eligible. Add in: *if it's eligible for a residential building permit, or the home already exists on the property all of the subsequent divisions required by the judge are now eligible for a permit.* Cleaning up the language will help the planner to not pick winners or losers. If we are clear on what our expectations are when a judge divides land it's helps the planner to not be the good guy/bad guy.
- **Originality date** - Article 2, definition of original parcel – Section 07-02-03 – She wants to change the original parcel date to somewhere around 25 years. There was a major ordinance amendment in 1997 so she proposes the 1997 ordinance date. It helps families stay on property versus forcing them to move or rezone property to areas that are residential. As we look at ways to protect agricultural operations this will add to further dividing land in an ag zone, but it's a fair request to allow for the generational family growth. Mr. Lister said there are some substantial changes to the text amendment so another hearing will be required. Mr. Wesley said it probably needs to go back to the P&Z Commission and be re-noticed and come back for another hearing.

Public comments were offered as follows:

Todd Lakey said he signed in as in-favor, but that's a qualified in-favor. He is here on behalf of the Snake River Valley Building Contractors Association, the Caldwell Realtors, Nampa Realtors, and the Idaho Realtors Associations. He supports the change on the original parcel date. Regarding section 02-07-03-01: Irrigation plan, they think staff should add back in *if applicable*. A plan infers that there is something more than a statement that you are simply going to use individual wells, so it makes sense to leave that there, especially with dry ground. Regarding proof that development will not disturb slopes greater than 15%, Mr. Lakey said if they are requesting an administrative split, they should be able to disturb slopes greater than 15% but put a grading plan requirement on it. Strike the requirement from health districts. As far as the requirement for fire district and highway district, this condition gives up the County's authority, it gives veto authority to those entities when it's worded this way. They should have an opportunity to comment and a limited period of time to comment. Rather than having the applicant submit the proof, the County should notify those two agencies who will have 15 days to respond. They do not support the condition regarding no impact to onsite agricultural uses – it's their land and whether they feel it impacts their agriculture or not, that's up to them. The County should not be deciding if someone is impacting their own agriculture regarding these splits. That reference should be deleted. Those similar comments apply to other provisions that are duplication of those provisions. If you're going to leave in something regarding adjacent agricultural use impact then put in something to the effect of negative and unreasonable impact on adjacent land uses, not just impact. His preference is to delete those. People can comment and the County can take those into consideration when you develop conditions of approval. Mr. Lakey does not like TDR's because it feels like more government, and he is not a fan of designating large areas in the County and overseeing transfers and limiting that. Commissioner Smith agreed and said we are not ready for that but working with the neighbor might be nice.

David Ferdinand agrees with Todd Lakey's comments. He wants to find a way to cut down the government intervention and give people the opportunity to have the Board look at an application and make a decision with all the facts. He understands why the Board doesn't want to spot zone or change the comprehensive plan map, but when you have nonviable farm that's never had water and has been a dry feedlot for 80 years this is exactly the kind of nonviable ground the administrator can decide and not take up the Board's time with. He urged the Board to pass the nonviable farmland ordinance to supply building permits.

Alan Mills supports the nonviable part of the ordinance. Regarding the acknowledgment portion, he said the highway districts can change their standards manual and you won't get notice of it and if the County gives authority to other agencies it loses control of those districts' amendments. He supports the 1997 amendment that will save staff and title companies a lot of time, and he hopes the date for platting will change with that. Regarding irrigation, he agrees with Todd Lakey's point of "*if applicable*" because that becomes subjective. He applauds the effort to get some things cleaned up, especially the duplications.

Darin Taylor supports changing the original parcel date to 1997. Regarding the section that says land that is divided into fewer than 5 parcels as an exception to the platting requirement, we need

to delete the rest of the words and say: *land that is divided administratively pursuant to 07-18-01, 03 & 05*, so anything that is administratively divided is exempt from the platting requirement. Regarding section F (3), insert the words: *a record of survey should include all existing and proposed easements*. Mr. Taylor agrees with Mr. Lakey's point about slopes: proof that a development will not disturb slopes greater than 15% or provide a grading plan. He supports the written acknowledgement from the fire district regarding access, width and turnaround, and highway regarding access location. The applicant has the burden of proving the application meets those requirements. A deliberate action to withhold ag land from productive use to qualify for land division pursuant to this section shall disqualify such land from treatment under this section. The words ~~a change in ag use~~ should be stricken. There was discussion regarding the intent of the sections regarding the nonviable farm ground, and the administrative land division process.

Sean Conner asked if there is a reason why the 1997 date seems like the right date regarding nonviable parcels? If the goal is to maximize the amount of nonviable ag land to be utilized for residential it seems like the further that date was pushed out the more it would help that purpose. Commissioner Smith said we can change it but we will argue over process. Mr. Conner would like it moved to 2004 rather than 1997. Also, regarding the administrative division, is there any verbiage saying this supersedes the subdivision hearing process? Dan Lister said our code says if it's fewer than 5 parcels it is exempt from the platting process. Mr. Conner said the provision that talks about impact of adjacent agricultural uses is ambiguous and could be misinterpreted. How do you define what impact means? He likes the idea of saying irrigation plan, if applicable. What is the purpose of only going down to five acres; will there be a way to do that down to three acres that would allow that irrigation to be done via well.

John Cotner supports the comments made by Todd Lakey.

Commissioner Smith asked staff to list the recommended changes that have been proposed and bring them back on a clean sheet and highlight the changes which would require a second hearing and which ones can be adopted. It would be helpful to have some direction on the date; she likes the date of September 6, 2004. Planners are used to September 6, 1979, so if we are picking a generation, you would take that date and add a generation to it which leaves a date of September 6, 2004. That is a material change. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board set a new hearing date for Case No. OR2021-0022 to October 20, 2021, at 2:30 p.m. The hearing concluded at 4:42 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2021 TERM  
CALDWELL, IDAHO    OCTOBER 15, 2021

PRESENT:     Commissioner Keri K. Smith, Chair

Commissioner Leslie Van Beek, Vice Chairman  
Commissioner Pam White  
Deputy Clerks Monica Reeves/Jenen Ross

DETAILED MINUTES TO COME AT A LATER TIME

Meeting to discuss FY2022 funding amounts for outside agencies

DETAILED MINUTES TO COME AT A LATER TIME

Meet with Clerk and Audit Staff regarding claim approval process

MEETING WITH LOCAL MAYORS TO DISCUSS GROWTH IN CANYON COUNTY

The Board met today at 11:53 a.m. with local mayors to discuss growth in Canyon County. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, Mayor of Greenleaf Brad Holton, Mayor of Parma Angie Lee, Mayor of Notus Dave Porterfield, Melba City Clerk Noni Stapleton, Notus City Clerk Loretta Vellman, and Deputy Clerk Monica Reeves. Mayor of Star Trevor Chadwick participated via Webex. Nampa Mayor Debbie Kling arrived at 12:09 p.m. On October 1<sup>st</sup> the group shared concerns and struggles with rapid growth and discussed how to handle the growth needs. Today the group will talk about the comprehensive plan map and text update, as well as ideas for areas of city impact. DSD director Fultz gave a presentation on the draft comprehensive plan map and text update and said staff held a series of workshops and came up with an initial map which has continued to evolve as they've held more meetings. They are in the process of proposing a concept that would take the County from one agricultural zoning area to three agricultural zoning areas defined as follows: Intense Agriculture; General Agriculture (what we have now); and a Transitional Agricultural area (goes in and around the impact areas). They will work with the communities to understand what they have in their future land use map within the impact area and how to do transition with potential buffers or other opportunities that will lead from urban design/development into that rural/agricultural area. Other concepts:

- Overlay areas for agri-tourism along Highway 55 and a small stretch along Highway 95 between Wilder and Parma that will not only preserving agriculture, but also look at smart growth within communities.
- Impact areas abutting each other. Make good sense in our future development with our neighbors – how can we help develop and coordinate that.
- There seems to be an understanding that we are probably running short on industrial property. Some people prefer to see more food processing/ag-type of industries.

In November they will meet with the farming communities and obtain input as to what their vision is. In December DSD hopes to make a presentation in a workshop-form to the Board and the P&Z

Commission before they go back out for public comment in January. Public hearing dates are tentatively set for February with the P&Z Commission, and March with the Board. Once the comprehensive plan is adopted, they will do an annual update because we must pay attention to the surveys and what people are telling saying in public meetings and build in a smart growth approach. There was a roundtable discussion regarding land use and viable farm ground; non-viable farm ground if it's above the canal; putting houses on dry ground in areas with no aquifer recharge; the protection of agriculture; the need to recognize what is irrigated and what is not and how it does not work to put subdivisions in the middle of farm ground. We cannot stop growth, but we can target growth and allow cities to grow from the inside out which aligns with infrastructure. Brad Holton said it won't be a popular idea but he believes if a project has more than two acres they need to have a water and sewer system because if we're going to put that on the cities everybody should be playing by the same rules when it comes to water quality. The comp plan has suggested verbiage that says if a project has greater than 15 units it would have a common water system, but he questions the rationale behind 15; why not 5 units or 2 units instead? He spoke of how the ground above the water canal system has to be looked at differently because it doesn't have the same potential, and if we willy-nilly allow productive ag ground to be taken away there's a quantum change in our quality of life. He said the phrase *personal property rights* is used all the time, but what a person does with their land can affect someone else's property in what they have to pay for services because of the change in use from productive ag ground to the new use. Commissioner Smith said the Board hears from farmers and crop dusters that putting subdivisions on nonviable farm ground impacts them and so it's hard to say if the property is above the canal it should be developed. All we can do is try to control growth and that's why the local land use planning act (LUPA) was put into place so we can plan areas for growth. Impact areas are planned areas for growth and the comp plan is a vision for growth and the zoning ordinance is the tool. The intent with impact areas was to preserve agriculture, but it was wrong to make it that big. LUPA says impact areas are areas of growth, that's where cities are going to provide services and this is where you should grow, but to the contrary they were so big you would approve them anywhere in that area and now you don't have access to services and you limit the cities growth because of allowing county subdivisions. The comp plan needs to be reviewed every two years but impact areas need to be looked at and pared back, and we need to negotiate what the text says. If you are in the impact are we are going to follow the city's landscaping and subdivision standards and require sidewalks and level the playing field? Right now, it's a free for all. She wants to work with cities on how the impact areas work and how does it help the cities grow. We need to give constituents what our clear expectations are for growing in this area. Mayor Holton is excited the group is trying to determine how we want growth to be managed. He spoke of the challenges that exist on agricultural land, and how the ground above canals needs to be looked at differently. He also spoke about the need for a major arterial and how Ustick Road should be a thoroughfare or an economic corridor from the river to downtown Boise, for example. Perhaps it should be an overlay zone. Commissioner Smith agreed and asked Director Fultz to look at the Ustick Road area and to make sure our transportation plans are "talking to each other." Commissioner Van Beek said a point that's raised frequently is what if the landowner is at the end of a farming generation? Commissioner Smith said it's not the Board's job

to guarantee anyone's retirement. As a community we should be looking at how we want to grow and where do we want residential. Commissioner White said land for houses is essential. Mayor Holton said it's a problem that doesn't have a black and white answer. It's not a right to demand to be able to sell land for the highest dollar. The reality is it matters who their neighbors are – it's about location, location, location. Country estates are a nightmare going forward as they have water quality and nitrate issues, and when talking about recharge of the aquifer it's one of the worst choices you can make because it takes land out of production and they are not going to irrigate the land like productive agriculture does. The neighbors are affected by that choice. Discussion ensued. There was a suggestion to have a local option sales tax that could go into an endowment that protects farmers and agricultural ground. Mayor Chadwick said if the goal is to protect agricultural land and generational farmers we can put together a group to look for the corporate farmers that would be willing to buy these farms and continue to farm. He supports the land trust concept, and he supports trying to get ahead of it versus just saying no to growth. Mayor Kling said there are a lot of people who farm that are not corporate farmers and we need to continue to support local farmers – she is hesitant to push corporate farmers. Commissioner Smith agrees with here. Director Fultz said we need to keep all options open: transfer of development rights (TDR's), local option sales tax, purchase of development rights, and corporate farms. Noni Stapleton said Melba's growth is important for businesses, and controlled growth is what they want, but most people in the community want no growth, but if they don't get some growth Melba will become a ghost town. She likes the map and the idea of utilizing the land above canals. There was discussion about developers wanting to build estate-sized parcels and are saying the cities' hookup fees are too expensive. Mayor Chadwick said we need to tell developers what we expect and they need to bring a showpiece, not a cookie-cutter product. You can control it with architectural overlay districts and decide what your cities want to look like. Director Fultz said that is the key element – the cities have to decide what they want to be. Mayor Porterfield and Mayor Lee talked about their respective cities needs for police coverage. Mayor Kling likes the idea of having a local option tax to fund the land trust and she would like to meet again after Director Fultz has spoken with the agricultural group. Commissioner Van Beek said the County should also host the contractors at a separate meeting and discuss design review standards and architectural overlays. Mayor Chadwick agreed. Mayor Holton said the University of Idaho could potentially help with that. He said the importance of the County collaborating with cities calls for this question to be answered: "How do you keep similar standards so it's not us against them?" Commissioner Van Beek spoke of the lack of a coordinated effort in an area that is stacked with development and said we need to have an agreement so a developer cannot come in and wreck the schools, transportation infrastructure, and city services. Commissioner Smith said that sounds like NIMBY-ism. Mayor Chadwick said we need to hear comments from agencies but many times they don't respond, but they need to tell us if they cannot handle development. He asked if it would be worthwhile for the cities and the County to have their own fiscal analysis tool that's dialed down rather than use the broader approach COMPASS uses in its tool. Commissioner Smith said the COMPASS tool does not evaluate the smaller developments. The next Mayors' meeting will take place on December 3<sup>rd</sup> at 11:30 a.m. for further discussion of Director Fultz's meeting

with the agricultural group, and how to lobby for the local option tax. The meeting concluded at 2:03 p.m. An audio recording is on file in the Commissioners' Office.

#### OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 18, 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 578455 to 578470 in the amount of \$13,583.00
- The Board has approved claims 578471 to 578503 in the amount of \$66,564.55
- The Board has approved claims 578531 to 578566 in the amount of \$28,913.60
- The Board has approved claims 578589 to 578613 in the amount of \$17,110.84

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Dallin Creswell, Deputy Public Defender II; Joshua Townsend, Deputy Public Defender II; Gary Westerfield, Code Enforcement Officer; Katie Phillips, Planner II

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Dell in the amount of \$6,950.84 for Information Technology Department
- Campbell Tractor Co. in the amount of 2,659.00 for Solid Waste Department
- Dell in the amount of \$3,525.42 for the Information Technology Department

#### CONSIDER SIGNING NOTICE OF FY2021 BUDGET ADJUSTMENTS

The Board met today at 9:49 a.m. to consider signing a notice of FY2021 budget adjustments. Present were: Commissioners Pam White and Leslie Van Beek, Controller Zach Wagoner and Deputy Clerk Jenen Ross. This adjustment is specifically in regard to the grant from the Public

Defense Commission. Controller Wagoner said that there was a one-time award from the PDC for \$177,371. Due to the timing of the notification of the award it was not included in the original 2021 budget, therefore making this adjustment necessary prior to the end of FY2021. Monies from the grant have already been received and there is no impact to property taxes. Today's action is just to consider the notice for publication and the formal action will take place on November 1<sup>st</sup>. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the notice of FY2021 budget adjustments. The meeting concluded at 9:49 a.m. An audio recording is on file in the Commissioners' Office.

#### DISCUSSION REGARDING HOLIDAY SCHEDULE

The Board met today at 10:08 a.m. to discuss the holiday schedule. Present were: Commissioners Pam White and Leslie Van Beek and Deputy Clerk Jenen Ross. Discussion ensued regarding the Juneteenth holiday. The post office and banks will be closed that day and most counties will observe the holiday as a paid day off. Commissioner Van Beek said that she has spoken with legal staff and this can be done by just giving direction, there does not need to be an action item. Commissioner White said she is in favor of the holiday but wanted more information about the rest of the holiday scheduled which was discussed and voted on by Commissioners Smith and Van Beek on October 1<sup>st</sup>. Commissioner Van Beek said that during that meeting her and Commissioner Smith decided that due to the way the holidays fall this year and because of the large COLAs provided to employees that November 26<sup>th</sup> would be the only appreciation day given this year. Commissioner White disagrees and would like to see additional time provided for travel specifically around Christmas. The meeting concluded at 10:17 a.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 10:33 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Director Tolman discussed the following with the Board:

- They are still experiencing long wait times on getting vehicles and parts for vehicles.
- He is working to get all the pieces together for the carwash and working thru logistics of the best placement for it. Discussion ensued regarding detailed workings of the carwash and cost effectiveness.
- One employee will be retiring the end of the month so he will be working to fill that position.
- A couple of POs will be coming thru for truck purchases.
- Skid steer will be delivered today.

- Discussion regarding lift buckets.
- Preparing vehicles for auction.
- Working with the Landfill on one of their vehicles.

The meeting concluded at 10:59 a.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, GIVE DIRECTION AND CONSIDER AN ACTION ITEM

The Board met today at 11:03 a.m. for a weekly meeting with the Director of Development Services to discuss general issues, set policy and give direction and to consider an action item. Present were: Commissioners Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planner Jennifer Almeida (left at 11:21 a.m.), Deputy P.A. Zach Wesley (left at 11:21 a.m.), Other community member (left at 11:22 a.m.) and Deputy Clerk Jenen Ross.

A request was made to go into executive session as follows:

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

Commissioner White made a motion to go into Executive Session at 11:04 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) records exempt from public disclosure and communicate with legal counsel regarding pending/imminently likely litigation. The motion was seconded by Commissioner Van Beek. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross 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 and Deputy P.A Zach Wesley. The Executive Session concluded at 11:16 a.m.

At the conclusion of the executive session Mr. Wesley provided an overview of the action item.

***Consider request for reconsideration in case no. CU2020-0001, Peckham Road Trust:*** Mr. Wesley said that a request for reconsideration was received on behalf of several neighboring residents of this property. The Board issued a written decision on August 2, 2021 and the request for reconsideration was received on August 16, 2021 making today the day to issue a response. The request has four primary areas where they are requesting a reconsideration. The first three are summarized as requests to revisit the decision on the comprehensive plan compatibility, character of the area and traffic pattern questions. A draft of a written response was provided to the Board where the three points are responded to in a group in the first four paragraphs. The final point in the request of reconsideration is that the Board did not consider Wilder's area of impact in making the written decision and the remainder of the written draft decision addresses that point. Commissioner White made a motion to amend and affirm the original findings in response to the

request for reconsideration for case no. CU2020-0001, Peckham Road Trust. A vote was taken on the motion with the Board voting unanimously in favor of amending and affirming the original findings.

Director Fultz continued on with his weekly update as follows:

- DSD continues to remain busy. A new Permit Tech stated today so they are working to get her trained. A second Code Enforcement Officer will be starting tomorrow and a Planner II will be starting next Monday. They will be doing interviews this week for the Economic Development Specialist position and hope one of the three being interviewed will be the right fit for the office.
- Conversations continue in regard to the comprehensive plan. A lot of good information was shared at the meeting with the Mayors last week and they've received a letter from another area group providing good information. The projected timeline has been moved out 3 months but they really want to make sure that it's done well. Director Fultz would like to see the plan reviewed every 1-2 years with updates and revisions as necessary with identified priorities. Director Fultz answered several questions from Commissioner Van Beek regarding specific elements of the comprehensive plan.
- The meeting between Director Fultz and Director Rast to evaluate the roles and responsibilities of a project management position has been rescheduled. Director Fultz said that Canyon County is one of the few development offices to still be using paper vs. being digital. In order to evaluate efficiencies, he has created internal task forces to evaluate different areas of the department.
- Sample job descriptions for an in-house engineer have been sent to the Board for review and he has met with HR regarding the job description.
- There is continued discussion with FEMA to work through the issues and they are looking for resolutions that will be brought to the Board at a later time.
- A building inspector recently resigned so they will be working to fill that position.
- There are a couple employees who will need to be out for medical reasons but are willing to work from home. Director Fultz has spoken with HR about the situation and they instructed him to speak with the Board to provide direction.
- An event center prospect is scheduled to be in town on October 26<sup>th</sup> and he would like to introduce them to the Board.

The meeting concluded at 11:43 a.m. An audio recording is on file in the Commissioners' Office.

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

APPROVED CLAIMS ORDER NO. 2202

- The Board of Commissioners approved payment of County claims in the amount of \$1,846,604.96 for a County payroll

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar LLC dba Raising Our Bar to be used 11/5/21; 11/6/21; 11/7/21; 11/11/21; 11/13/21; 11/20/21; 11/26/21; 11/27/21

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hart Intercivic in the amount of \$2,025.00 for Elections Office
- Case Management Systems in the amount of 30,000.00 for Juvenile Probation Department
- Manage Engine/Zoho in the amount of \$4,150.00 for Information Technology Department
- BOE in the amount of \$7,963.00 for Information Technology Department
- Tenex Software Solutions in the amount of \$7,200.00 for Election Department

DETAILED MINUTES TO COME AT A LATER TIME

Action item: Consider extending the COVID-19 Emergency Declaration

DETAILED MINUTES TO COME AT A LATER TIME

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

- Action Item: Consider signing Canyon County 2021 engagement letter with Eide Bailly, LLP (No. 21-085)
- Action Item: Consider signing resolution to approve the changes to title and job description of one (1) position in the Trial Court Administration Department (No. 21-212)
- Action Item: Consider signing resolution to approve the job description and salary of one (1) position in the Canyon County Fair (No. 21-211)

- Action Item: Consider signing resolution declaring certain properties as not necessary for county use and authorizing sale thereof (not signing)
- Action Item: Consider signing notice of surplus property auction (not signing)
- Action Item: Consider signing notice of grant of real property to other political subdivision or taxing district
- Action Item: Consider signing Canyon County Coroner’s pathology agreement with Owyhee County (No. 21-083)
- Action Item: Consider recommendation of winning bid for Fall 2021 polished concrete floors at the Fair Expo Building
- Action Item: Consider signing prosecution services term agreement between Canyon County, Canyon County Prosecuting Attorney and City of Star (no. 21-084)
- Action Item: Consider Request for Reconsideration in Case No. RZ2020-0015, L & J Investments Idaho, LLC. Possible written decision to follow.

DETAILED MINUTES TO COME AT A LATER TIME

Meeting regarding space facilitation

DETAILED MINUTES TO COME AT A LATER TIME

Meeting to discuss juvenile detention center staffing needs

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

The Board met today at 1:34 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 Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, David Caldwell, Kolby Peterson, Jerome Mapp, and Deputy Clerk Monica Reeves. The applicant did not appear for today’s hearing. Commissioner Van Beek disclosed the subject property is less than a mile from her property but that will not impair her ability to make an unbiased decision. Dan Lister gave the oral staff report. The applicant 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. On August 26, 2021 the case came before the Board with a recommendation of approval from the P&Z Commission over a recommendation of denial by staff. The applicant did not appear at the previous hearing and the Board decided to deny the case; however, since the decision was a material change from the P&Z Commission’s recommendation another hearing was required. The area has agricultural uses and consists of predominately large farmland parcels that are still in productive use, especially to the south and west of the property.

It is adjacent to Caldwell's future residential area and is shown as low-density residential. It is adjacent to the Ward Massacre Oregon Trail Park and the impacts are unknown without any analysis to go with that. The M-1 zone has uses that could potentially impact residential uses as they build in that area. The applicant did not agree to a development agreement and believed a full rezone was the best and highest use for this property and so there is no mitigation for uses that would potentially impact the property. Staff recommends denial. Following his report Mr. Lister responded to questions from the Board. Kolby Peterson read a letter in opposition from his girlfriend, Sam Caldwell, who is a third-generation resident of the area regarding her concerns about the lack of a plan for the property as well as the need for protecting the existing and future homes from harmful impacts. David Caldwell said there are enough industrial uses in the area, and he spoke of the residences that already exist in the area as well as the plans for more housing developments. Due to a lack of planning Mr. Caldwell believes the request should be denied. Jerome Mapp, the Planning Director for the City of Caldwell testified the area is residential in nature to the south and is include in Caldwell's area of city impact and the zoning is identified as residential. In the planning field they used to rezone property just because it was requested and never identified what the use was going to be, but planners have learned that's a disservice to the citizens and so by requesting an industrial use, which has many types of opportunities to be used in a very negative manner, it would impact not only the County but the City of Caldwell as well as the City of Middleton. The impact of arbitrarily approving an industrial use could have negative effects. He asked Board to deny the request. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Commissioner Van Beek supports the fact that an M-1 zone is inconsistent and would change the nature and character of the area as Mr. Mapp has indicated. It's also inconsistent with the residential development proposed in the area. Commissioner White said the residents in the area deserve to know what the potential plan is for the property; she then made a motion to deny Evelyn Floyd's rezone request, Case No. RZ2021-0013. The motion was seconded by Commissioner Van Beek and carried unanimously. The hearing concluded at 1:58 p.m. An audio recording is on file in the Commissioner's Office.

OCTOBER 2021 TERM  
CALDWELL, IDAHO    OCTOBER 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 578426 to 578454 in the amount of \$35,142.44

### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Mtn Home Auto Ranch in the amount of \$61,070.00 for Fleet Department
- Amazon in the amount of \$1,820.45 for Information Technology Department
- Apple in the amount of \$7,890.00 for Information Technology Department

### PUBLIC HEARING – REQUEST BY CANYON COUNTY FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND REZONE, CASE NOS. OR2021-0010 AND RZ2021-0022

The Board met today at 9:35 a.m. to conduct a public hearing in the matter of a request by Canyon County for a comprehensive plan map amendment and a rezone of a 5.46-acre portion of Parcels R34366100, R34366101, R34366102 to amend the future land use designation from “Agricultural” to “Residential”, and a rezone to assign the “R-1” single family residential zoning district. Present were: Commissioners Pam White, and Leslie Van Beek, DSD Planning Official Dan Lister, DSD Planner III Kate Dahl, Christy Niblett, Brian Niblett, Justin Koff, and Deputy Clerk Monica Reeves. Kate Dahl gave the oral staff report. The parcels are owned by Brian and Christy Niblett, David and Amanda Snow, and Justin and Natasha Koff, and are located at 18040, 18090, and 18138 Celestia Drive in Nampa. The parcels were platted as Lots 1-3, Block 1 of Birch Creek Estates in 2004 under the County jurisdiction and approximately two years later the parcels were annexed into the City of Nampa in order to provide a path of annexation for another development and to obtain city services. Much later it was discovered the parcels weren’t needed to provide that path of annexation and the homes had already been built out with individual wells and septic so city services were not needed and as a result the applicants requested to be de-annexed from the city and go back into the County jurisdiction. The City of Nampa has approved the de-annexation. Upon de-annexing the County needs to assign a future land use designation and a zoning district to each of the three properties which straddle agricultural designation to the east, and a residential designation to the west. No agency or neighbor comments were received. Within a one-mile radius there are 1,683 lots with an average of 0.63 acres and so an R-1 zoning district makes sense in this case. Staff is recommending approval of both requests. Following her report, Ms. Dahl responded to questions from the Board. The following people testified in support of the request: Christy Niblett said the City of Nampa is on the right side of the street and the County is on the left side. The city let them out due to the position of the homes and they will never require city services because they are more than 200 feet from septic and water. Justin Koff said the neighborhood consists of six upscale homes and it is split down the middle and they have no need for city services. Brian Niblett said they have a private street and they will never get anything down the street without paying a lot of money and there’s no reason to do that. The neighbors want to stay in the same group. 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 made a motion to approve the request for a comprehensive plan map amendment on Case No. OR2021-0010 and sign the findings of fact,

conclusions of law and order, as well as the resolution amending the comprehensive plan map (Resolution No. 21-213.) The motion was seconded by Commissioner White and carried unanimously. Commissioner Van Beek made a motion to approve the rezone for an R-1 zoning and sign the ordinance for Case No. RZ2021-0022 (Ordinance No. 21-032.) The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 9:51 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY CRAIG BEAN FOR A REZONE, CASE NO. RZ2021-0037

The Board met today at 9:54 a.m. to consider a public hearing in the matter of a request by Craig Bean for a rezone, Case No. RZ2021-0037. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planning Official Dan Lister, Craig Bean, and Deputy Clerk Monica Reeves. The Board previously hearing this request on October 6, 2021 and tabled it because there were only two Commissioners that day and there was a split decision, and because Commissioner Smith wanted to see what would happen if we waited until the nonviable ordinance was adopted to see if it would work for this case instead of rezoning it. Commissioner Smith has requested the matter be table to tomorrow so she can participate. Commissioners Van Beek and White had staff go through the slides and present the case. Dan Lister gave the oral staff report. The applicant is requesting a zoning map amendment of Parcel R29320 from an "A" (Agricultural) Zone to an "R-R" (Rural Residential) Zone. The 7.83-acre property is located at 11690 Lewis Lane in Nampa. Mr. Bean applied for a land division to divide the property into two parcels but decided to go through the rezone process to get one more parcel. The average lot size request is 2.61 acres which is commensurate with existing splits to the north and east. The area is predominately agricultural, but within one mile there are other residential zones. The future land use map designates this area as residential. The property is considered prime farm land, although Mr. Bean states the property has not been used for agricultural use. At the previous hearing Commissioner Smith believed that with the lot configuration and the canal bisecting the property it would possibly meet the nonviable ordinance that will be considered later today. Staff disagrees somewhat because the ordinance states you have to prove why the property is nonviable and how it won't impact the uses surrounding the property. Mr. Bean agrees that this property isn't necessarily nonviable, and just because his family has never used it for agriculture, doesn't mean it's not good soil or can't be used for grazing or growing a vineyard, etc., so it may not meet the nonviable ordinance requirements. Staff agrees that it's best not to rezone properties when there are other mechanisms, but in this case with the lot size and what surrounds it, staff continues to recommend approval. On August 19, 2021, the Hearing Examiner recommended approval of the request. Following his report, Mr. Lister responded to questions from the Board. Upon the motion of Commissioner Van Beek and the seconded by Commissioner White, the Board voted unanimously to reopen public testimony. Craig Bean testified that his parents owned the property for 48 years and they did not farm it nor did they have cattle on their land. It's been a weed patch for 48 years and was lit on fire twice. He wants to split it into smaller acreages because they sell faster. He spoke about how the canal that bisects the property makes it difficult for row crops. Mr. Bean

started the process in 2020 and he had to walk away for a while, and he resubmitted an application in May 2021. Following his testimony, Mr. Bean responded to questions from the Board. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to close public testimony. Following Board deliberation, Commissioner White made a motion to approve the rezone for Case No. RZ2021-0037 and to sign the findings of fact, conclusions of law and order, as well as the ordinance. The motion was seconded by Commissioner Van Beek and carried unanimously. (Ordinance No. 21-031.) The hearing concluded at 10:43 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with The Brothers Rabe to discuss State of the County video

DETAILED MINUTES TO COME AT A LATER TIME

Monthly meeting with the Weed & Gopher Superintendent to discuss general issues, set policy and give direction

PUBLIC HEARING TO CONSIDER ORDINANCE AMENDING CHAPTER SEVEN (7) OF THE CANYON COUNTY CODE OF ORDINANCES, CASE NO. OR2021-0022: CANYON COUNTY ADMINISTRATIVE DIVISION OF NONVIABLE PARCELS IN AN AGRICULTURAL ZONE ORDINANCE

The Board met today at 3:14 p.m. to conduct a public hearing to consider an ordinance amending Chapter Seven (7) of the Canyon County Code of Ordinances, Case No. OR2021-0022. The article shall be known as the *Canyon County Administrative Division of Nonviable Parcels in an Agricultural Zone Ordinance*. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Director Steve Fultz, DSD Planning Official Dan Lister, Deputy PA Zach Wesley, Todd Lakey, David Ferdinand, Sean Conner, Alan Mills, TJ Wellard, interested citizens, and Deputy Clerk Monica Reeves. Today's hearing was continued from October 14, 2021. Dan Lister reviewed the changes discussed at the last hearing which were summarized in Exhibits 4, 5, & 6, and are included with this day's minute entry. The Board had questions of Mr. Lister and discussion followed.

Public comments were offered as follows:

Todd Lakey provided comments on Exhibit 6. Regarding the section pertaining to *required easements*, he said we should focus on the easements that have a public interest. If you're putting private easements on there they could be disputed, and you may be a referee between private parties. He asked what the word *required* means from a public and private perspective. It should be focused on the more public type easements such as utility, irrigation, etc. He suggests Section

07-18-03 (1) be modified to read "...division of a nonviable parcel with in the "A" (agricultural) zone will not result in unreasonable and negative interference with the adjacent agricultural uses."

He suggested the actual impacts vs. potential as to whether you are impacting adjacent agricultural use. Potential impact may or may not come to pass so that requires a little stronger scrutiny of what the impact might be and whether it needs a condition. The word *solely* over *strictly* as it better defines what the issue you are trying to deal with is. Discussion ensued.

Alan Mills referenced section 07-18-01C and spoke of the concern of the County losing control through cities' ordinances, specifically since they can change their definitions willy-nilly. Regarding easements, he said if it's not noted on the plat the next buyer doesn't know it's there. Irrigation districts don't like to delineate the specific easement because they have Idaho Code. Anything we can do to get it on as notification to potential buyers is good information.

David Ferdinand spoke about what his clients must do to prove a piece of ground is nonviable if the property has never been farmed. Ground may be agricultural, but that does not mean its farm ground, and he wants to know if that has been addressed. Mr. Lister said it is based off describing site constraints and resources and part of that is proving if it has suitable soil, lack of water and land compatibility, lot sizes next to it, configurations, etc., A mix can be part of the evidence demonstrating there is history of a lack of agricultural use on that property.

Sean Conner asked what is the best use if you have a 60-acre parcel of nonviable ag that's never been farmed in the middle of a mixture of lot sizes? Mr. Lister said this allows for further division of a lot that's original. Say it's a 40-acre lot and they took the land division the code says if it's fewer than five and it's an original lot they can go up to four parcels without platting. This gives the applicant a provision if they have nonviable ground to continue to split that property up to the four parcels without going into platting. After that the platting has to meet the zoning district. An agricultural property is a lot size of 40 acres, outside the land division provision so you must rezone at that point. Currently we do not have a provision other than rezone after that point. He said there are many designations staff is talking about with the comprehensive plan in the agricultural zone that will still provide residential review within those ag areas and so there is potential of allowing certain things within those areas but that has not been adopted. Mr. Conner asked if the Board has talked about the date of original parcel? Commissioner Smith said that is a substantial change, and it is not included today because it was not noticed. Staff will propose that and get it back to the P&Z Commission and to the Board for consideration.

TJ Wellard offered comments regarding required easements, specifically Section 07-18-01. He asked what is the land division causing that necessitates specific easements? He suggests the word *necessary* be used instead of *required*. He also offered comments on building permits for nonviable farm ground. If a parcel is divided more than four times it's a subdivision and must be platted, there is an exception that allows you to leave a fifth parcel if it's greater than 40 acres and is designated as ag-only. He suggests it be changed so it can be a smaller parcel so you are not tying up farm ground with a residential parcel to where it can be separated and sold just as farm ground with no building permits. Commissioner Smith asked staff and Mr. Wellard to work on that

to see if there are potential changes that can be made and bring it back. She asked for staff's input on whether there are any recommended changes.

Dan Lister said the code defines easements as the right by grant or other legal conveyance to possess or use another real property on a limited basis or for a specific purpose. When we say easement in our code this is tied into something specific, and it goes back to what the code defines an easement as. The use of potentially negative uses is more consistent with our code. He understands why Mr. Wellard wants to see a code that clarifies what needs to be shown, at this point it just says all utility easements and has no other easement requirements except what is required if they do a shared driveway or a private road. The County has never required an irrigation easement, it is dictated by state code. Every land division application has a standard condition that all historic lateral easements cannot be encroached upon without written approval from the irrigation district. The change in language is whatever the Board recommends. Staff is fine with keeping it as it is currently stated in the code. Staff proposed the changes provided in Exhibit #5 which is on file with this day's minute entry. Commissioner Smith wants to leave the language how it already exists noting there is more work that needs to be done on it. She said the state statute definitions for plats and vacations (50-1301), says the definition of a subdivision allows you to exclude agricultural parcels five acres or more, and she likes that because 40 is much more restrictive and she asked staff to look at that change to meet state code. Staff has recommended Exhibit #5 as an ordinance amendment and that covers the changes, except we need to revert the one section back to the original. Mr. Lister said the ordinance summary is not yet ready but if the Board adopts the ordinance, he can make a minor change and have that ready for signature tomorrow. It was noted that Section 07-18-01(d)(3) will be corrected to add the word utility back in on (refer to Page 4 of Exhibit 5). Commissioner Van Beek made a motion to approve the ordinance and summary for Case OR2021-0022 and have staff bring back a change to 07-18-01(d)(3) to add the word *utility* back in. The motion was seconded by Commissioner White and carried unanimously. Staff anticipates having the documents ready for signature tomorrow. The hearing concluded at 4:32 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2021 TERM  
CALDWELL, IDAHO    OCTOBER 21, 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 578504 to 578530 in the amount of \$11,898.63

- The Board has approved claims 578567 to 578588 in the amount of \$12,239.00
- The Board has approved claims 578614 to 578663 in the amount of \$79,506.33

#### APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Liz Leonard, Hazard Waste Screener/Heavy Equipment Operator

#### APPROVED COMMUTER VEHICLE AUTHORIZATION FORM

- The Board approved a commuter vehicle authorization form for Gary Westerfield

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Commercial Tire in the amount of \$15,049.00 for Solid Waste Department
- Overhead Door of SW Idaho in the amount of \$1,850.00 for Solid Waste Department
- Overhead Door Company of Nampa in the amount \$2,574.00 for Solid Waste Department
- Mtn Home Auto Ranch in the amount of \$42,669.00 for Fleet Department
- Mtn Home Auto Ranch in the amount of \$40,177.00 for Fleet Department
- Parma Furniture Co. in the amount of \$1,900.00 for Canyon County Sheriff

#### FILE TREASURER'S REPORTS IN MINUTES

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

#### DETAILED MINUTES TO COME AT A LATER TIME

Medical indigency appeal hearings and decisions

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

Action Item: Consider applications on appeal of initial determination (names and other information withheld pursuant to Idaho Code §74-106(4) and (6))

#### DETAILED MINUTES TO COME AT A LATER TIME

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

- Action Item: Consider signing Canyon County Juvenile Detention Housing MOA with Malheur County

- Action Item: Consider signing Canyon County Juvenile Detention Housing Agreements with Boise, Elmore, Payette and Owyhee Counties
- Action Item: Consider signing notification of lowest responsive bid regarding FY22 Pickles Butte Sanitary Landfill Geotechnical Expansion Boring Project solicitation of bids
- Action Item: Consider signing 2021 State Homeland Security Program subrecipient agreement
- Action Item: Consider signing legal notice of entering into personal services contract(s) with: Brad Leavitt, Psy.D.; Ryan Hulbert, Ph.D; Phares Book, Psy.D.; Richard Sonnenberg, Ph.D.; Jacob Atkinson, Psy.D.; Lawrence Banta, M.D.; and Chad Christensen, Psy.D. to provide designated examiner evaluations; Jay Kiiha, Bethany Haase, Ali Perkins, Aaron Hooper, Jolene Maloney, Paul Taber, Matthew Thompson, Joshua Taylor, Kevin Shupperd, John Kormanik, Rondee Blessing, and Krista Howard to provide legal services for representation of conflict cases assigned by the Courts under the supervision of the Chief Public Defender; Rita Fell to provide individual and family counseling for juvenile offenders and their families. Hakim Hazim to provide individual mentoring of juvenile offenders under the supervision of the County's Juvenile Probation Department. Delia Gonzalez and Maria G. Escobedo-Gonzalez to provide court interpreter services; John Bates, M.D.; Jacob Christopher White, D.O.; Coire Wethers, M.D.; Hamilton Warren Sutton, M.D.; James Piktel, M.D.; Charles Novak, M.D.; Roberto Negron, M.D.; Eric Gilbreath, M.D.; Tamara Helfer, M.D.; Michelle Cullinan, N.P.; and Marc Bostick, M.D.; to provide psychiatric health care services to patients/clients of Canyon County at St. Alphonsus Regional Medical Center in Boise.

#### PUBLIC HEARING – REQUEST BY ROBERT AND TERESA WALTMAN FOR A REZONE AND DEVELOPMENT AGREEMENT

The Board met today at 11:00 a.m. to conduct a public hearing in the matter of a request by Robert and Teresa Waltman for a rezone and development agreement, Case No. RZ2021-0021. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, DSD Planning Official Dan Lister, Robert Waltman, Teresa Waltman, Cheryl Lopez, and Deputy Clerk Monica Reeves. Dan Lister said the request is for zoning map amendment from an agricultural zone to a conditional rezone to an (R-R) rural residential zone. The applicant is seeking a rezone to match their conceptual plan which has a total of three lots, one with an existing house already in the back and two lots in the front which are approximately three acres each. On September 15, 2021, the Board heard this request and tabled the case to allow the applicant time to amend the application to include a development agreement to limit the development potential to only three parcels as shown on their conceptual plan. They have to comply with Canyon Highway District's letter which includes some dedication and limited construction on the road regarding the addition to a barrow ditch on the frontage of the property. The applicants have a license agreement with the highway district to pay their fair share into any future costs of the road. Currently, the highway district is not requesting paving of the road. Within a one-mile radius there are other residential zones within close proximity. The request is commensurate with the surrounding lot sizes, and the future land use plan shows this to be designated as residential. It is a nitrate priority area so they will have to work with SWDH to get their septic permit at time of development. At the Board's previous review, it found the area

is still predominately agriculture and rural, and the property is close to other agricultural uses so the Board identified that a development agreement would be beneficial to retain that rural character and the applicant did agree to those terms. He gave a review of agency comments. Some letters of concerns from neighbors dealt with future development, that the applicant provide a shared driveway and not have frontage along Fred Lane; the need to improve Fred Lane; concerns about irrigation drainage issues between each property; and the lot sizes should not exceed what is allowed in the rural residential zone. Staff is recommending approval with a development agreement. The P&Z Commission recommended approval on July 21, 2021, of an R-R zone without a development agreement, however, the applicant had agreed to development agreement. Robert Waltman gave testimony about utilities, the water table, and the road. He spoke of the flooding issues that occur on the Cheryl Lopez property and how goes into a ditch on his land and then into a pipe that goes under the road. There are ways to fix the issue, but the best way is to build a leech pond and her water will flow into it and then go into the water table. He testified that her water also runs onto the property of another owner, but Ms. Lopez refuses to deal with it. He has to either sue her civilly or fix it himself or try to get Ms. Lopez to pay for half of it. Following his testimony, Mr. Waltman responded to questions from the Board. Teresa Waltman testified she spoke with Lenny at Canyon Highway District and they looked into paving, routing, etc., but said the subdivision will generate enough traffic for the district to force the Waltmans to pave the road. Purchasers will be required to sign an agreement saying they will put the road back and will have equal share for costs and upkeep. Ms. Waltman said the highway district had another property owner do the roundabout and they had him put in a leech pit even though the drainage across the front of has never flooded. She spoke about the leech pit and the water issues they have with their neighbor, Cheryl Lopez, and she said she spoke to an attorney who said water issues are for the courts to decide so that may be her next course of action because she is not going to argue about water that isn't hers. She will handle the issue before the property is listed for sale. They do not want more than two neighbors upfront and they will put that in the listing agreement. Cheryl Lopez offered testimony in opposition to the request and said water is a big issue. There is a major slope so with her acreage at the top everything flows across naturally. She owned 20 acres with all three pieces, and she sold the two pieces. According to Ms. Lopez, the issue is due to the Waltmans' lack of understanding with the water. The ditch that flows under the road was not well considered when it was put in because now she has siphon tubes rolling into one pipe across the road and it's a river and it runs into the bottom acreage and that issue needs to be resolved. There could be away to provide drainage, but it should have been done prior to Mr. Waltman digging a ditch at the bottom of her property and running pipe underneath his road. Rebuttal testimony was offered by Mr. Waltman who said Ms. Lopez sold him the property so she should have fixed the issue. His uncle built the ditch and put in the pipe as a short-term fix. It is a civil matter and one way or the other it has to be fixed, and the issue is who is going to pay for it. It is illegal to flood other peoples' land. Commissioner Smith said we may not solve the problem today, but an option would be to agree to a condition to submit a drainage plan to DSD prior to a building permit being issues. Following testimony, Commissioner White made a motion to close public testimony. The motion was seconded by Commissioner Van Beek and carried unanimously. Commissioner Smith Keri recommended changes to the FCO's as follows: She referenced the approval of the Tanner Verhoek approval should be included; the new lots will meet the state requirement for one-half acre so there should be a condition of approval and a finding that states

each lot will be served by individual domestic well and meet the requirements of IDWR. There needs to be a finding for drainage stating it will be mitigated by a condition of approval that a drainage plan will be submitted at the building permit phase. Discussion ensued. Following the Board's deliberation Commissioner Van Beek made a motion to approve Case No. RZ2021-0021 with the recommended changes. The motion was seconded by Commissioner White and carried unanimously. (See Ordinance No. 21-034 and Agreement No. 21-092.) The hearing concluded at 11:39 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER SIGNING ORDINANCE AND SUMMARY FOR CASE NO. OR2021-0022

The Board met today at 11:42 a.m. to consider signing the ordinance and summary permitting administrative division of nonviable parcels in an agricultural zone. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planning Official Dan Lister, and Deputy Clerk Monica Reeves. The Board heard this matter on October 14, 2021 and October 20, 2021 and subsequently approved the request and directed staff to make some minor changes and prepare a summary. Commissioner Smith said the ordinance and summary document all of the changes the Board requested and approved at yesterday's continued hearing. (The ordinance shall be known as the *Canyon County Administrative Division of Nonviable Parcels in an Agricultural Zone Ordinance*.) Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve and sign the ordinance and summary for Case No. OR2021-0022. (Ordinance No. 21-033.) The summary will publish in the Idaho Press-Tribune on October 26, 2021. Also included in the approval documents were the Findings of Fact, Conclusions of Law, and Order as prepared by staff. The meeting concluded at 11:44 a.m. An audio recording is on file in the Commissioners' Office.

#### PUBLIC HEARING – REQUEST BY TRIDENT HOMES, LLC, FOR PRELIMINARY PLAT APPROVAL OF NORSE LANDING SUBDIVISION, CASE NO. SD2021-0006

The Board met today at 1:37 p.m. to conduct a public hearing in the matter of a request by Subdivision Maker, LLC, representing Trident Homes, LLC, who is requesting approval of the preliminary plat, and irrigation, drainage and grading plan for Norse Landing Subdivision (formerly known as Moonstruck Heights), Case No. SD2021-0006. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planning Official Dan Lister, Darin Taylor, Bill Pastor, Greg Agresta, Colleen Agresta, Ted Yellen, Jeremy Fife, William Trask, Ed Stevenson, Steve Ulrich, John Precht, Jack Crawford, Joe Rosado, Michael Robinson, Susan Gipson, Tami Haney, Kristine Church, David Gipson, Steve Haney, Deborah Shields, Richard Rittenhouse, Jackie Elliott, Mike Elliott, Arlene Evans, Kim Rienecker, Greg Evans, Stephanie Laws, Dianne Ouillette, Peter Gomez, Greg Mincheff, other interested citizens, and Deputy Clerk Monica Reeves. Deputy PA Zach Wesley arrived at 3:37 p.m. Commissioner Smith disclosed she knows two audience members but that will not impact her decision today. Commissioner Van Beek disclosed she has relatives who live in

the nearby Moonstruck Subdivision and she is familiar with the area, but that should not impact her ability to make an unbiased decision. Dan Lister gave the oral staff report which included review of the agency comments and neighborhood concerns. The development consists of 34 residential lots and 3 common lots. In 2019 the property was rezoned to an R-1 zone subject to a development agreement that the residential development of the property does not exceed 40 residential lots. The average residential lot size is one acre. Roads will be dedicated to provide access to each lot, roads include the extension of Amour Avenue, Widgeon Avenue, Nordsman Way, Maiden Shield Way, and Kraken Court will be new additions to access to that area. Water services will be provided by the City of Caldwell, there will be individual septic systems, irrigation will be provided by the Caldwell municipal services, and subdivision runoff will be maintained within the subdivision and will be routed using roadside swales and infiltration facilities that meet city standards. The City of Caldwell supports the application with certain conditions which have been listed in the draft findings of fact, conclusions of law, and order (FCO's), which the applicant will have to meet. Canyon Highway District has agreed to the 34 lots without connection to Drury Lane. There are concerns from neighbors about the lack of connection to Drury Lane; however, Exhibit 5A is a response by the highway district regarding the concerns, and the access was found to not be recommended by the highway district due to 1) unclear language regarding the dedication of that right-of-way using Drury Lane, and 2) the use of the right-of-way makes existing dwellings along that easement nonconforming with current setbacks. Additionally, the preliminary plat provides two routes which is Widgeon Avenue and Amour Avenue, and a stub to the north which is adequate for emergency services. The applicant had two different plats, one has 39 lots with access to Drury Lane and all the other access points, and one has 34 lots without that access to Drury Lane. Both the City of Caldwell and the Canyon Highway District agreed to 34 lots. Letters of concern focused on the following: sewer vs. septic, city water vs. individual wells, and the need for a traffic impact study due to continued issues with traffic along Orchard Avenue. If individual wells/septics are proposed the neighborhood opposes the plat and they request additional conditions for CC&R's to limit two-story houses, live animal uses, restrict excessive animals, cars, RV's, and require pest control. They also want greenspace and fencing along property boundaries and are concerned about the lack of neighborhood outreach, and the traffic along Orchard Avenue and the use of water and sewer, and the lack of connection through Drury Lane. Dublin Lakeside Estates supports this application not going into Drury Lane as part of this application. Staff recommends approval which is consistent with the P&Z Commission recommendation. Mr. Lister reviewed the conditions of approval which are listed on Page 2 of the FCO's. Following his report, Mr. Lister responded to questions from the Board regarding the access points, traffic issues, and the plat itself.

The following people testified in support of the request:

Darin Taylor testified on behalf of the applicant. The property is approx. 40 acres located between existing subdivisions on the west and the east. Because of the letter he mailed to landowners within the notification distance he received calls from those in the subdivision on the east who were pleased they are coming through Drury Lane, but people on the west are saying the opposite. He advised his client to prepare two preliminary plats one with a connection to Drury Lane, and one with no connection to Drury Lane. Both plats were submitted for review. On April 28, 2021

Canyon Highway District did not take any action with the 39-lot plat with a connection on Drury Lane, but they did approve the plat with 34 residential lots without a connection to Drury Lane. State law gives the highway districts 100% jurisdiction over public roads. A month later, the Caldwell engineer said it agrees with the highway district and supports the 34-lot subdivision without the connection to Drury Lane and that's how they came to this point today in submitting the 34-lot subdivision. This property is in the area of city impact and will eventually be annexed, just not yet so the highway has sole jurisdiction. All city improvements apply to this development, except sewer which is  $\frac{3}{4}$  of a mile north at Karcher Road. The city did not require the applicant to extend sewer; however, the city does require them to connect to the city's water system by extending a mainline from 10<sup>th</sup> Avenue and Orchard west to Widgeon Avenue and through the subject property to the north boundary. There will be CC&R's. Following his testimony, Mr. Taylor responded to questions from the Board. Commissioner Smith said the neighbors likely feel today is their first opportunity to comment on the roads, but the Board cannot do much about it because the standards for roads are the highway district's authority, which is found in Idaho statutes.

Jeremy Fife testified he wanted to see a pressurized sewer attachment, but understands the reason why it wasn't done. He is happy the plat includes hookups to water services. He wants the 300-foot radius expanded because if Drury Lane is connected it won't just affect Drury Lane – it would add another 34 houses to what is already a 42-house subdivision so it would increase the traffic in front of his house. Removing cattle from the land will improve the water table and remove some nitrates. He asked why landowners are being hindered in what they can do with their property.

Greg Agresta testified most of his concerns were addressed regarding access on Drury Lane. He moved to the area there a year ago and the views were part of the appeal. He supports the 34-home proposal as long it does not change and bring Drury Lane into it.

Bill Pastor is in favor of the preliminary plat and agrees with the previous testimony.

William "Bill" Trask lives in Dublin Estates and he supports the request as presented. When the final plat approval comes, the Dublin Estates subdivision has no problem working with the developer to grant walking access to adjoin the two neighborhoods, and they want to work with the developer to landscape between the two subdivisions so it's suitable to the whole area. He would like the highway district to install an all-way traffic stop at 10<sup>th</sup> Avenue and Orchard Avenue.

Neutral testimony was offered as follows:

Mike Elliott is concerned about well contamination and septic system issues and he would like his well to be tested yearly to make sure there are no particles present, and if his wells does go bad because of the septic systems he wants to be connected to the water system at the developer's cost. He is concerned with the traffic problems on Orchard Avenue. He requested a green zone to buffer his house from future homes going in, or, disallow two-story homes to be built facing into his backyard. A pump station should be put in to move sewer out of the area rather than dumping it into the ground and polluting groundwater. Commissioner Smith encouraged Mr.

Elliott to visit with SWDH about their enforcement process and what happens if his well is contaminated.

The following people testified in opposition to the request:

Michael Robinson lives at Amour and Cupid near one of the access points and he is opposed to the two-access plat; he prefers the three-access plat. He spoke at the previous rezone hearings and brought up the access issues and was told that was not the time to address it and that it would be done during the platting phase, but now he's told it was supposed to have been done at the rezone phase. Commissioner Smith said when zoning happens we look at whether legal access to the property exists. Staff looks at if there is a public right-of-way to the property and does it have legal frontage or legal access through easements or rights-of-way. It should have been said those would be handled by the highway district or the governing authority for roads. The Board is going to note that and make sure people know access points are managed by the highway district not the Board. Mr. Robinson said at each meeting it has been pointed out there was right-of-way on all three points and his argument was to use all three points. If the Board has no power to do anything they should get a pedestrian access through Drury Lane because there is a right-of-way there.

Arlene Evans testified the developer did not appear at the P&Z Commission hearing and they were told they could go home, but the next day they were notified the developer did show up later and was given time to do a presentation but the neighbors did not have an opportunity to give their testimony. She is concerned about the misinformation and lack of information about access points. She is opposed to the two-point entry, but favors the three-point entry. She also has concerns about the dangerous traffic concerns on Orchard Avenue and adding more traffic to the area.

Kim Reinecher agrees with the previous presenters and believes three access points would be much safer than two.

Greg Evans said the neighbors' concerns are not being dealt with because every time they attend hearings they are told this is not the time to discuss ingress/egress. The highway district has never given the neighbors an opportunity to discuss it either. He said the north entrance is of no value, it goes into a field and there is no way for emergency access to come in. He spoke of his concerns about the speed limit on Orchard Avenue and concerns with emergency access. He said due process has not been given; he attended a P&Z Commission hearing last month and staff told them they could leave because the developer was not going to show up, but he did show up after the neighbors left and the request was approved. Dan Lister said the new hearing secretary conveyed to him (Mr. Lister) that the neighbors were given a choice to stay or leave and they chose to leave.

Stephanie Laws spoke of the importance of having multiple access points for connectivity and emergency response times, and she noted the proximity of the subject property to the wildlife refuge.

Commissioner Smith asked about staff's communication with the highway district regarding the neighbors' concerns about access points. Mr. Lister said it was the normal public notice communication. The discussion points and the concerns about traffic along Orchard Avenue were made during the rezone and at that point there was no conceptual plan. It was based off the rezone questions: do they have adequate access? Will this create a traffic impact? This testimony was stated during the rezone, however, the highway district's letter at that time said they were not going to ask for a traffic impact study because it does not meet their threshold. It met the minimum requirements of the findings at the time and at this point the design was reviewed by agencies and they found this to be the most consistent with their plan. Commissioner Smith requested Mr. Lister ask the PA's Office about the issue regarding due process.

Rebuttal testimony was offered by Mr. Taylor. Regarding the concern about well contamination, Mr. Taylor invited those with concerns to contact him and he will guide them from there. There are remedies that come up if there is a problem – it is not preventative. He said there was a comment about Dublin Estates not having two accesses, however, it does. The first access is Kings Row and the second is on an easement that's an improved but unpaved access to 10<sup>th</sup> Avenue. Mr. Taylor said he was 10 minutes late to the P&Z Commission hearing and that evening they were considering two ordinances and his item was on the agenda after that so his item didn't called up until an 1.5 hours after the hearing began. He said the developer is amenable to talk about a connection to parks. It's not part of the plat, it's an offsite improvement that could be shown on the construction plans along with sidewalks and other things. He prefers not to have it as a condition of approval because it crosses property owned by someone else. It would be a nice pedestrian connection to the east if the landowners are willing to cooperate. The advanced treatment systems are different than the ones that used to be used so the treated waste water is highly regulated and much cleaner than it has been which is what they will be using. Questions about the traffic flow, patterns, and designs are conversations that have been had by the City of Caldwell and the highway district. There are recreational opportunities that could be a showcase around the lake and wildlife refuge.

Mr. Lister said he contacted legal and they said there is not a due process issue – it's a recommendation hearing. He told legal that during the hearing they didn't realize there were a number of names on the testimony list and that they were no longer here, it was stated at that point that they had a choice to stay or leave. Legal counsel said the neighbors are here today and are testifying before the final decision body so they still have the opportunity to provide testimony. Commissioner Smith wants the highway district to listen to all the comments because the neighbors deserve that opportunity, but the Board cannot compel the highway district to have a public hearing. Commissioner Van Beek asked if the Board can suggest the highway district meet with the neighbors so they can hear their concerns. Commissioner White would like to have a meeting and invite them specifically because the citizens feel like they haven't had an opportunity to talk about roadway concerns. After review and discussion with staff, the Board took a break at 3:24 p.m. The Board went back on record at 3:39 p.m. with Deputy PA Zach Wesley stating even though there is unclear language in the letter from the highway district it appears they approved the preliminary plat drawing although there they said there may be the existence of a right-of-way to the subdivision next door, the Drury Lane stub. The idea that we are here now and one of the

things the Board does is look at the proposed and existing data and so these plats need to have indications where all widths of the names of all platted streets exist, all utilities and public right-of-way, public areas, permanent structures, so public rights-of-way, if they exist, should be on the map. The subdivision is also supposed to have the road layout and the location of proposed names, pathways, easements on the final plat. This is a preliminary plat, and there is the final plat phase where they come back with the final drawings and the Board could condition the approval of the preliminary plat on the idea that the developer resolve the issue of right-of-way more definitively than they have with the highway district letter. There needs to be further clarification, either the highway district needs to explicitly state there is not a right-of-way, or, the developer needs to identify the right of way and have it on the plat. Further discussion ensued about engaging the highway district about access points. Mr. Taylor said he is adamantly opposed to a delay because they have a plat that conforms to three jurisdictions. He is in favor of talking with the highway district and talk about its traffic knowledge and plan for Orchard Avenue and Widgeon Avenue. He had multiple communications with the highway district and they are adamant about holding to that March 27, 2019 letter saying their position is no connection that way. Commissioner Smith wants to discuss having a condition for the adjoining pathway to connect the subdivisions.

Greg Evans said he has been to all the hearings and every time he was told don't worry about the ingress/egress, but today he learned it should have been taken care of at the P&Z Commission hearing. The neighbors have not been heard. The secretary told the neighbors the developer was not present so they left and that employee should be held responsible.

Stephanie Laws asked questions about the preparation of the plat. Mr. Taylor said they are required to list all existing and proposed rights-of-way, easements, etc., so the plat shows on Drury Lane the center of the three cul de sacs and it shows that existing potential future connection that was included in the 1993 plat. He said we need to look at the Dublin Estates plat because that is what the highway district was looking at. If Drury Lane goes through it creates a nonconforming setback.

Kim Rienecker is concerned about things being done underhandedly regarding the placement of signs as it relates to public hearing notices.

Greg Agresta said this a preliminary plat, and the City of Caldwell and the highway district have spoken and the Board needs to make a decision.

Commissioner Van Beek made a motion to close the public testimony. The motion was seconded by Commissioner White and carried unanimously. Commissioner Smith said staff has made the finding that it meets the technical compliance of the ordinance and Idaho statutes, and she believes that is accurate. There could be better processes at the highway district level to inform citizens of access concerns and she encouraged citizens to contact their legislators and the highway district and express their frustration and safety concerns. Following the Board's deliberation Commissioner Van Beek made a motion to approve the request for Norse Landing, Case No. SD2021-0006, and to approve the staff report with amendments to the conditions as follows: Exhibit 1, amend the language to change the word *may* to *shall*, to include a righthand

turn lane at Widgeon Avenue, and that connectivity to the Dublin Estates Subdivision be provided by providing for a pedestrian pathway. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 4:14 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 22, 2021

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Mtn Home Auto Ranch in the amount of \$80,190.00 for Fleet Department

There were no meetings held this day.

OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 25, 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 578718 to 578754 in the amount of \$60,884.47
- The Board has approved claims 578836 to 578835 in the amount of \$25,326.96
- The Board has approved claims 578755 to 578784 in the amount of \$128,709.85
- The Board has approved claims 578785 to 578834 in the amount of \$52,299.54
- The Board has approved claims 578664 to 578717 & 578835 in the amount of \$40,520.93

#### APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Caxton in the amount of \$3,485.76 for Trial Court Administration
- 1000 Bulbs in the amount of \$2,250.00 for Facilities Department
- Sunbelt Controls in the amount of \$27,480.00 for Facilities Department
- Sunbelt Controls in the amount of \$24,660.00 for Facilities Department
- Apple in the amount of \$3,694.00 for Information Technology Department
- A-Gem Supply in the amount of \$1,312.00 for Canyon County Sheriff
- Pro Vision in the amount of \$5,339.00 for Canyon County Sheriff
- Hanson Janitorial in the amount of \$12,884.00 for Canyon County Sheriff

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Edge Brewing Co Inc. dba Edge Brewing Co. to be used 11/6/21

#### CONSIDER NEW ALCOHOLIC BEVERAGE LICENSE FOR BURGER JOINT

The Board met today at 1:59 p.m. to consider a new alcoholic beverage license for Burger Joint, Inc., dba Burger Joint. Present were: Commissioners Leslie Van Beek and Pam White, and Deputy Clerk Monica Reeves. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to approve the alcoholic beverage license for Burger Joint (Resolution No. 21-214.) The meeting concluded at 2:00 p.m.

#### PUBLIC HEARING TO CONSIDER A REQUEST BY WOLF BUILDING COMPANY (BLAKE WOLF) FOR A PRELIMINARY PLAT FOR HORIZON RIDGE SUBDIVISION, CASE NO. SD2021-0026

The Board met today at 2:00 p.m. to conduct a public hearing in the matter of a request by Wolf Building Company (Blake Wolf) for approval of a preliminary plat (including irrigation/drainage) for Horizon Ridge Subdivision. The subject property, parcel no. R33047 is located at the southeast corner of the intersection of Lone Star Rd. and Indiana Avenue in Caldwell Idaho. Present were: Commissioners Leslie Van Beek and Pam White, DSD Planner Jennifer Almeida, Lance Warnick, Blake Wolf, and Deputy Clerk Monica Reeves. Commissioner White disclosed she knows both Lance Warnick and Blake Wolf but that will not impact her ability to issue a decision in this case. Jennifer Almeida gave the oral staff report. The proposed subdivision is in conformance with the future land use plan, and Keller & Associates has reviewed the preliminary plat and recommended

approval. Roadways within the development will be public; the property will utilize individual septic systems and a community water system; and irrigation will be provided to each lot via a pressurized irrigation system with a proposed well on Lot 5, Block 2. Canyon Highway District will not require a traffic impact study. The subject property is not located within a nitrate priority area. The P&Z Commission recommended approval of this case on September 16, 2021, and staff is also recommending approval with suggested conditions of approval. Following her report, Ms. Almeida responded to questions from the Board. Blake Wolf is the applicant and owner and he testified in support of the plat. The property is a sloped piece of land at the top of Indiana Avenue and Lone Star Road, and it's been irrigated with a large agricultural well. He has converted a portion of the water rights to domestic use and fire suppression within one system that will serve the entire subdivision. It will be a higher-end development with view lots. In terms of water, this is not an area that has ran dry; they are using less water than they were given for water right purposes. Lance Warnick, with Aspen Engineers, testified in support of the request. They are dedicating a 40-foot right-of-way along Indiana Avenue; the highway district wants them to widen the pavement on the east side of Indiana to provide a bike lane to match with the master bike plan in the area. Along the north portion of the property adjacent to Lone Star Road, the HD has asked for a dedication of 35 feet to match the City of Caldwell's collector street standards to include curb, gutter, and sidewalk to match the road configuration of LS Ranch. They are platting Phase 2, and then they will move to Phases 3 and 4. They have been working with professional engineers who develop community water systems, and DEQ has already approved the location for the proposed well and the next steps are to drill the test holes to verify production. They are changing the area where the water is being removed and moving it over ¼ of a mile. There is a process to change that location and the use of it being used for fire suppression and residential use in addition to the irrigation, and as part of that IDWR reiterates they have a designated water right which ties to the specific ground and it's been verified and confirmed that the water right is in place. Based on the history for the site the existing well has been able to deliver more than enough water than what is needed on the site, and as they develop the community well, they will do production tests to confirm they meet the anticipated flow. DEQ will review the distribution plans for the mains that will connect to that specific well and they won't approve them for construction until they are confident it's in place. 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 preliminary plat for Horizon Ridge Subdivision, Case No. SD2021-0026. The hearing concluded at 2:27 p.m. An audio recording is on file in the Commissioners' Office. (*\*Due to a technical issue, the recorder was not working for the first 1-2 minutes of this hearing.*)

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

The Board met today at 3:00 p.m. for a weekly meeting with the Director of DSD to discuss general issues, set policy, and give direction. Present were: Commissioners Leslie Van Beek and Pam

White, DSD Director Steve Fultz, and Deputy Clerk Monica Reeves. Director Fultz reported on the following items:

Staffing: A new Planner II has started employment, and two existing staff members are leaving, but the positions will be filled. Director Fultz is looking to hire someone to fill the economic development role. He is working with HR on the possibility of having an in-house engineer to be utilized by County offices/departments. \$90,000 has been set aside to address contracts and like-type services.

FEMA media release: There was a letter generated today from FEMA to the media regarding the national flood protection insurance program. There are some inaccuracies in the letter the County needs to address and clarify. There are some clarifications that need addressed through that. The County is in noncompliance; however, the vast majority have been brought into compliance. Staff is working daily to get remediation and they have been in weekly communication with FEMA and Director Fultz wants the community to know the actions that have taken to meet the requirements.

Director Fultz will meet with IT staff tomorrow regarding a project management program to help with efficiency within the department. He will assess staffing to see if existing personnel can fill that role.

He had a site visit with a company from the East Coast area that's looking for opportunities that deal with the entertainment industry and agritourism. They operate facilities in Texas and California and are headquartered back east.

He met with representatives from the Caldwell Urban Renewal Agency and the City of Caldwell regarding a new revenue allocation area where the vast majority is in the unincorporated area. The matter will be coming to the Board soon. He said there is an economic development project that could come into play in this area, and we need to consider it seriously and receive input from other agencies.

DSD has brown bag luncheon meetings for supervisors where they do teambuilding and work through a leadership book and develop strategy for the department both for personnel and organizational strategies.

The items discussed were general in nature and did not require Board action. The meeting concluded at 3:20 p.m. An audio recording of the meeting is on file in the Commissioners' Office.

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

APPROVED CLAIMS

- The Board has approved claim 578839 in the amount of \$43,626.00
- The Board has approved claims 578847 to 578865 in the amount of \$17,075.03
- The Board has approved claims 578840 to 578846 in the amount of \$11,099.00
- The Board has approved claim 578866 in the amount of \$80,000.00

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Idaho Sheriffs Associations in the amount of \$4,500.00 for Canyon County Sheriff
- Hess Construction Inc. in the amount of \$6,500.00 for Facilities Department

DETAILED MINUTES TO COME AT A LATER TIME

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

CANCELLED Action Item: Consider signing resolution declaring certain properties as not necessary for county use and authorizing sale thereof

CANCELLED Action Item: Consider signing notice of surplus property auction

DETAILED MINUTES TO COME AT A LATER TIME

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

DETAILED MINUTES TO COME AT A LATER TIME

Executive Session to Discuss Records Exempt from Disclosure pursuant to 74-206(1)(d)

MONTHLY MEETING WITH THE SOLID WASTE DIRECTOR TO DISCUSS GENERAL ISSUES, SET POLICY, AND GIVE DIRECTION

The Board met today at 10:36 a.m. for a monthly meeting with the Solid Waste Director to discuss general issues, set policy, and give direction. Present were: Commissioners Pam White and Leslie Van Beek, Solid Waste Director David Loper, and Deputy Clerk Monica Reeves.

Director Loper reported on the following topics:

- Waste amounts were up 3.21% in September, for FY20222 up 7%
- Landfill expansion
- Transfer station
- 836K compactor
- Beautification Project
- Geotech drilling
- Stuart well water right/dust control
- Landfill gas system
- SWDH inspection – tires

The items discussed were general in nature and did not require Board action. The meeting concluded at 11:22 a.m. An audio recording of the meeting is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with Public Defender to discuss general issues, set policy and give direction  
This meeting will be continued to 10/28/21 at 3:00 pm

OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 27, 2021

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

APPROVED CLAIMS

- The Board has approved claim 578987 in the amount of \$180.50

There were no meetings held this day.

OCTOBER 2021 TERM

CALDWELL, IDAHO    OCTOBER 28, 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 578867 to 578896 in the amount of \$136,954.78
- The Board has approved claims 578897 to 578926 in the amount of \$42,368.70
- The Board has approved claims 578927 to 578956 in the amount of \$11,542.97
- The Board has approved claims 578957 to 578986 in the amount of \$434,816.26
- The Board has approved claims 578988 to 579020 in the amount of \$23,549.33

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Hailee Moore, Juvenile Detention Field Training Officer; Bonnie Puleo, Sr. Admin Specialist

APPROVED TRANSFER OF SICK LEAVE TIME TO VACATION TIME

- The Board approved the transfer of sick leave time to vacation time for K. Frost; M. Navarrete; D. Curl; L. Vance; J. Orozco; C. Olsen; C. Jagne; P. Navarro; F. Harper; J. Breach; M. Emly; A. Charez

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Mountain Alarm in the amount of \$3,004.00 for Facilities Department
- Dell Technologies in the amount of \$1,205.50 for Facilities Department
- SHI in the amount of \$9,000.00 for Information Technology Department
- Right! Systems Inc in the amount of \$38,574.18 for Information Technology Department
- Avaya in the amount of \$13,885.20 for Information Technology Department

- Quadient Inc in the amount of \$18,420.44 for Information Technology Department

#### APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Plyhse Boise Inc dba Watson's Mystery CFE & Spirits to be used 10/31/21

#### MEDICAL INDIGENCY DECISIONS

The Board met today at 8:45 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Pam White and Leslie Van Beek, 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: 2021-1046; 2021-1038; 2021-1037; 2021-1042; 2021-1040; 2021-1044 and 2021-1047.

Case nos. 2022-73 and 2022-66 meet the eligibility criteria for county assistance. Commissioner White made a motion to issue initial approvals with written decisions within 30 days on the cases as read into the record. The motion was seconded by Commissioner Van Beek and carried unanimously.

Director of Indigent Services Yvonne Baker presented a subordination request on case no. 2016-847. Discussion ensued regarding the applicant's request for subordination of the lien. Commissioners' White and Van Beek requested additional information before making a decision.

Liens and lien releases were presented for Board signatures.

The meeting concluded at 8:56 a.m. An audio recording is on file in the Commissioners' Office.

#### CONSIDER SIGNING OCTOBER 28, 2021 ACTION ITEMS

The Board met today at 9:01 a.m. to consider signing the October 28, 2021 action items. Present were: Commissioners Leslie Van Beek and Pam White, IT Director Greg Rast, Assistant IT Director, IT Business Manager Caiti Pendell, Controller Zach Wagoner, HR Director Kim Foster, Director of Court Operations Jess Urresti, Deputy PA Doug Robertson, Deputy PA Zach Wesley, Deputy PA Alexis Klempel, Interpreter Coordinator Grace Almeida, EOM Christine Wendelsdorf, Chief Deputy Sheriff Marv Dashiell and Deputy Clerk Monica Reeves. The items were considered as follows:

**Consider signing resolution to approve the title, salary, and FSLA status of a position in the Information Technology Department:** Director Rast has a lead administrative support position he wants to repurpose into a system administrator position and by doing so he won't have to ask for another position in FY2023. The salary change goes from hourly to exempt status, and there will be a net difference of \$4,000 in salary he'll have to cover but he has another position where he saved \$11,000 so he can cover the difference. The Board had questions for Director Rast. Zach Wagoner said this change was not discussed during the FY2022 budget process and although he understands needs change and we have to be able to adapt and respond accordingly, he prefers these types of changes be reviewed during budget development. Director Rast agreed and said the circumstances changed and he didn't have the opportunity to discuss this during the budget process. IT is currently redlined with its workload and projects. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the resolution approving the title, salary, and FSLA status of a position in the Information Technology Department. (Resolution No. 21-215.)

**Consider signing Independent Contractor Agreements for Interpreter Services with Muhitdin Ahunhodjaev (We Speak Uzbek), April Pena, Doreen Wai, Irene Ommen, Lisa Crawford, Mychi Doan, Rebecca Spadofora, and Than Than Win:** Deputy PA Robertson has reviewed the agreements, which span all kinds of languages. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the agreements for interpreter services with the contractors listed above. (Agreement Nos. 21-095, 21-096, 21-097, 21-098, 21-099, 21-100, 21-101, and 21-102.)

**Consider signing 2021 State Homeland Security Program subrecipient agreement:** EOM Wendelsdorf said this is the other part of the homeland security grant that covers part of her wages and benefits, and they also put in the Motorola service contract to do the preventative maintenance on the towers and the radio system. This year's amount increased slightly over last year. Deputy PA Klempel sees no legal reason not to sign the agreement. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the 2021 State Homeland Security Program subrecipient agreement. (Agreement No. 21-094.)

The meeting concluded at 9:19 a.m. An audio recording is on file in the Commissioners' Office.

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

*Note for the record: As properly noticed the Board met today at 9:20 a.m. for a legal staff update. A request was made to go into Executive Session to discuss records exempt from public disclosure and attorney-client communication, and to communicate with legal counsel regarding pending/imminently likely claims. The Executive Session was held as follows:*

Commissioner White made a motion to go into Executive Session at 9:21 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f). 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 Leslie Van Beek and Pam White, Deputy PA Zach Wesley, Deputy PA Doug Robertson, and Deputy Clerk Monica Reeves. The Executive Session concluded at 9:29 a.m. with no decision being called for in open session.

CONSIDER SIGNING CANYON COUNTY SHERIFF'S OFFICE EQUITABLE SHARING AGREEMENT AND ANNUAL CERTIFICATION REPORT FOR FISCAL YEAR END 2021

The Board met today at 9:32 a.m. to consider signing the Canyon County Sheriff's Office Equitable Sharing Agreement and Annual Certification Report for Fiscal Year-End 2021. Present were: Commissioners Leslie Van Beek and Pam White, Chief Deputy Sheriff Marv Dashiell, Sr. Administrative Specialist Margaret Spurgeon, and Deputy Clerk Monica Reeves. Ms. Spurgeon said it's a yearly report we have to do in order to receive federal funds when they do cold cases with federal agencies. Each year they start with the balance of the prior year and then state what was spent for the year and give the ending balance. This year they did not receive any funds. Chief Dashiell said the federal system turnaround time on seizure and forfeiture awards can take years so cases can be pending. We are in line for award now and have multiple claims turned in but it's a matter of when those cases clear the court system and the awards are authorized for disbursement. We can receive funds from up to 3 years ago and those funds will go into the either the justice fund or the treasury fund and become available for use. There are very strict guidelines on what the funds can be used for. The primary use is for investigative expenses including rewards for informants, buy monies, and training. Upon the motion of Commissioner White and the second by Commissioner Van Beek, the Board voted unanimously to sign the Canyon County Sheriff's Office Equitable Sharing Agreement and Annual Certification Report for Fiscal Year-End 2021. (Agreement No. 21-103.) The meeting concluded at 9:39 a.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

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

PUBLIC HEARING - REQUEST BY JOSEPH AND ANDREA LEE FOR AN AMENDMENT OF DEVELOPMENT AGREEMENT #18-173, CASE NO. CR2021-0005

The Board met today at 1:34 p.m. to conduct a public hearing in the matter of a request by Joseph and Andrea Lee who are requesting an amendment of Development Agreement #18-173, associated with Case CR2018-0003, to extend the agreement two years to October 25, 2023 and relocate the building envelope to the southern portion of the parcel (Case No.CR2021-0005). Present were: Commissioner Leslie Van Beek and Pam White, DSD Planner Elizabeth Allen, Joseph Lee, Andrea Lee, and Deputy Clerk Monica Reeves. Elizabeth Allen gave the oral staff report. On October 25, 2018 the Board approved Case No. CR2018-0003, a conditional rezone of Parcel 37721011 from Agricultural to Rural Residential subject to a development agreement. The purpose of the conditional rezone was to create a residential lot with the remainder of the parcel maintained as agricultural. The subject property is located on the north side of Sand Hollow Road., approximately 2,028-feet from the intersection of Wagner Road and Sand Hollow Road. On September 16, 2021, the Planning and Zoning Commission recommended approval of this request. Staff recommends the development agreement be modified to shift the building site to the location identified on the site plan the applicant provided. Ms. Allen reviewed agency comments, and following her report she responded to questions from the Board. Andrea Lee testified in support of her request. The building envelope is approximately one acre in size, and she has worked with the Notus-Parma Highway District who has been on site and given approval for the ingress/egress. 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 development agreement amendment #18-173 associated with Case No. CR2018-0003, and approve the findings of fact, conclusions of law and order as well as the ordinance. (Agreement No. 21-093 and Ordinance No. 21-035.) The hearing concluded at 1:45 p.m. An audio recording is on file in the Commissioners' Office.

OCTOBER 2021 TERM  
CALDWELL, IDAHO    OCTOBER 29, 2021

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

DETENTION CENTER INSPECTION CONDUCTED

The Board conducted a quarterly inspection of the detention center. The Board evidenced proper care and security and the inmates' welfare throughout the facility. General grievances were filed and have been processed in accordance with standard procedures. Notes from the inspection included: the jail kitchen will be repainted in December; razors will be issued three times a week

rather than seven times a week. There was discussion regarding the plans for a thermal imaging kiosk.

THE MINUTES OF THE FISCAL TERM OF OCTOBER 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