

MARCH 2022 TERM
CALDWELL, IDAHO MARCH 1, 2022

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 FORMS

- The Board approved an employee status change form for Mary Banford, Clerk I; Chasity Lambrecht, Clerk I (underfill II); Nicole Bevelin, Clerk II; and Madelyn Vander Veen, Planning Tech

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- BOE in the amount of \$1,280.00 for Information Technology Department
- Boise Appliance in the amount of \$6,540.06 for Facilities Department
- Acme Tools in the amount of \$1,334.99 for Facilities Department

APPROVED JANUARY 2022 TERM COMMISSIONER PROCEEDINGS AND SYNOPSIS

The Minutes of the Fiscal Term of January 2022 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.

SIGN SCHEDULES FOR MASTER AGREEMENT FOR LICENSED SOFTWARE, HARDWARE, AND SERVICES WITH MANATRON, INC.

Today the Board signed, as a ministerial matter, the schedules for master agreement for licensed software, hardware, and services with Manatron, Inc., (Aumentum Technologies). On February 24, 2022 Commissioners Leslie Van Beek and Pam White met with Assessor Stender to discuss the upgrade for public access and at the conclusion of the meeting the Board gave its approval of the agreement as described with the understand that once a final document was ready the Board would sign the document. (Agreement No. 22-017.)

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

The Board met today at 9:02 a.m. for a meeting with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Doug Robertson, Deputy P.A. Zach Wesley (arrived at 9:06 a.m.), EOM Christine Wendelsdorf (left at 9:06 a.m.), Director of Juvenile Detention Sean Brown (left at 9:10 a.m.), Treasurer Tracie Lloyd (arrived at 9:07 a.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Consider signing standby preventative maintenance agreement with Western States Power Systems: Ms. Wendelsdorf said this agreement is for maintenance of the generators at the radio towers and that Western States has been providing the service for the past 7-8 years. This was a planned and budgeted expense that is paid from E911 funds. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the standby preventative maintenance agreement with Western States Power Systems (see agreement no. 22-015).

Consider signing staging agreement with Idaho Department of Juvenile Corrections: Director Brown said the only change to the agreement is to the daily charge which was \$191 but will be increased to \$210. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the staging agreement with Idaho Department of Juvenile Corrections (see agreement no. 22-016).

Consider new alcoholic beverage license for Las Tias LLC dba Tin Roof Tacos: Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a new alcoholic beverage license to Las Tias LLC dba Tin Roof Tacos (see resolution no. 22-023)

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

EXECUTIVE SESSION – COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Van Beek made a motion to go into Executive Session at 9:10 a.m. pursuant to Idaho Code, Section 74-206(1) (i) to communicate with risk manager regarding pending/imminently likely claims. 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, Treasurer Tracie Lloyd, Deputy P.A. Zach Wesley and Deputy P.A. Doug Robertson. The Executive Session concluded at 9:24 a.m. with no decision being called for in open session.

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

WEEKLY MEETING WITH PUBLIC INFORMATION OFFICER TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 10:04 a.m. with the Public Information Officer to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, PIO Joe Decker and Deputy Clerk Jenen Ross. Mr. Decker updated the Board on the following:

- Project management timesheet was provided.
- Yesterday he participated in the interviews for the Maintenance Superintendent position.
- Discussion regarding access to crime data reports – Mr. Decker will check with Prosecutor Taylor to see if he has any statistics and find information to compile for Commissioner Smith.
- Community input meeting scheduled for Monday, March 7th will start being promoted today.
- There is a National PIO Association training in August that he'd like to attend but will first need to purchase the \$80 membership.
- At the request of Commissioner Van Beek, Mr. Decker will reach out to Amy Bowman at the City of Nampa regarding the annual survey they put out to the community via Survey Monkey.

The meeting concluded at 10:22 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 10:32 a.m. with the Fleet Director to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, Fleet Director Mark Tolman and Deputy Clerk Jenen Ross. Director Tolman updated the Board on the following:

- He's been working on a driver's license check program with HR and would like to invite Mr. Soto to his next meeting for a demonstration; will potentially be moving it from Fleet to HR.
- He is looking for a new tech; a recent new hire did not work out.
- The vehicle auction closes on March 3rd.
- They are working with an outside bidding agency to acquire equipment for the carwash but it still may not be complete by the end of the fiscal year due to delays and shortages in receiving components.

The meeting concluded at 10:37 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 AND GIVE DIRECTION

The Board met today at 11:03 a.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Leslie Van Beek, Director of Development Services Steve Fultz, Civil Attorney Zach Wesley, Planning Official Dan Lister, Planner III Elizabeth Allen and Sr. Administrative Specialist Terri Salisbury. Mr. Wesley requested they go into executive session with the Board to discuss the date of originality ordinance.

EXECUTIVE SESSION – RECORDS THAT ARE 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 11:06 a.m. pursuant to Idaho Code, Section 74-206(1) (d) and (f) regarding records that are exempt from public disclosure and to 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 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, Leslie Van Beek, Director of Development Services Steve Fultz, Deputy PA Zach Wesley, Planning Official Dan Lister and Planner III Elizabeth Allen. The Executive Session concluded at 12:04 p.m. with no decision being called for in open session.

At the conclusion of the executive session Director Fultz updated the Board on the following:

- Director Fultz sent an email to the Board on his draft urban renewal information and would like feedback from the Board.
- Commissioner Smith would like to know if Director Fultz is ready to move forward with the P&Z Commission candidates. Director Fultz would like to discuss the two candidates next week.

The meeting concluded at 12:07 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners' Office.

MONTHLY ELECTED OFFICIALS' MEETING

The Board met today at 1:34 p.m. for a monthly elected officials' meeting. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White participated via conference call, Clerk Chris Yamamoto, Prosecutor Bryan Taylor, Assessor Brian Stender, Treasurer Tracie Lloyd, Chief Deputy Sheriff Marv Dashiell, PIO Joe Decker, Dolores Waite, and Deputy Clerk Monica Reeves. Facilities Director Rick Britton arrived at 1:42 p.m. Topics of discussion included the following:

Miscellaneous

Clerk Yamamoto referenced the Russian invasion of Ukraine and said all Americans need to take note of what a communist dictatorship looks like and how true patriots respond to that. What the Ukrainians are doing is truly amazing and it's a great reminder of why we have the Second Amendment in the U.S.

Personnel and compensation

Commissioner Smith spoke of how there is a competitive engineering position available but DSD has not been able to get anyone to apply for it. She also talked about how we need to do something for employee retention. It's a tough market right now and she wanted to have a conversation to see where the other elected officials are at. Prosecutor Taylor said in looking at what other businesses and sectors are doing we should probably do some re-evaluation. We have the necessary funds and we wouldn't have to reopen the budget to take care of the employees. Commissioner Smith said ARPA funds allow for bonuses, per se, for people who have worked through the pandemic and she asked for thoughts on a bonus vs. pay increase. We don't know what the economy is going to bring so she has hesitancy about doing something permanent at that this point. Commissioner Van Beek supports that and said we have fund balance but if we use it for long term expenses we need a revenue source that will support those salary increases. We don't have an HR Director who would be able to evaluate salaries and what that should look like. In looking at what other counties did, Canyon County was the highest on the COLA increases of anybody she spoke to. She doesn't know that anyone in this group has the expertise to evaluate salaries at a level that a qualified risk manager and HR Director would be able to. She said there are other factors that play into retention other than just the wages.

Parking/Striping along streets surrounding the courthouse

Due to pedestrian safety concerns, Facilities Director Rick Britton has reached out to the City of Caldwell regarding his request to paint parking stalls along the streets (Albany Street down 12th Avenue and 11th Avenue) and put a 20-foot buffer from every crosswalk to help regulate where people park. He estimates we will lose 10 parking spots. There was discussion about having parking spaces in front of the administration building to better serve the elderly citizens who come to the Assessor's Office. Assessor Stender suggested the parking lot on the back side of the administration building be designated for customer parking with signs for 15-minute or 30-minute parking. Director Britton likes the idea. There was consensus that the nearby parking lot will be left for customers/citizens. Employees need to use the designated employee parking lots.

Facility growth plans and expansion

Director Britton has looked at options to accommodate the campus growth for the next 10 years and he has met with Architect Rich Bugatsch to get rough numbers and preliminary designs to explore options. On a rough scale they came up with a 137,500 square foot design that includes a parking garage and four floors. Each floor would have 27,500-28,000 square feet. The structure would be built on the 12th Avenue and Albany Street parking lot. In order to keep the costs down he proposes using in-house staff to do the interior work. The build-out price, not including the permits, is between \$20.9M and \$24M. Design permits would add an extra \$1 million. He thinks

we could save \$5M-\$6M by doing the interior work in-house. It was asked if ARPA funds could be used for the project and Clerk Yamamoto said he believes they can be used. Prosecutor Taylor said we should first figure out the funding mechanism and whether we have the funds in our budget to do this. Do we have \$30M in ARPA funds and other County revenue streams for this one-time cost? If that's the direction the Board decides to go then his office will assist with an RFP. Commissioner Smith agrees. Commissioner Van Beek asked how soon those funding sources would be available for the elected body to review? Clerk Yamamoto said the funding could happen in a hurry, but there are several hoops to jump through. The group had previously acknowledged additional space is needed so the next step will be to work with the Clerk and Controller. Clerk Yamamoto said beyond the costs he wants to look at who is being housed in the new building and determine what the specific needs are. Director Britton wants to look at getting rid of the old jail annex, recognizing we would have to find a place for laundry and arraignments. He would like the Sheriff's Office to be housed in the new building, and to move dispatch to a new call center, putting the generator in the new building, which would open space for courtrooms or IT, for example, and it gives him options to look at down the road to tearing out the old jail annex. There are a lot of power needs in the annex so there will be engineering and architectural work involved. The dispatch call center is his main concern. Commissioner Smith said it goes back to looking at our campus needs and the annex cannot stay there – empty - forever. Chief Dashiell said the dispatch center is designed to take on future growth; there are 10 stations in the center and on average they have 4 active stations. There are a lot of moving parts involved with moving a dispatch center with the backup generators and equipment, patches to the tower, etc. We don't have a standup backup center and timing could be an issue, and it could be a good time to look at updating equipment. The existing consoles are only three years old so we are not in a position to buy new ones. Commissioner Smith asked about the need for space in courtrooms and moving the Sheriff's Office out of this building and using it fully as a courthouse and then moving all administrative functions outside of this building? Director Britton said the courts have been behind on jury trials and once they fully open the courthouse will be really busy/hectic. He doesn't know if we have the space for more judges. Clerk Yamamoto said we have enough courtrooms, what we are lacking is office space for personnel. When court opens up the parking lot will be overflowing. Director Britton wants to talk about buying surrounding properties for parking lots. Commissioner Van Beek asked if he has done a cost analysis between having facilities staff do tenant improvements and having a contractor do it? Director Britton his numbers and ideas are preliminary and if the Board agrees he will meet with the Clerk and figure out the funding and then meet with the elected officials and talk about the need and determine who should be moved. Commissioner Van Beek said if that becomes a reality those costs are going to become hard costs if that move actually happens so she wants project costs, including ancillary costs, to be identified. Director Britton agreed. Chief Dashiell asked about reversing the idea and making the new building for courtrooms because we don't have as much finished space, it has open areas for seating and if you needed the space you could put it in one building rather than three buildings being used for courtrooms. Commissioner Smith said the old jail annex cannot be occupied any longer or renovated into office space, so to say it's going to stay forever seems like a bad plan and it's hard to remove that without removing those emergency backups and that would require quite a bit if we don't move dispatch. Director Britton said it can be done, but it will take a lot of time and there are a lot of steps to go through in order to remove the jail annex. It will take 5-10 years to get everything out so it can

be demolished. Clerk Yamamoto said what Director Britton has presented is the easiest, quickest and least expensive plan. Is it the best plan? Maybe not, but how can we put all those pieces together to make any sense. The demolition on the old jail annex will be something we've never seen before with the amount of concrete and steel in that facility and all the infrastructure in, under, and around it. Everything should be on the table for discussion. We should look at the preliminary concept and see what puzzle pieces fit and make the most sense. Director Britton said there are a lot of things he needs to check first such as find out what the City of Caldwell would require, and locating the main sewer line running close to the juvenile detention center. He wanted to see if the elected officials wanted to proceed and then he will work with the City of Caldwell. Commissioner Van Beek asked if he spoke to the architect about a two-floor parking garage because if we have to purchase ground you could gain potentially 100 parking spaces. Director Britton said one of our big needs is office space, and at one time the city would not let us have four or five floors. It might be cheaper to do asphalt and buy land for parking and taking away 30,000 square feet of a floor that could be used as office space, but he can look at it. Commissioner Van Beek said she wasn't suggesting to remove a floor, it was to add a floor or to go down rather than up if there is a height restriction. Commissioner Smith said the water table is really high and it will be a major hurdle. Commissioner Van Beek is supportive of working with the Assessor to look at properties around the courthouse.

Expansion of campus and closing 11th Avenue and Belmont Street

There was discussion about closing a portion of 11th Avenue to expand the courthouse campus after the planned construction for the sewer line project. The group seemed supportive of the idea. Director Britton will talk to the Caldwell traffic commission and get their feedback. Commissioner Smith said if there is consensus we could close the street and make it part of the campus to incorporate parking. Assessor Stender said he had previously asked about having angled parking in front of the administration building and was told it's not an option. Clerk Yamamoto thinks it's a good idea to close the street but acknowledged it will be difficult to do.

Continued discussion regarding personnel and compensation

Commissioner Smith asked if the elected officials want to create a working group to come up with ideas, and if so, she would volunteer to serve. Commissioner Van Beek wants someone who has expertise to be a part of that committee. Following discussion, it was determined the committee will consist of: Chief Deputy Assessor Joe Cox, Controller Zach Wagoner, Chief Deputy Sheriff Marv Dashiell, a representative from the PA's Office, and Lead HR Generalist Jennifer Allen. In response to a suggestion by Commissioner Van Beek, the elected officials indicated they do not support having a consultant or mediator participate in the group. Clerk Yamamoto will take the lead on the working group which will meet soon. The meeting concluded at 2:38 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 PURCHASE ORDERS

The Board approved the following purchase orders:

- ACCO in the amount of \$15,069.00 for Facilities Department
- Visual Studio Live Microsoft HQ in the amount of \$2,675.00 for Information Technology Department
- Portfolio Decision Wave INC in the amount of \$1,995.00 for Information Technology Department
- Visual Studio Live Microsoft HQ in the amount of \$2,175.00 for Information Technology Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Hailee Moore, Juvenile Detention Assistant Supervisor; and Christina Sage Huggins, Planning Technician

SIGNED RESOLUTION FOR ALCOHOLIC BEVERAGE LICENSE – CHANGE IN APPLICATION

- The Board approved a change in Alcoholic Beverage License Bon Appetit Management Co. dba McCain Pub (See resolution no. 22-024)

MEETING WITH TREASURER AND CONTROLLER TO REVIEW MONTHLY/QUARTERLY/YEARLY TREASURER'S REPORTS

The Board met today at 9:03 a.m. with the County Treasurer and Controller to review the Treasurer's monthly, quarterly, and yearly reports. Present were: Commissioners Keri Smith and Leslie Van Beek, Treasurer Tracie Lloyd, Chief Deputy Treasurer Jennifer Mercado, Controller Zach Wagoner, and Deputy Clerk Monica Reeves. In response to the Board's request to learn more about the reports, Treasurer Lloyd gave an overview of what the reports represent noting the clear distinction between responsibilities in County government and County finance. There is a collaborative effort and separation of duties between the Treasurer's Office and the Auditor's Office to ensure accountability and her report is a combination of those separation of duties. The Auditor receipts the cash that comes in and the Treasurer accepts the cash on a daily basis ensuring all cash received by the Auditor is received in the Treasurer's Office. She reviewed the

processes her office follows in preparing and verifying the reports. Commissioner Van Beek had follow-up questions about some of the funds/accounts. Controller Wagoner said County government is structured very well to safeguard public assets with separation of duties. Audit generates reports according to the financial statements showing the numbers on paper and the Treasurer compares that to actual cash in the bank to make sure the numbers balance and reconcile on a monthly basis. Commissioner Smith asked the Controller to confirm that just because we see an ending balance for the weed control fund of \$301,000 (for example) doesn't mean it is unfunded unbudgeted money. Controller Wagoner said the report has little to do with the County's budget. On December 31, 2021 we had \$230 million in the bank but most of that is not ours, it's just timing of collecting property taxes in December and those monies are disbursed to other taxing entities. The disbursements are not part of the County's budget. Treasurer Lloyd said when looking at the report generated by the Auditor it shows the beginning balance from December and what was dispersed in January and it includes all of the December tax collections. The collections are balanced each month and there are multiple reports that show what we have collected and what cancellations occurred. The Treasurer said Commissioner Van Beek had asked her how much was available to the County for urban renewal so she explained that the revenues reflect tax collections and other collections the County receives as a pass-through entity. Commissioner Van Beek said for the Caldwell East Urban Renewal (CEUR) we had a portion the City of Caldwell was holding that we were able to access and that's what is funding a portion of the infrastructure for the Fair Expo and she wanted to know if that \$2.4 million was a part of this. Controller Wagoner said it is not part of this because we remit every penny to the CEUR that was collected via tax and then the County will send a bill to urban renewal later on for the work that has been performed showing the reimbursement amount due is \$75,000 and they will cut a check for that amount. There is a full accounting trail. Commissioner Van Beek asked what the un-apportioned accounts are? Controller Wagoner said they are not part of the County's annual budget, they are custodial pass-through accounts. Commissioner Van Beek, who was referring to the October/November/December quarterly statement, asked if the \$800,000 that was collected for solid waste disposal in December is consistent every quarter? Controller Wagoner said no, that number represents actual activity, both cash in and cash out and it will change month-to-month and quarter-to-quarter. Commissioner Smith said it would be a lot easier if Commissioner Van Beek would refer to the document being discussed today. Treasurer Lloyd said was asked another question about the Star Sewer and Water which had a zero balance on the quarterly report. There were no tax collections made on behalf of that district for the prior month and that's why the beginning balance was zero. The change that occurred was property tax collections. It is a pass-through account, we collect it and distribute it. Commissioner Van Beek was curious about that one because there are going questions about serviceability for areas of impact and things like that. Commissioner Smith said we should remember the Treasurer cannot answer questions like that. Commissioner Van Beek asked PowerPlan would show what is passing in/out on debits and credits. Controller Wagoner said the Board has access to the County-specific funds so for the current expense fund, the indigent fund, justice fund. In PowerPlan you will be able to see both monies in and out for County-specific budgeted funds. Treasurer Lloyd reviewed the report which shows what we invest in, what the weighted average maturity is, and how far investments go out. There is a slight difference between what's reported in the current report on the investments because we reflect the investment of the amount we paid for that investment, plus any accrued

interest we paid at the time we purchased it whereas the report just strictly shows the par value of the investment so there is a slight discrepancy in the numbers on the Treasurer's report as opposed to what's reported in our investment portfolio. The report was given as another tool to see how we have our investments laddered out and what the projected cash flows are for the next year. We have 50% in callable bonds and 50% in noncallable bonds. The average rate of return is .86 on all of our investments on a yearly basis. On the callable bonds we don't lose any money on those investments, we get what paid for it, but they will call those and that's the risk you take when you buy those but you're usually getting a higher return than you would on a noncallable return. The bonds are based on the 10-year, 30-year Treasury. They were going up because the feds have said they will try to curb inflation so they are expecting the rates to come up. Commissioner Van Beek thanked Treasurer Lloyd for the information provided. No Board action was required or taken. The meeting concluded at 9:32 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY TERRY RICHARDS AND DAVE AND CAMI LARSEN FOR A REZONE,
CASE NO. RZ2021-0036

The Board met today at 10:03 a.m. to conduct a public hearing in the matter of a request by Terry Richards and Dave and Cami Larsen for a rezone, Case No. RZ2021-0036. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Kate Dahl, Matt Wilke, Terry Richards, interested citizens, and Deputy Clerk Monica Reeves. Kate Dahl gave the oral staff report. The applicants are requesting a rezone from an "A" Agriculture zoning district to an "R-1" Single-Family residential zoning district of three parcels comprising 31.89 acres in order to develop 20 lots. The subject parcels include R37619010, R37619010A, and R37619010B and are located at 24551 Benhaven Lane and 8771 Purple Sage Road in Middleton. The current future land use map designates the area as residential. The property is located within Middleton's area of city impact and it is an area of transition and it is within a one-mile radius of the city limits of Middleton. There have been a number of rezone requests approved in the area and there are 34 subdivisions with average lot size of 1.69 acres within a one-mile radius. There are prime farmlands, if irrigated, however, the property is bisected through the middle by a drainage which has gravelly wetlands, non-prime farmlands. The buildable portion of the parcels are outside the nitrate priority area. The top part of the flag lot that connects to Purple Sage Road is within the nitrate priority area. Staff finds it does meet the comprehensive plan. Although the parcel is within an area that is very compatible with the rezone request there are number of significant access issues that have yet to be worked out. The parcel has two access points, one to the north which is a 50-foot wide parcel connecting to Purple Sage Road, a southern access that goes from a private road, Benhaven Lane through Rustin Road to Kingsbury Road. The access to the north does not meet the highway district's frontage standards nor does it meet the interval site distance requirement. With the access to the south there is only a touch between Benhaven Lane and the property so there is not a full 60-foot wide easement on either side of the property to accommodate road development. While they consider it a private road, the highway district would like dedication of a public right-of-way and/or frontage improvements. The applicant has not proposed either an easement or a right-of-way. The P&Z Commission denied the application because they felt the access issues need

to be worked out prior to approval, and they were concerned the applicant was only proposing 20 lots when the full buildout is 34 lots, and they would have preferred to see a development agreement. Following her report, Ms. Dahl responded to questions from Commissioner Smith regarding access, frontage and easement requirements noting there is no access, but referenced conditions suggested by the highway district. Ms. Dahl said the current accesses do not meet the highway district standards. Commissioner Smith asked her to follow up with the highway district to see if they would oppose the rezone if the Board does not impose its suggested conditions. Matt Wilke testified in support of the request. Mr. Richards bought the western parcel because he was attracted to the long driveway to be used as a private drive to his residence. His neighbors, the Larsens, wanted to work with him on the rezone and bring the project together. There is a conceptual plan for 18 lots and in their letter of intent they asked for an R-1 rezone before they started working on conceptual plan. They have a rough preliminary site plan with 18 lots with an approximate average lot size of 1.77 acres. Two acres of that is the flag lot portion for the driveway and it's 50-feet wide. Mr. Wilke does not understand why the P&Z Commission wanted a conditional rezone. He noted a major concern of the P&Z Commission dealt with traffic, and with two Commissioners who live in the area it was a contributing factor in their denial. He testified about the communications they have had with the highway district and said the applicants prefer to move the collector further north to maximize as much as they can for the private driveway. The highway district is not opposing the current access with the future collector being built. The existing driveway location appears to have adequate intersection site distance and may serve as a temporary private road approach to Purple Sage until such time other public road access becomes available. The applicants are going to sign a pre-annexation agreement with the City of Middleton who wants to run a 30-foot easement to the property to bring sewer and water through there, if it gets to that site. Following his testimony, Mr. Wilke responded to questions from the Board. Commissioner Smith asked if the applicant has proof that he has legal access to the property via a 60-foot frontage or 60-foot easement. Mr. Wilke said he does not. Commissioner Smith said there's an identified wetland that runs through the property and she asked staff if the federal agencies were notified of this request. Mr. Wilke said there are no plans to build over it. There was discussion regarding whether the applicant wants to request a conditional rezone with a development agreement. Commissioner Smith said the Board cannot move forward with today's hearing because there is no legal access and if the applicant wants the Board to render a decision today there would be a finding for a "No" and that would deny the application. The Board needs confirmation on whether there is a wetland and if it is, what are the requirements for development of the property. Also, a conditional rezone is the appropriate path forward. The applicant needs to work with the highway district for future planned routes and connectivity. This is the only opportunity for the Board to ensure that adequate future connections to roads are preserved and right now a straight rezone would not help the Board identify and ensure those connections are made. Mr. Wilke said the highway district is okay with the applicant temporarily using that as an access. Commissioner Smith said it's not temporary, you are going to build a full road to service the lots. The road could be modified at this point to be along the north boundary which would further enhance the development of the area. Yes, the area is slated for residential development but you are in the middle of it and we need to make sure those connections happen on both sides and north of the property. She said Mr. Wilke should ask the Board to table this case and get solid approvals, and consider the conditional rezone with a development agreement to address any of

these future things. Mr. Wilke said it will be a private road and it will not be brought to public standards until the collector comes through and they want to maintain a private driveway up to that collector. Discussion ensued regarding the future collector. Commissioner Smith said if the applicant comes back with a conditional rezone and it's approved, there will be a second hearing because the P&Z Commission recommended denial. Terry Richards testified he thought he had everything in place because the highway district said they would work with him on the road once he has a rezone. They had no problem with the temporary access. There is no water that moves through the property, and there are no wetlands on it, however, he does have stock water rights. The topography of the land doesn't allow him to have more than 18 lots. Commissioner Smith wants the issue cleared up with the required frontage or easement access requirements being met. At the next hearing Mr. Richards needs to tell the Board how he is going to pay/bond for a road he is going to abandon in the future, and then explain how the site plan matches up to a new road. Commissioner Van Beek likes the plan, but she is trying to overcome the access issues and so she suggested the applicant get some of the questions answered so he can move forward. Mr. Richards said he will abide by the conditions, but the issue is he cannot put a road in and then tear it up so that would squash the whole thing and he would have to sell the property. Commissioner Smith said he needs to go back to the planning table and phase the development and show what he is going to do so he can have a real temporary driveway and then as this comes through, Phase 2 will include this development at which time a full road will be developed. Even the frontage or easement reduction could be tied to that temporary status, you get this many lots at this level and when you have the access resolved for a full development you can complete that development. A continued hearing will give time for proposals and notification requirements to be met, and the applicant can reach out to the Army Corps of Engineers regarding the wetlands, as well as follow-up with Canyon Highway District, and then staff can update the staff report with all of those items and give a new recommendation based on information Mr. Richards will provide. The applicant will meet with Kate Dahl and talk through all the questions and come up with proposed items to include in the development agreement. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to table the hearing to March 31, 2022 at 1:30 p.m. The hearing concluded at 11:25 a.m. An audio recording is on file in the Commissioners' Office.

MONTHLY MEETING WITH THE COUNTY AGENT TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION

The Board met today at 1:30 p.m. with the County Agent to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Leslie Van Beek, County Agent Nic Usabel, Fair Director Diana Sinner and Deputy Clerk Jenen Ross. Mr. Usabel updated the Board on the following:

- His office has conducted interviews for the open Customer Service Rep position and hope to offer/hire soon. Once someone is hired they will be fully staffed.

- Ms. Clarich and Ms. Holmquist worked with Ada County 4-H and have received a \$750K grant for the 4-H Youth Development Program. He spoke about what they'll use the grant monies for.
- Mr. Neufeld is continuing the pesticide and seed crop programs.
- The horticulture program has 23 master gardeners enrolled and they have received \$30K to operate youth horticulture programming. Handouts were provided giving information on the current horticulture programs and junior master gardener programs. A copy of the handout is on file with this day's minutes.
- He also spoke about the U and I Together program.

Commissioner Smith asked for an update in regard to the Fair. She noted that there is a lot going on and that timing is a priority and from the Board's perspective there are some questions that still need to be answered. She said that her main concern is providing an opportunity where Owyhee County threw a curveball mid-season and the mission is to do what's best for the residents of Canyon County. At a previous meeting there was very clear direction to Director Sinner to allow Canyon County kids to participate. Commissioner Smith noted that if Canyon County 4-H is not going to be able to accept all kids and get them in within deadlines there will be a 3rd class of kids allowed to participate without being in 4-H.

In response to a question from Commissioner Smith regarding the relationship between Canyon County and Ada County, Mr. Usabel spoke about the agreement he believes has been in place is 2018 and that the kids would be considered dual enrolled. He spoke about the options for 4-H kids to participate in the Canyon County Fair. The options would be for the Owyhee County club to complete paperwork to be a charter club in Canyon County or a youth could dual enroll in a Canyon County club. Either way the appropriate paperwork would need to be completed for insurance liability and to ensure proper communication. Commissioner Smith noted that there have been comments received from parents that Canyon County clubs are full so there really wasn't an option for kids to enroll midstream. Mr. Usabel believes he outlined the options for dual enrollment in an earlier email.

Director Sinner said she believes in the initial revision to the exception it was specified that the youth would have to join a Canyon County club. She also clarified that she doesn't believe there is a written agreement with Ada County. She noted that Idaho 4-H policy is referenced several times in the email communication but she is still seeking to clarify whether the agreement between Ada County and Canyon County abides by Idaho 4-H policy. It is never referenced in the exhibitor guide that those clubs or kids had to be dual enrolled, it just says that Ada County kids can participate. Commissioner Smith feels that allowing kids in an Owyhee County club, who live in Canyon County to participate is in the same spirit as allowing Ada County kids to participate. Director Sinner confirmed that was the intent when the exception was presented; they are trying to be consistent with how this kind of situation with a neighboring county has been handled in the past. Commissioner Van Beek asked about creating a "shell" agreement with Ada County in an effort to create equity across county lines.

Commissioner Smith asked if Ms. Holmquist or Ms. Clarich had any objections during the market livestock sale committee meeting in January. Director Sinner they didn't express concern over the exception not complying with Idaho 4-H policy. The concerns expressed that night were similar to what Owyhee County is going thru. They have space concerns and accommodating the number of people that want to show there. Canyon County has the same concerns but also feels responsible to make sure that the residents of the county and the youth have a place to show. Mr. Usabel explained they aren't saying youth can't show, they just need to be registered under 4-H Youth Development for liability purposes.

Commissioner Smith spoke about the communication between the fair staff and the agent's office; she feels that there have been long delays in communication receiving information and input back from the agent's office and deadlines are rapidly approaching.

Canyon County is trying to solve a problem that was created by Owyhee County and everyone needs to make exceptions even if they are temporary.

Mr. Usabel feels that a solution has been offered in that Owyhee County clubs can either charter into Canyon County or the youth can dual enroll.

Commissioner Smith requested that for the meeting scheduled for Friday that Mr. Usabel provide the dates his team was notified, the efforts that have been taken to include Canyon County kids, the status of the invitation to welcome them and which kids are still in limbo. She would like to use Friday to problem solve and make sure there is a path forward. Additionally, she requested written documentation of how the relationship between Ada County and Canyon County is handled.

The meeting concluded at 2:07 p.m. An audio recording is on file in the Commissioners' Office.

MEETING TO DISCUSS RUN, HIDE, FIGHT TRAINING

The Board met today at 2:09 p.m. to discuss the run, hide, fight training. Present were: Commissioners Keri Smith and Leslie Van Beek, Facilities Director Rick Britton, Security Supervisor Les Johnson and Deputy Clerk Jenen Ross. Director Britton said he's spoken with the Sheriff's Office and they've committed to providing the training. Mr. Britton's suggestion is to start with Board employees and see how it goes, at that point it could be offered to other offices that may be interested. The training is anticipated to be approximately 2 hours and he thinks 40 employees could attend at a time. Mr. Johnson provided and reviewed a handout outlining active shooter statistics. The Board is supportive of this plan and Director Britton will start reaching out to the department heads to schedule training. A copy of the handout is on file with this day's minutes.

The meeting concluded at 2:18 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 3, 2022

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

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:54 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Keri Smith, 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 Van Beek and second by Commissioner Smith the Board voted unanimously to issue initial denials with written decisions within 30 days on the following cases: 2022-371, 2022-366, 2022-386, 2022-318, 2022-319.

Liens and lien releases were presented for Board signatures.

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

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

The Board met today at 9:02 a.m. with county attorneys for a legal staff update and to consider an action item. Present were: Commissioners Keri Smith and Leslie Van Beek, Chief Deputy Sheriff Marv Dashiell, Deputy P.A. Doug Robertson, Deputy P.A. Alex Klempel and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing resolution designating surplus property and donating to City of Melba Fire Department: Mr. Robertson explained this was properly noticed and no public comment was received. In response to a question at the previous meeting, there is no monetary threshold that applies, just the noticing requirements. Portable computer equipment is being donated to another government entity for use in fire trucks. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution designating surplus property and donating to the City of Melba Fire Department (see resolution no. 22-025).

The meeting concluded at 9:04 a.m. An audio recording is on file in the Commissioners' Office.

RESCHEDULE PUBLIC HEARING – REQUEST BY JOHN COTNER & HAWK VIEW ESTATES SUBDIVISION FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2021-0034 & SD2021-0021

The Board met today at 10:49 a.m. to consider the request by John Cotner for approval of a rezone and a preliminary plat for Hawk View Estates Subdivision, Case Nos. RZ2021-0034 & SD2021-0021. Present were: Commissioner Keri Smith, Commissioner Leslie Van Beek via Webex, Todd Lakey, John Cotner, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner White was not present and the applicant requested a continuance to a date when all three Commissioners could be present. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to reschedule the hearing to March 15, 2022 at 1:30 p.m. The meeting concluded at 10:50 a.m. An audio recording is on file in the Commissioners' Office.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 4, 2022

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

There were no meetings held this day.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 7, 2022

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

APPROVED CLAIMS

- The Board has approved claims 582654 to 582969 in the amount of \$36,590.80

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Parma Ridge Wine & Spirits Co LLC to be used 3/12/22

FILE TREASURER'S REPORTS IN MINUTES

The Board filed the Treasurer's monthly report for November 2021.

DETAILED MINUTES TO COME AT A LATER TIME

Bi-weekly meeting with HR Staff to discuss general issues, set policy and give direction

DETAILED MINUTES TO COME AT A LATER TIME

Bi-weekly meeting with Facilities Director to discuss general issues, set policy and give direction

DETAILED MINUTES TO COME AT A LATER TIME

Bi-weekly meeting with Admin. District Judge to discuss general issues, set policy and give direction

DETAILED MINUTES TO COME AT A LATER TIME

Bi-weekly meeting with PIO to discuss general issues, set policy and give direction

MEET AS A BOARD OF EQUALIZATION

The Board of Canyon County Commissioners, sitting as a Board of Equalization, met today at 1:31 p.m. to consider any BOE matters that may have been presented. Present were: Commissioners Keri Smith, Leslie Van Beek and Sr. Admin Specialist Terri Salisbury. No BOE items were requested for consideration. The meeting concluded at 1:32 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 1:32 p.m. with the Director of Development Services to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith, Leslie Van Beek, Director of Development Services Steve Fultz, Controller Zach Wagoner (left at 1:45 p.m.) and Sr. Administrative Specialist Terri Salisbury.

Consider signing resolution to approve the salary range for 1 position in Development Services:

Director Fultz and Mr. Wagoner explained the need for the increase in the salary range and answered questions and concerns by Commissioner Van Beek and Commissioner Smith. Upon the

motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution to approve the salary range for the engineer position in Development Services. (see resolution no. 22-026).

Consider signing resolution for Greg Payne who is requesting a refund for a withdrawn rezone application: Greg Payne has requested a refund for a withdrawn rezone application. Director Fultz stated no refund is recommend by staff due to the amount of work that was put into the case. Commissioner Smith asked if there was a breakdown of staff time. Director Fultz stated that there was but he did not have it with him. Commissioner Smith would like a breakdown of staff time before a denial of a refund is accepted, and Commissioner Van Beek agreed. No decision was made.

Consider signing resolution for John Harris who is requesting a refund for a withdrawn rezone application: John Harris has requested a refund for a withdrawn rezone application. Director Fultz stated that very little work was done past taking the application. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution granting a refund in the amount of \$850.00 to John Harris for a withdrawn rezone application. (see resolution no. 22-027).

Director Fultz updated the Board on the following:

- Update on current, new and still needed staff needs.
- The issue with the site visits looks to be resolved, there has not been any P&Z Commissioner going out for site visits.

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

EXECUTIVE SESSION –PERSONNEL MATTER – EVALUATION OF P&Z COMMISSION CANDIDATES

Commissioner Van Beek made a motion to go into Executive Session at 1:59 p.m. pursuant to Idaho Code, Section 74-206(1) (a) regarding a personnel matter – the evaluation of P&Z Commission candidates. The motion was seconded by Commissioner Smith. A roll call vote was taken on the motion 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, Leslie Van Beek, Director of Development Services Steve Fultz. The Executive Session concluded at 2:02 p.m. While in open session, Commissioner Smith said there is Board approval to process the paperwork for the P&Z Commission candidate appointments.

At the conclusion of the executive session Director Fultz updated the Board on the following:

- Director Fultz provided an update on economic development prospects that have come to the county, as well as areas DSD has assisted other communities with economic development issues.

- Due to a technical glitch with the recording system, the P&Z Commission hearings that were held on March 3, 2022 were not recorded. Commissioner Smith has concerns about not having a recording in the event a case is appealed to district court and transcript has to be made available.
- Update of “Project Docs” the online program where patrons can check the status of permits. Director Fultz is working with IT and should have something ready to present for the FY2023 budget.
- The office move has gone well, there are still a couple of offices that are being finished. Director Fultz would like construction finished before looking at having a store front installed for noise control in order to get a real feel of the office noise level.
- Commissioner Smith brought up the upcoming hearing for the date of originality ordinance, she stated that the hearing may need to be continued after hearing testimony so that Commissioner White can listen to the testimony and be a part of the decision.
- There will be a joint workshop with the P&Z Commission to discuss the comprehensive plan on March 9, 2022 at 5:00 p.m.
- House Bill 643, which affects cities’ ability to annex, has passed the house and is going to the Senate.

Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to continue the meeting to Wednesday, March 8, 2022 at 2:45 p.m.

The meeting concluded at 2:31 p.m. An audio recording of the open portion of the meeting is on file in the Commissioners’ Office.

COMMUNITY INPUT MEETING

The Board met today at 5:30 p.m. for a community input meeting. Present were: Commissioners Keri Smith and Leslie Van Beek, along with Clerk Chris Yamamoto and County PIO Joe Decker, Lewis Groberg, Dale Jansen Van Beek, Steve Burton, Thomas Mundell, Beverly Cavazos, Manuel Cavazos, Sandy Bowden, Gary Bartlow, Pat Bartlow, Alisha Rettkowski, Randy Fisk, Rick Haub, Laurie Haverfield, Carol Schroeder, ElJay Waite, Pep Waite, Jaye Johnson, Kim Yanecko, Tara Barling, David Leroy, Chris and Becky Smith, Steve White, Nick Schlader, Mark Ottens, Teri Ottens, KTVB Reporter John Mark Krum, Rachel Spacek with the Idaho Press-Tribune, interested citizens, and Deputy Clerk Monica Reeves

Commissioner Smith explained the purpose of tonight’s meeting is to allow people a chance to provide input/feedback or ask questions about county government or other activities pertaining to Canyon County. Each person will be given three minutes to speak. The Board may not deliberate on any items not specifically agendaized. The Board will receive comments and provide answers when appropriate. She understands many people are here tonight because of the letter signed by eight elected officials calling for Commissioner Van Beek’s resignation, as well as her

rebuttal letter. All parties want more information to be released, but doing so at this time would put the County and its taxpayers at greater risk because a number of the allegations in the letter are connected to pending litigation involving the County and we need to be careful. Any extrajudicial comments, particularly in an open meeting, have the potential to increase liability. Commissioner Smith asked everyone to be respectful of each other and the allotted time. In the event yelling or intimidation tactics arise and go unchecked, she will be forced to end the meeting.

Commissioner Van Beek read a prepared statement into the record which was transcribed as follows: *“Dear Citizens, In the fall of 2017 I made a decision to turn my love for service toward helping my local community. I did not make this decision lightly. I knew it would be a journey of growth regardless of the outcome when the final vote was cast. I was in a highly contested race with 3 other candidates – a local city official, a former commissioner, and a gentleman who had two prior unsuccessful bids for the office of commissioner. During my campaign I was criticized for being a woman, I was told I should go back to the kitchen, that I would fail because I didn’t understand quid pro quo and that I was too green to take office and would never be elected, and guess what, I won. And what I won was the opportunity as a citizen to make a difference in local government. I refused to be indoctrinated or intimidated by the “good ol’ boys”. I was told shortly after being sworn in my first term of office in 2019 that I was a threat to the status quo. I am now serving my second term and I understand that what I have threatened are the deeply imbedded, questionable practices that existed in Canyon County government long before I was elected to the office of commissioner. I am here to say that change is possible and that it starts with one person. I am here to declare that I am fulfilling my oath of office to protect my county, my state and my country from all foreign and domestic terrorists and to faithfully discharge the duties of my office to the best of my ability. I am under fire. As commissioner I have lobbied to have the daily agenda including items for discussion or action posted on the commissioners’ website. I have lobbied to have commissioners’ voting records posted on the Commissioners’ website mirroring what happens at the capitol during a legislative session. I have lobbied to track attendance for elected officials including vacation time, sick leave and personal leave of absence. Citizens gainfully employed in the private sector are expected to meet those standards. I have lobbied to have salaries posted on the Canyon County website with a 5-year history showing year-over-year percent increases. I have lobbied to have detailed supporting documentation accompany all credit card charges, travel expenses and purchase orders which is consistent with Idaho Code because they are your tax dollars. I believe all expenses should be open to questions by each commissioner as well as the public. I have been heavily criticized, ostracized and met with hostility for questioning expenses such as valet parking, custom framed art work, seating upgrades on airline flights, travel budgets, contingency funds, additional pay and unbudgeted items presented for payment. It has been clearly communicated to me that once your tax dollars have been allocated to any elected official in the county, commissioners and taxpayers no longer have the right to question how some members of the electorate spend your money and to that I object. I kept the books for our small dairy operation up until about 15 years ago, we bought ourselves a business operating on single digit margins, having to account for every dollar. When out of state dairymen moved our herds to Idaho market conditions changed and we made the decision to sell our cows. We kept our land, paid our bills and went to work off the farm. That same philosophy of hard work, fiscal accountability and integrity should exist in county government and must exist for those we elect to office. I am*

frustrated when I question a \$30,000 construction change order and I am told that the dollar amount is insignificant. That amount for some employees and taxpayers is a year's wages. Government does not produce a profit. Hard working citizens like you produce a profit which in turn pays our salaries and provides citizens with government services. In the absence of any standard requiring an elected official to show up for work or meet any standard of production as an elected citizen from the working class I object. I understand why citizens may feel like it does not make a difference to get involved in local government, why they may feel that their vote does not matter or that making a phone call to an elected official won't make a difference. But those feelings are exactly the reason that I ran for office, I am one of you, I care what you think and I listen to my constituents. I return phone calls and answer emails sometimes after hours. If my desire to prioritize you, the citizens of this county is what my fellow elected officials have stated is "a lack of confidence in my ability to productively contribute perspective or leadership on any issue of significance" then I submit to you that they have lost the vision of good government. That they have abused their authority and that they may be the elected official who needs to resign so that Canyon County government is represented by elected officials who want to represent you, the people. I submit that it is time for a change in Canyon County government. There are eight elected officials who have alleged abusive and unfounded allegations against me. These unfounded, slanderous and offensive allegations testify to the nature and the character of its authors. These eight elected officials are attempting to circumvent the voting process and the power of the people. Having no statutory authority to call for my resignation they are asking an elected official who has consistently shown up for work, called for accountability, questioned the budget and gave and citizens and anchored the Board to step down. We have all been waiting to hear what it is that I have allegedly done and I would submit that the true basis for change still resides within the people of this county. You have the power, at the polls to make a difference on May 17th when 5 of the eight elected officials who authored the letter will be on the ballot. I do not pretend to have done this journey perfectly but I will say that I have been in the ring fighting for what I believe you elected me to do. Theodore Roosevelt's most famous observation about political and real life is captured in the excerpt from the speech 'Citizenship in a Republic' it states "It is not the critic who counts, not the man who points out how the strongman stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood and who strives valiantly, who knows at best in the end the triumph of high achievement and who at worst if he fails at least fails while daring greatly so that his place shall never be with those cold and timid souls who neither know victory nor defeat." Together we can make a difference, together we must affect positive change in Canyon County. That is the real and only reason that I am sitting here before you tonight."

Commissioner Smith said the construction change order Commissioner Van Beek referenced was where she questioned a \$30,000 charge but our entire team - Clerk's Office, Prosecuting Attorney's Office, fair director, facilities director - was complying with a contract and the contract very clearly said that winter conditions did not exist and they sat through a meeting where they consistently kept trying to get Commissioner Van Beek to understand they were trying to comply with a contract, and they tried to get her to go to that section but she would not listen, she would not comprehend what was happening with the contract and why the request was being made. A lot of this goes back to the liability of the County regarding personnel, we have a pending lawsuit

against the County for \$1M for the way Commissioner Van Beek treated an employee. There is another example where she threatened an employee and said she met with a developer who wanted that employee to be fired, but Commissioner Van Beek said she would support the employee if he would change an ordinance for her. That is illegal, that's intimidation. There are multiple stories across the County where employees are being treated unfairly, and the risk she (Commissioner Smith) is taking right now is putting the liability on the County that she is acknowledging the bad behavior. Commissioner Van Beek consistently will go back, once you tell her she treated someone poorly, and apologize, and we have a very big concern with the way she leads our employees and it's sad. There are employees who are scared to come forward. We have a huge liability with just personnel and it's uncalled for.

Clerk Yamamoto said the Prosecutor's Office has several employees working on public records requests and information is forthcoming.

Public comments were as follows:

Lewis Groberg offered comments on the importance of having continuity and success in running County government and said if it's not seamlessly run there will be problems. He asked the Board to not allow a lot of development in and around the Sunnyslope area because it takes away the heritage of the whole area and it's something that needs to be preserved. Commissioner Smith spoke about how the Board has been meeting with local mayors to discuss how to manage community growth, and she encouraged Mr. Groberg to attend the various workshops, open houses, and public meetings regarding the comprehensive plan and County ordinances. Public hearings will follow.

Dale Jansen Van Beek said it was interesting that Commissioner Smith pointed out certain details of the alleged offenses against his wife, and he wants to hear both sides of the story. He takes the attacks very personal by the eight elected officials and said honesty and truth will come out. He said the alleged offense Commissioner Smith spoke about occurred when his wife was attending his parents' funeral and he is not sure how that could come against her. He is proud to say his wife did not buckle for eight cowards that went after her.

ElJay Waite gave his time to Pep Waite.

Pep Waite said no evidence was provided to back up the accusations by the eight elected officials when they called for Commissioner Van Beek's resignation, and from what she read from Commissioner Van Beek's response she assumed there would be a meeting, but saw nothing. She learned the next open meeting was scheduled on February 7, 2022 at 1:30 p.m. in which she attended. She did not know it was not a forum for citizens to speak. After the meeting she asked Commissioner Smith when a meeting would be held so Commissioner Van Beek could address the accusations, and Commissioner Smith said "there will be none", and Ms. Waite asked why and Commissioner Smith said they could not have a meeting because of possible litigation as well as their concern for keeping employees' names private. She then asked Commissioner Smith "Who wrote the letter?" She said Commissioner Smith told her it didn't matter, "it matters only that we

all signed it.” Ms. Waite asked what the elected officials meant in the letter “You have intentionally acted to purposely increase the liability exposure of other officials at taxpayers’ expense as well as you have created significant financial damage to the County.” Ms. Waite said Commissioner Smith’s response was “Check on a million-dollar lawsuit.” Ms. Waite asked what it was about and Commissioner Smith said she couldn’t talk about but that Ms. Waite should do her own research. This is what Ms. Waite found: The lawsuit involved a former HR Director who claimed the County breached its “resignation, severance, and release agreement” by posting her job on the internet and other sources before the conditions of that agreement were met. The second part of the lawsuit was she claimed that two Commissioners and 10 County employees individually disparaged and denigrated her. Ms. Waite said on January 1st, 2021 there was an open meeting and in attendance were: Commissioners Smith and White, Deputy PA’s Sam Laugheed, Zach Wesley, and Alex Klempel, and the audio referenced “a job description for HR Director before its posting.” At that meeting Commissioner Smith stated there were some “housekeeping items” that needed to be done prior to the job being posted and at the end of the discussion Commissioner Smith stated “No other action in this, we’re all good.” Ms. Waite said she’s read all the minutes of the meetings between July 1st and July 7th when the job was posted, there were no other meetings that discussed that job description and it was posted July 7th. Commissioner Van Beek was not at the July 1st meeting because she was attending the funeral of her mother-in-law and father-in-law, so Ms. Waite concludes 1) she was not present to vote on the posting of the job, and 2) she did not “increase the liability of exposure” or “create significant financial damage to the County.” Commissioners Smith and White gave that approval. Ms. Waite asked why the three deputy prosecuting attorneys didn’t know that the job description and subsequent posting would violate the “resignation, severance, and release agreement.” It could be concluded that they were the ones who “increased the liability of financial damage to the County” and not Commissioner Van Beek. The second part of the former HR Director’s lawsuit claimed she was disparaged and denigrated by two Commissioners and 10 other County employees. Commissioner Smith was included in that lawsuit, not just Commissioner Van Beek. Why wasn’t Commissioner White included in the lawsuit? She approved the job posting and that’s a question Ms. Waite would like answered. This is her conclusion, by listening to Commissioner Van Beek’s response to the accusations, Ms. Waite believes that what they have accused her of is not the truth and is slanderous and defaming of her character. Following Ms. Waite’s comments, Commissioner Smith said we will have to ask our attorneys if her questions can be answered or included in a future meeting. She said the example Ms. Waite shared, and that Mr. Van Beek mentioned, tying the two through the funeral – is not related to pending litigation, it’s a very separate case.

Steve Burton had questions regarding the Star area of city impact request, and the public hearing on the 2004 date of originality ordinance, as well as the update of the comprehensive plan. Are the meetings this week related or are they independent of each other? Commissioner Smith said they are independent of each other. The comprehensive plan is not scheduled for a decision, but the zoning ordinance amendment is scheduled for a decision, however, it would be inappropriate to take public comment on that now. It would be more appropriate at tomorrow’s hearing. Regarding the Star impact area, the Board asked them to come back and try to negotiate. The City of Star asked for the case to be dismissed and the judge is letting the case move forward. Our state representatives just passed a bill approving annexations wherever anyone wants to annex,

and we all should be calling our senators because that already passed and if we want any type of controlled growth that legislative move would hurt us, it would just be a free for all for the developers. If they are contiguous they would be able to ask for annexation into anyone's impact area. She encouraged anyone who cares about smart growth to reach out to your senators and ask them, specifically Jim Rice, to not let that bill make it to the floor. Mr. Burton asked if the new comprehensive plan has major changes? Commissioner Smith said she has not seen the comprehensive plan yet, but she's heard it's undergoing a major rewrite. Mr. Burton addressed Commissioner Van Beek and spoke about a case from last year involving a rezone application for North Star Development and how the P&Z Commission recommended the case not be approved and recommended the developer go with an R-2 rating. He said Commissioner Van Beek had pulled up the records and showed that the P&Z Commission had recommended approval of the development with an R-1 rating. He said last week, as part of the Star impact area request, DSD staff presented directly opposite what the P&Z Commission had recommended. The P&Z Commission gave a unanimous negative vote on the City of Star's request, but DSD staff recommended approval for it and he wonders if that's what happened a year ago with the North Star Development case. Is DSD staff going contrary to what the P&Z Commission is recommending? Is this a consistent thing, do we have a problem? Commissioner Smith said they are the working arm of planning and they don't have any decision-making authority, they make a recommendation from a planner-level experience and it doesn't have any weight in court. It's just a planner recommendation from that office. She is not familiar with what happened with the North Star Development but it can be confusing between those recommendations, but the P&Z Commission recommendation is something the Idaho Land Use Planning Act requires the Board to consider. It's a guide, and there is history of planners making recommendations but those are typically are never referenced in part of the approval documents and the findings of fact and conclusions of law. The Board is required to look at the information provided and agree with the findings or change them. Mr. Burton said it seems odd and when the P&Z Commission makes a unanimous decision but gets relayed to the Board by staff as 100% opposite – something's wrong. Commissioner Smith said that is a problem if the P&Z Commission made a recommendation and staff said the recommendation was opposite of what it was. There is a difference though if staff makes a recommendation based on their findings, and a real recommendation from the P&Z Commission is another. It could be just a matter of confusing the two.

Beverly Cavaso indicated she wanted to give her time to Kim Yanecko. Commissioner Smith said there might be time at the end for that, but there might not be.

Sandy Bowden said she was yielding her time to Laurie Haverfield.

Thomas Mundell said he agrees with the points made by Steve Burton and he asked about the bill number that Commissioner Smith referenced regarding annexations. Commissioner Smith said it's HB 635.

Gary Bartlow wanted to know what a normal day looks like for a Commissioner. He asked, are they in the office at 8:00 a.m., are all three Commissioners here every day, are there outside meetings, do they answer phone calls and emails, and how late are they in the office?

Commissioner Smith gave an overview of the departments the Board oversees, as well as a typical meeting schedule, and indicated she takes calls outside of the office and outside of business hours. All three Commissioners are not always here; two Commissioners constitute a quorum. Commissioners have to fulfill the duties of the job to the best of their ability. Commissioner Van Beek said because there is not clarity in the statute on attendance and so she wants voting records available on the website because it would show who was in attendance. One of things she objected to is that a Commissioner only has to sign an attendance sheet but there is nothing that binds that Commissioner to working a full day. Mr. Bartlow said he is not hinting at that, he doesn't know what a Commissioner is. Commissioner Smith said there is so much work and activity that happens outside of our offices; the BOCC is the executive of the County so we have to review contracts, sign disbursements, etc. They have staff who keep the minutes and schedule but they don't have anyone that does work for them, per se, to do research, return calls or emails. Ada County has a chief executive officer and sometimes you are able to have assistants, but the Board doesn't have that. Mr. Bartlow asked who the Board reports to. Commissioner Smith said there isn't anyone that they specifically report to except for at election time. They should be meeting the will of the constituents and that is why they have community input meetings so they can hear from citizens. Mr. Bartlow asked why the Board doesn't have subordinate staff that's allocated to planning, development and things like that. Commissioner Smith said the Board doesn't have that because it would have to fund that position, but it is something to be considered.

Alicia Rettkowski is a resident of the City of Greenleaf and is opposed to a proposal by Royal Pro-C LLC, who is proposing a subdivision, the majority of which is in the County, not Greenleaf. They are trying to annex into Greenleaf so they can rezone from agriculture to residential, and Ms. Rettkowski is requesting the Board not approve it due to concerns about infrastructure not being able to handle additional homes. Commissioner Smith said the County is only required to notify property owners within a 600-foot distance and the Board cannot deliberate on anything that has the potential to come before it ahead of time. It is important to note the County has no say about city annexations. She encouraged Ms. Rettkowski to watch the land use hearings page and keep advocating with the city. She spoke about approval rates in impact areas and how she has made a pitch to scale back impact areas and how she will continue to push the idea for smarter growth where those communities can grow.

Randy Fisk bought his property in 1997 and was allowed to have one split. He wants to allow his kids to build on the property but the current zoning won't allow it. However, if he wanted to build another house he could do that, but he cannot sell to his kids which doesn't make sense. He is advocating for a change to allow splits, not just leave it at 1979. Commissioner Smith said tomorrow there is a hearing to consider an ordinance amendment that proposes that since 1979 we are on at least the 3rd generation of Canyon County residents and it might be time to update that date to allow one-time splits. What Mr. Fisk is referencing in the ordinance is specifically referencing secondary residences that are allowed in agriculture. We are advocating for the generational families to be able to stay. We know we are in a housing crisis and people need opportunities for their families to be able to stay close. This Board attended a workshop and provided support to have that date changed and it will include a transfer of development rights (TDR's) between contiguous property owners, and that will be another opportunity for people to

preserve some productive farm ground and transfer it to nonproductive. There are people on both sides of the fence on approving or denying the ordinance so she encouraged him to provide comment and attend the hearing.

Manuel Cavaso and Rick Haub indicated they wanted to give his time to Kim Yanecko. Carol Schroeder indicated they wanted to give her time to Laurie Haverfield.

Kim Yanecko asked if tonight's meeting could go beyond the one-hour time limit so citizens can take their time to explain concerns and ask questions. Commissioner Smith said she has obligations tonight with her family that she cannot get out of it. Ms. Yanecko said Commissioner Smith could leave and the meeting could continue to be recorded. Commissioner Smith said it's a quorum issue. Clerk Yamamoto said a lot more information is going to come out and right now this is a one-sided affair and we can turn this into a two-sided affair where we can have facts and a good discussion so he suggested the meeting happen again. He would like for the records requests to be fulfilled and after that we "go to town with all of the issues". Ms. Yanecko asked if the County intends to hold a hearing specifically on the issues once all the information is out? Clerk Yamamoto said he wants all the facts on the table and right now they are not. He is waiting for the public record requests to be fulfilled and there needs to be some time to digest it and then we need to get back together. Right now, it's a one-sided deal and you are going to find out there are a lot more facts to be presented than what you think there is right now. Commissioner Smith said we are down to the remaining four minutes of the meeting and she reiterated that tonight's meeting will conclude at 6:30 p.m. and courthouse staff will be excused at that time. Clerk Yamamoto asked if she would commit to another meeting and Commissioner Smith said she is committed to having another meeting and pointed out that the community input meetings are held each month.

Ms. Yanecko said people came tonight to discuss this issue and get some answers. She referenced an email from Commissioner Smith that said unless it's an agenda item the Board won't discuss it. Ms. Yanecko said she's been asking the Board to hold a hearing specifically for this issue and now Mr. Yamamoto is saying we could hold one of those where it's an agenda item so she doesn't understand why the Board couldn't have specifically created that hearing so the citizens could talk about the resignation letter. Commissioner Smith said it would have been helpful if Ms. Yanecko had let all the people know what tonight's topics of discussion included. As soon as we are able to and we reduce the risk of the liability to the taxpayers we will release more information. Ms. Yanecko questioned why a one-hour time limit was set for the meeting when other meetings/hearings have lasted longer. Commissioner Smith said this meeting was intended to provide community input. Ms. Yanecko said the Board knew the community wanted to talk about the issue and she wanted to know why Commissioner Smith won't spend an extra 15 minutes for the meeting. Clerk Yamamoto said it should be abundantly clear by now she is not going to get any answers tonight. Ms. Yanecko said she's not asking for answers, she wants to bring some public awareness to some things. There is no job description for a County Commissioner, but they are required to supervise the official conduct of all county officers, appointed boards and commissions by the county charged with assessing, collecting, safekeeping, management and disbursement of the public monies and revenues, etc. Pam White filed for bankruptcy in 2020 and wrote off \$12.5M in a personal bankruptcy and her husband in that same year wrote off \$4.5M so

why is she still sitting on the Board and not resigned when she is representing the citizens, and the money that you're taking from us and she just got a 7.5% increase in salary right after COVID when people were losing their homes and livelihood. During Ms. Yanecko's time to speak, Steve White interrupted her from his spot in the audience to disagree, at which time Commissioner Smith adjourned the meeting. No Board action was required or taken. The meeting concluded at 6:29 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 8, 2022

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

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for Edge Brewing Co. Inc to be used 3/12/22

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Symbol Arts in the amount of \$2,476.00 for Canyon County Sheriff
- Curtis Blue Line in the amount of \$13,600.20 for Canyon County Sheriff
- John E. Reed & Associates, Inc. in the amount of \$1,200.00 for Canyon County Sheriff
- Riverside Trailers in the amount of \$21,899.00 for Solid Waste Department
- Core & Main in the amount of \$31,060.00 for Solid Waste Department
- River Rock Sand & Gravel in the amount of \$12,100.00 for Solid Waste Department
- W2W Flooring in the amount of \$27,650.00 for Facilities Department
- Grainger in the amount of \$1,717.50 for Facilities Department
- Intermountain Wood Products in the amount of \$1,968.80 for Facilities Department
- Intermountain Wood Products in the amount of \$5,501.47 for Facilities Department
- D&A Door in the amount of \$3,108.00 for Facilities Department
- Team Alert in the amount of \$25,875.00 for Facilities Department
- Dell in the amount of \$1,195.03 for Information Department
- Dell in the amount of \$4,160.13 for Information Department

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

The Board met today at 9:01 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith and Leslie Van Beek, Commissioner Pam White via teleconference, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson, Fair Director Diana Sinner, Facilities Director Rick Britton, Cole Koba with Paradigm, Chief Deputy Sheriff Marv Dashiell (left at 9:06 a.m.), Lt. Doug Gately (left at 9:06 a.m.), Controller Zach Wagoner, Clerk Chris Yamamoto and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing a resolution classifying and authorizing the destruction of certain Canyon County Sheriff's Office Records: Chief Dashiell explained the records staff recently found some old microfilm from the late 90's and at this point the county doesn't have a device to even be able to view the records. The records are noted as 'arrest' and 'duplicate' records and are past the retention period for even semi-permanent records retention which is 5 years. Lt. Gately sees no reason to keep the records. Upon the motion of Commissioner Van Beek and second by Commissioner Smith the Board voted unanimously to sign the resolution classifying and authorizing the destruction of certain Canyon County Sheriff's Office Records (see resolution no. 22-028).

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 Van Beek made a motion to go into Executive Session at 9:07 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 Smith. 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 and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson, Fair Director Diana Sinner, Facilities Rick Britton, Clerk Chris Yamamoto, Controller Zach Wagoner and Cole Koba with Paradigm. Commissioner White participated via conference call. The Executive Session concluded at 9:25 a.m. with no decision being called for in open session.

Mr. Wesley said a final action item will be brought back at a later time.

The meeting concluded at 9:25 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – CANYON COUNTY'S REQUEST FOR ORDINANCE AMENDMENT – 2004 DATE OF ORIGINALITY ORDINANCE, CASE NO. OR2021-0029

The Board met today at 10:02 a.m. to conduct a public hearing in the matter of a request by Canyon County for the following:

CASE NO. OR2021-0029: AN ORDINANCE AMENDING CHAPTER 7, ARTICLES 2, 17, AND 18, ZONING REGULATIONS, OF THE CANYON COUNTY CODE OF ORDINANCES; AND SEVERABILITY CLAUSES; AND EFFECTIVE DATES TO INCLUDE PROVISIONS FOR THE LAND DIVISION OF PARCELS CREATED PRIOR TO SEPTEMBER 6, 2004 AND OTHER AMENDMENTS REGARDING THE DIVISION OF PROPERTY. THE AMENDMENT INCLUDES THE FOLLOWING:

- CHAPTER 7, ARTICLE 2, SECTION 3, DEFINITIONS: AMEND THE DEFINITION OF ORIGINAL PARCEL.
- CHAPTER 7, ARTICLE 17, SECTION 3, SUBSECTION 3: JURISDICTION: AMENDMENT TO SUBSECTIONS (A), (B), AND (F) REGARDING AGRICULTURAL PARCELS, PARCELS CREATED BY SETTLEMENT OR COURT DECREE AND DIVISION OF LAND FEWER THAN FIVE PARCELS FROM THE ORIGINAL.

ARTICLE 18: ADMINISTRATIVE LAND DIVISIONS. CHAPTER 7, ARTICLE 18: AMENDMENT TO INCLUDE SEPARATE SECTIONS FOR PURPOSE, APPLICABILITY AND APPLICATION REQUIREMENTS AND PROVISIONS, SEPARATE AND AMEND PROVISIONS AND REQUIREMENTS FOR LAND DIVISION IN AN "A" ZONE AND DIVISIONS IN OTHER ZONES (SECTION 07-18-01), AMENDMENT TO SECTION 07-18-05 (ADMINISTRATIVE DIVISION AND RELOCATION OF BUILDING PERMITS BETWEEN CONTIGUOUS PARCELS IN AN AGRICULTURAL ZONE) REGARDING REMOVAL OF OWNERSHIPS OF CONTIGUOUS PARCELS REQUIREMENTS AND OTHER MINOR AMENDMENTS TO SUBSECTION (4), AMENDMENT TO SECTION 07-18-07 (LAND DIVISIONS BY JUDICIAL DIVISION) TO PROVIDE CLARIFICATION TO THE REQUIREMENTS, AND MINOR AMENDMENTS

Those present were: Commissioners Keri Smith and Leslie Van Beek, Deputy PA Zach Wesley, DSD Director Steve Fultz, DSD Planning Official Dan Lister, DSD Planner Kate Dahl, DSD Planner Elizabeth Allen, DSD Planner Jenna Petroll, TJ Wellard, Jessica Lillquist, Darin Taylor, Daniel Schuster, Alan Mills, Fred Butler, Edward Thiel, Michelle Gooding, George Crookham, Chris Hopper, Kristi Crookham, David Anderson, Jay Gibbons, Matt Wilke, John Ihli, Jim Thompson, Vince Mallard, other interested citizens, and Deputy Clerk Monica Reeves.

Kate Dahl gave the oral staff report. The Board requested staff provide an ordinance amendment changing or adding the date a parcel is considered original from September 6, 1979 to September 6, 2004. An original parcel is defined as a parcel with platted or un-platted land as it existed on September 6, 1979, the date the zoning ordinance was adopted, including any property boundary adjustment as defined in this chapter and any reduction in area due to creating a parcel for the exclusive use by Canyon County, a municipality within Canyon County, a local highway district, Idaho Transportation Department, utility company, or corporation under the jurisdiction of the Idaho Public Utilities Commission, or other local, state, or federal agency. Basically, it's any piece of land that was created prior to September 6, 1979 and has never been divided. The question staff asks: "Is the parcel the same shape and size as it was in 1979 as it is today?" If that can be met the parcel is eligible for an administrative land division under the code. CCZO section 07-17-03 exempts land that is divided into fewer than five parcels from the original parcel from the

platting requirement. Parcels that are considered original can be divided up to four times and fall under the administrative land division process. A parcel that is going to be divided five or more times will be triggered to go through the subdivision platting requirements. This can be concurrently developing the four parcels at the same time, or sequentially over time. In the agricultural zoning district, it's by the size of parcels, the number of divisions you are allowed. For parcels that are 80 acres or less, you are allowed two parcels or two divisions. Agricultural zoning 80 acres to 119 acres is three parcels, and over 120 acres is four parcels. In all other zoning districts, you can take the maximum of four parcels so long as the original parcel is large enough to accommodate those and meet the minimum lot size of the zoning district. Ms. Dahl reviewed the process for parcel inquiries and parcel research as well as the current administration land division process.

Impacts:

Staff would expect to see a reduction in comprehensive plan map amendments and rezone requests. The administrative land division is a much easier process for the applicants, and it's shorter, faster, and cheaper than going through a rezone and platting. Staff hears from people whose kids cannot find a place to live, or their parents need a place to live, so this would allow for the expansion of housing to pick up that shortage.

On the negative impact side, although we would see a reduction in comp plan map amendments and rezones, they expect to see an increase in parcel inquiry requests. The number one concern from the farming community is an increase in farmland fragmentation as it would continue to whittle away the small pieces of farmland. It would also double the density and create serious traffic impacts making it difficult for staff and other jurisdictions to be able to plan and add to the transportation models throughout the Treasure Valley. Staff estimates there are 3,000 original parcels left in the County. Under the new 2004 date they have not discovered a simple way to search that, but they expect most of those splits have already happened so they would look to areas that have a number of splits already in place so that would be the north Middleton area, south Nampa, and some of the isolated pockets throughout the County.

This proposal does align with some of chapters of the comprehensive plan, including property rights, population, land use, community design, and agriculture. It does not align with some of the same chapters, including population, agriculture, economic development, natural resources and land use. Canyon Highway District is in opposition to the proposal citing concerns about private roads and access. A resident submitted a letter of concern regarding no oversight and planning, a secondary market for building permits, inadequate infrastructure, and lack of public notification and engagement.

The P&Z Commission held a public hearing on January 13, 2022 and recommended denial of the ordinance due to concerns about the reintroduction of conditional use permits for development in agricultural zoning, and because they felt it was inconsistent with our current comprehensive plan and should be reviewed under the new comprehensive plan when it's adopted. They were also concerned with the resulting density and felt it would create a number of negative impacts to land use.

Elizabeth Allen reviewed the draft proposed changes in the following sections:

- Definitions, Chapter 7, article 2
- Chapter 7, article 17 subdivisions
- Chapter 7 Article 18 administrative land divisions
- 07-18-01 Purpose
- 07-18-03 Applicability
- 07-18-05 Application
- 07-18-07 Administrative Division in Agricultural zones
- 07-18-09 Administrative Division of Nonviable Parcels in an Agricultural Zone
- 07-18-11 Administrative Division and Relocation of Building Permits between Contiguous Parcels in an Agricultural Zone
- 07-18-013 Administrative Land Divisions in all other Zones
- 07-18-07 Alternative Option

Following her report, Ms. Allen, Ms. Dahl, and Dan Lister responded to questions from the Board regarding language relating to: minimum lot sizes and working with other agencies; the 15-day notification requirement; generational needs is the original reason the Board supported a change to the originality date; secondary residence requirements; traffic impacts, private road impacts; the overall benefit of keeping both ordinance dates (1979 and 2004); administrative land divisions; and judicial divisions.

Public comment in favor was offered as follows:

Matt Wilke submitted a letter of support for the ordinance.

TJ Wellard supports the intent of ordinance change but said there needs to be some general cleanup of the language. The definition of original parcel doesn't need to change other than the date and that's the intent of this change. He suggested a change be made to the term *aliquot section* because the proper term is *aliquot parts*. The subdivision definition needs cleared up; there has been talk of adopting the state's subdivision definition which allows properties to be divided for agricultural purposes to no less than five acres, but you can divide it however many times necessary depending on the need. Administrative land divisions do not turn the County into a city, and do not create traffic problems; however, the larger developments on the outskirts of town do create traffic problems. In order to keep the rural community this a better alternative than dividing up the farmland in and around cities and growing out into the County. He is not in favor of re-platting the pre-1979 subdivisions because they didn't go through the same process and typically are more rural parcels than a platted subdivision lot.

Jessica Lillquist agrees with TJ Wellard's comments. She is looking at this from a generational farming issue as her parents own a small farm and she would like the County to allow discretion for older farmers to split their land so their kids can build on the unused portions.

Darin Taylor said he agrees with the comments made by TJ Wellard as well as the points raised by the Board. There is agency input before a permit for a dwelling is granted. He would like an accommodation for boundary adjustments for land exchanges to make a waterway, or a road, or a transmission line easement. He likes the platted lots having an original parcel and go through the re-platting process. The land owners need to be accountable and work things out because we cannot assume at 40-lot subdivision will have 40 people asking for splits. Section 07-18-03 (b)(2) states the following parcels are not eligible for further division: Parcels created through the CUP. Why are we excluding those who followed the process? Rather than deny the right, we can restrict where they use the permit and we can require agency review.

Alan Mills said there are a lot of activities that don't fit with the CC&Rs that are being put on the one and two-acre parcels, such as FFA and 4-H projects being precluded in platted subdivisions. It also allows for families to locate near each other and provides opportunities for ag-related activities that are not compatible in proximity to higher density developments. One of the biggest things that would accommodate the demand for more home occupation and home business opportunities that also don't fit in those platted subdivisions. Regarding the aliquot parts description, he cautions not to eliminate the one-fourth quarter of one-fourth quarter section. You can have two 40's described by aliquot parts description side-by-side, one will be 39.95 acres and one will be 40.1 acres and now we're treating them as two different/separate parcels when they are exactly the same. This would take away one of those. Clustering has been taken out as a means and clustering should be kept in there because if you're going to have additional splits you want them not to have to go through the entire approach process again. If you cluster them it preserves the openness of the rest of the ground. Clustering should remain as an option for that. It would take away a lot of the angst of traffic impact studies if we had universal impact fees implemented. The highway district's opposition is valid in some points but he feels it may be overstated in others. Dan Lister said the clustering of structures has been abused over the years. They can say effective farming practices, or, clustering of structures and so they don't have to talk about the effect of farming practices, they can just show they have clustered and that's good enough. If you take the word *or* away and have to prove it's more effective and clustering is part of it then there is the other half they still have to prove up which is this is an effective farming practice. If you want to keep it, you should use the word *and*, not *or*. Commissioner Smith said if an administrative land division is still allowed for platted parcels but if you started taking the available permit from a platted lot and moving it to farm ground out of it so you don't have to replat. She doesn't think that would be the intention, but that also would probably never meet the efficient farming. Mr. Lister said staff is working on a comp plan update where there will be other options such as transfer of development rights (TDR's) where we would want a conversation at that point. Commissioner Smith said that why she's trying to figure out how that would be impacted on a potential to relocate those permits. Discussion ensued. Mr. Mills said clustering is concept that has been with us for a long time and it seems to make sense that you would not fracture the land as much if you're clustering the allowed splits. The ordinance needs more work. Secondly, he has problems with the CUP language and is concerned it could overload the P&Z Commission and BOCC agenda with hearings if it can be avoided. Mr. Lister said using the 2004 date only – with the idea that the 1979 date is still around and you still have the slew of division availability – the 2004 date would be specifically to get one more from a new originality date. You

can use the 2004 date if you meet these criteria. You can split your property into four parcels before platting off an original parcel. If the 2004 date is now an original parcel you get one split, but if you want the full four splits you would have to go through the CUP process at that time. It gives a person the full use of the land, the divisions under that new originality date, but with some review by public agencies and a hearing body. Commissioner Smith said that was the hang-up with the P&Z Commission and they recommended denial of the ordinance, and public comment indicates the citizens don't want it either. The proposal originally was just a one-time split, it didn't matter what size the parcel was. We would re-set the date and everyone could create two parcels. If you wanted more before you had to plat, you would go through a CUP for those two other lots. It did bring the CUP back, but it was very limited in scope of what would be allowed. Staff took the feedback and put back in what our community is used to for an original land division. Exhibit #5, page 6 brings back the language that original parcels can be split to this maximum amount. If you have less than an 80-acre parcel you get your one-time division. Any other divisions will require a rezone process whether a plat is required or not. Mr. Mills said this is an evolving issue and it's hard to get a grasp on it. He is in favor of any process that keeps the door open for being able to make an application. Commissioner Smith likes the option of no CUP. Commissioner Van Beek wants more discussion on that topic.

The Board took a brief recess at 11:57 and went back on the record at 12:00 noon.

Testimony in opposition was offered as follows:

Chris Hopper, the Assistant Engineer from Canyon Highway District, submitted a letter from the highway district which is identical to the one presented at the P&Z Commission hearing with two exceptions: This one has been signed by the boards of all four of the highway districts, and it has added a statement relating to the issuance or potential inability for the highway district to issue access permits for lots that are created without their input if they do not allow for safe access to the highway system. They are opposed to the modification of the originality date because it creates more of a bad thing. Administrative land divisions are a difficult and troublesome mechanism for development within the highway districts as they relate to their ability to manage access. In the past they had the opportunity to review the proposals for land divisions prior to those being submitted to the County and work out access related issues. Under the current system of a 15-day notification only through administrative comment they are limited in their ability to do that. It doesn't allow an opportunity to work with the applicants to come up with an alternative solution if the one that's being proposed doesn't meet their access standards or provide for safe access for one more of the proposed lots. Land divisions tend to create multiple points of access close together which is not very effective in the management of the public highway system. The current process does not allow the districts to require consolidation of the access points. New developments have the potential to create parcels that have frontage that do not have safe means of access. The Golden Gate Highway District and the Notus-Parma Highway District meet only once a month and are not able to meet the 15-day comment period if there are points of contention that staff feels needs to be addressed. Canyon Highway District approved at least 100 land divisions in the last year, and on 95% they provided a letter of acknowledgment in that 15-day comment period. Their process has been able to accommodate the 15-day timeline and there

are some exceptions to that where they've had proposed divisions that do not meet proper access management requirements or other examples where we are seeing development through the land division process. They are seeing applications with 8, 10, and 12 splits at a time and that's a challenge because it's a subdivision without a plat and leads to more issues such as clustering. They don't provide for secondary access or any transportation planning in general. He spoke about preserving corridors for existing and future roadways and connectivity to other local parcels, and they fail to establish adequate property access to the purchasers or the second purchasers of these parcels. Private roads with no easement, no road users' associations, and no improvements. The County has been working to address some of those issues with the property owners who also come to the highway districts asking for help through the process. Commissioner Smith asked why their concerns be addressed at the building permit stage. Mr. Hopper said because you are creating a parcel that is eligible for a building permit and it may not have the ability to gain safe and effective access. Parcels being created without input, or in spite of opposition by the highway district may not be eligible for access permits. Commissioner Smith said she's having a hard time seeing where the system is broken. We are sending property owners to the highway district and if they don't get access we cannot issue the building permit. You've said most have access and on the rare few that don't why not say access is a concern on this property and request additional time for a decision. Mr. Hopper said they can do that but it doesn't make the process any more effective than it did when a letter of acknowledgment is required. You are requiring an applicant to prepare a record of survey twice. Commissioner Smith said the language in the amendment states the access shall be shown. They won't be doing multiple records of survey, they will have to show that access. She said to staff: it shouldn't be provided with the application because if they provide the record of survey at the beginning they won't have those access points so that would be upon approval, but then it goes on to say a record of survey that shows access from each parcel complies with the requirements of Section 07-10-03 of this chapter and that includes all required utility easements. Mr. Lister said that is correct, it's not saying it's meeting highway district requirements for access. Commissioner Van Beek said the subdivisions created by administrative land divisions are unappealing aesthetically and if this gets reset to a date of 2004 the access for that on what are continuing to be failing and stacked roadways in Middleton, in the absence of impact fees, is problematic in nature. We should be able to create what the load is for roadways. There is a need for greater communication and engagement. Deputy PA Zach Wesley said County's ordinance in some places requires access approval from the highway district before granting a building permit and that's a requirement we placed on ourselves. Commissioner Smith said Exhibit #4, page 4, C., perhaps should state: a site plan that shows access from each parcel that complies with ours so then that site plan is submitted to the highway district, and then in section 2 for the approval procedure, some type of conditional approval that allows the County to consider those comments and then once we have negotiated the approved access, then the record of survey with metes and bounds at the end of the process. Mr. Lister said when they submit a letter of intent they would submit it with a record of survey ready to go and maybe some minor changes would happen. It used to be a 7 to 10-day process, but they amended it to a 15-day review period. They send the information and if the district wants more information DSD tells the applicant they should work with the highway district on their concerns. If we do a site plan instead of a record of survey at the start it turns a 15 to 30-day process into a 6-month process because staff looks at the site plan and gets the review, and if they say it's good to go the surveys are 3-6

months out so it would make that process longer. Commissioner Smith said that could be solved with putting in the approval procedure you have three months or six months to submit a record of survey or the application will be closed and incomplete and a new application will be required. Mr. Hopper said the County can require an access plan, it doesn't have to be a formal record of survey. Their development policy treats any subdivision of land as a subdivision. As a condition of building permit, the applicant shall dedicate right-of-way as deemed necessary by the district engineer. It's far more efficient if the district does that higher up the chain at the admin land division process than at the individual building permit process. Mr. Lister said it sounds like it would be easier to vet it during this application process and if that is a site plan with review, and then a survey afterwards staff is fine with updating that. Mr. Hopper spoke about the fee schedule the Canyon Highway District has adopted to have their fees capture a greater percentage of the time they spend working on development activities. Commissioner Smith said the Board hears from constituents that the highway district's opportunity for comment is hidden. We receive applications and the district's letters say they handle access points and roads through the subdivision process and so we get a room full of people who are passionate about access and our ordinance only requires us to ask whether they have access per 07-10-03 – do they have frontage or an easement. The County cannot do anything about the neighbors' concerns for safety and the district has opted not to notify surrounding property owners so there is a lot we can do better to help the community address concerns. All the emphasis is being placed on the individual property owner who is taking their onetime land division and they are bearing the brunt of the services, but the bigger subdivisions are rolling through a process and the community is not getting involved. There are problems the highway district and the County need to work on together to address public safety and access points, but we need to do that versus focusing on the one piece here and have those conversations as a team. Commissioner Van Beek asked about impact fees. Mr. Hopper said the draft ordinance for adoption of impact fees and capital improvement plan was provided to staff and the County's attorney five months ago. The County attorney sent a response and the highway district has addressed his comments and hopefully it's awaiting the Board's immediate consideration. Commissioner Smith asked if it will help solve the problem if the County changes the requirement to a site plan that shows access and then time requirements, and then asking for additional time for those cases that you can't have an easy solution. Mr. Hopper said it will and he has outlined the recommendations in the letter he provided. At the very least they get the opportunity to comment before the applicants go to the expense of doing a record of survey. Edward Thiel said he supports the comments and concerns stated by Chris Hopper. They have worked through staff to figure out a way to address the needs and issues, and for the most part some of those bugs have been worked out and he is hoping to continue working on them. As far as extending the origination dates they feel it is unnecessary; the lot splits that are available once they are used up are still a vehicle for people to be able to do that and that is through the platting process and that way highway districts can address the needs they have for infrastructure, right-of-way dedication that would be impacted by the additional vehicles on the roadways. Without that ability we are putting an undue burden on the taxpayers for the districts to have to purchase right-of-way rather than the people who are benefitting from the development not being required to share in that burden as much as they should be.

Commissioner Smith noted that the County received a letter from Gooding Farms that's in the record.

George Crookham offered comments on behalf of the Coalition for Ag's Future. They are curious why this ordinance change is not being rolled into the comp plan change. Staff said there are approximately 3,000 parcels left on the administrative split – how many additional ones are there? Do we want to look under that blanket first? We heard that changing the 1979 date would be faster and easier - is that the way we want to set policy? Let's find out the answers before we make this potentially dramatic shift. The group has concerns about transferring the parcel rights. He said Alan Mills talked about his neighbor would not split and transfer. Why would you not split and transfer if you had the opportunity? There's a market value to that. The ag group agrees with Chris Hopper's concerns about increased traffic caused by residential development. The farming areas are becoming unsafe because of the residential developments. One of the group's biggest fears is the continued fragmentation and incompatibility in farm land. If it's the County's idea that five-acre parcels are functional farmland that is a misconception. Farmers don't want to touch their crops if they are under five acres. Dozens of studies across the country have shown that residential developments do not pay for themselves. Agricultural land does, for the cost of services, and the farmers actually subsidize that residential land so if we continue to transfer that farmland to residential who is going to pick up those pieces and bear that extra tax burden? Is it going to be the out-of-state, out-of-county developers and finances? He doubts it.

John Ihli said it's increasingly difficult to transport agricultural products and to do aerial applications on crops. It is becoming very difficult to farm in this county and the added splits are going to create more traffic situations that will be difficult to manage from an agricultural standpoint.

Commissioner Van Beek said today she is focused on splits for farmers to have the ability to live on the farm as they grow and have their own households. There is some farmland that's for sale and some that is being protected. She understands the margins in farms, and for those who don't want to continue farming, there would be a market connection that could potentially be made that would preserve agriculture and buy a farmer out at a market price. George Crookham said with regard to generational splits, when does it end? Are we going to do this again in 2014? Commissioner Van Beek said it ends when there is no longer a generation interested in carrying on a farming tradition. When we stop incentivizing that generation to farm because it is so difficult that the average person would not engage in that level of work, that's probably when generational farming ends. She talked about how a farmland is a person's 401k. Mr. Crookham said saying it's a farmer's 401k or retirement plan is disrespectful to the previous generations of farmers who passed on their land at farmland market value prices or passed it on to their children. Why does this generation need it for their retirement? Commissioner Van Beek said no disrespect was intended and she spoke of how her family members immigrated to the U.S. and from Holland and eventually moved to Idaho establishing their own dairy operation, and how some family members were unable to continue farming because there wasn't a succeeding generation. Commissioner Smith said it's not up to the Board to figure out a farmer's retirement plan. Dan Lister said the questions about future land uses can be addressed at the comprehensive plan workshop

tomorrow night. Commissioner Smith said the intent was to stop seeing those large residential rezones. Prior to taking office she watched as the previous administration rezoned huge tracts of land to rural residential and put agricultural restrictions on the balances, which she did not agree with and so she was trying to look for a way to allow some of the generational people to stay in the community without rezoning large tracts of land and try to get their full development rights. This was meant to help protect those ag areas but still allow people to stay near family. We want a process that addresses public safety and public demand, it cannot just be about rooftops, it has to be about supporting agriculture and a variety of housing options. Mr. Crookham appreciates that but questions what the outcome will be because we don't know "what's in the box." Commissioner Smith said the main point is how do we discourage the big beast of rezones but still allow some development in the rural areas. Commissioner Van Beek said she wants some slow down; there are a lot of good things in looking at the process and engaging in further discussion with agencies.

Kristin Crookham is not in favor the date change. She's spoken with people who have seen the effects of it they provided comments to her which were summarized as follows:

- This needs to be honored as much as zoning codes; to go against this is to undermine the intent, design, and the plan that was established for the community. Doing otherwise erases a part of our heritage and the protection that was gifted by the people that served before us. This is not just another code.
- Any rural sociologist will tell you this is splitting and is used to erode farmers, ranchers, and their families. Most rural families plan for the succession of their land diligently and carefully and this is a tradition that has lasted for centuries where the integrity of the farming operation and its contiguous lands supersedes housing. Most requests to do otherwise are disingenuous from the very fact they don't make sense to a farming operation.
- This sounds like the development interest going against the goals of the comprehensive plan. This is not surprising as we find that people support farmland in survey after survey. It's easier to manipulate procedure than to ask the community for input.
- Many times, developers ask for splits saying it's to care for an aging parent. Most people who are caring for an aging parent add on to an existing home to have them close or they build within 200 feet of their home. This makes sense and should be allowable. The integrity of the land is foremost on the minds of most people who farm for a living. The interest in splitting lots is foremost on the minds for those with developing interests.
- You can meet the need for future generations to have housing on their farms without carving up the land. I don't understand why this is treated as a new need. The efficiency of the farming or ranching operation is the key.

- We have seen this; we need to restrict it. Have you addressed this with your legal counsel or have you looked at how it ties into the comprehensive plan? These items are not separate entities. There are objectives behind both and you cannot throw them out the window, particularly, since the Idaho statute is tied to a time/date stamp as well. Those two stamps work integrally together.
- This is like taking a shotgun to an ag zone; what are you trying to achieve, what's your purpose? Define the purpose first. Development has already run away. Why would you want to throw fuel on this fire? Have you thought about the infrastructure to pay for this? This is expensive, who will pay for this?
- Elected officials forget they are in the office to protect people who are already here – farmers who are already here and are desperate to continue farming. Every house in an ag zone makes it more difficult to farm.
- It's money. It's the response to the influx of wealthy people wanting to build in our area who are responding to the ads about an idyllic life living next to farm, but that bubble bursts pretty quickly when the farm machinery starts at 5:00 a.m. Have you heard the noise when it's time to wean calves? I'm not saying we shouldn't address growth, I'm saying there are a lot of interests out there that are willing to spend a lot of money and they have a lot of experience with the system to build in ag zones and our communities – especially our counties - are ill prepared.
- Make it easier to get to where you want development and where it makes sense for your community. Make it difficult to get to where you don't want development, where it damages the ability of our ag community to make a living, to grow our food and keep our nation safe.
- Elected officials need to look out for the farmers.

Ms. Crookham said the idea of changing the date of origination is what people feel are do-overs/re-do's and that's what people are hung up on. There are other ways to address this when families want more generations to live close by. Commissioner Smith said there have been so many comments so it's doubtful the Board will decide today. She would like to have suggestions on how we can meet some of that demand. Commissioner Van Beek asked Ms. Crookham how she would balance property rights with the comprehensive plan. Ms. Crookham said good decision-making, good infrastructure, and good institutions that support the infrastructure are key.

David Anderson is the Idaho Program Manager for American Farmland Trust (AFT), which is a national NGO that focuses on ag protection, regenerative agriculture (soil health), and succession planning. Their concern is whether the ordinance has the potential to promote further fragmentation of the agricultural economy in Canyon County. It is a very large contributor to the 20% ag GDP of the state. According to the USDA there are over 100 crops grown in Canyon County,

many of which are seed crops that feed not only the U.S. but the world. Food security is national security and the challenge for the Board is to look at the ordinance and say how are we setting ourselves up for today and for future generations of the world. He's been doing entitlement for 30 years and he's seen a lot of challenges in the planning space and he gave credit to DSD staff to get feedback from the ag community and adding ag protection elements into the draft comp plan update is highly sophisticated and one of the best efforts in ag protection he has seen. One of the elements being proposed is this idea of an ag subcommittee that would have the potential to essentially develop an agricultural economic protection strategy for the County. If the comp plan update and the pro-ag elements include the committee, is this an opportunity to potentially postpone any future consideration of this ordinance until the committee is in place and has had an opportunity to establish an ag protection economic strategy for the County. Then it would be time to look at the ordinance and make sure it's in alignment with the over-arching goal of the committee and the strategy. Commissioner Smith asked if the group is doing any type of work to figure out how we can fund a conservation easement program. Mr. Anderson said yes, the purchase of agriculture conservation easements is a challenge especially with land pricing skyrocketing. Currently the NRCS ASAP ALE program is only seeing about \$3 million a year being dedicated annually, and for the last five years one farm or ranch has burned up that \$3M for the 50% match that ASAP ALE is offering for conservation easements. The next step is to get state support to help facilitate the purchase of those. The Idaho Farm Bureau Federation adopted a policy in December to set up a committee for ag protection and that is going to be the nest for them to start talking about an Idaho pace program and finding resources. How do we spend state money without creating new government and one of the ideas they're looking at is the conservation districts which represent boots on the ground in terms of where the best soil is, where the water is coming from, and what soils to protect. We need legislative support for setting monies aside to help pay for more of those conservation easements. All of that wraps into the purchase of development rights area, and the other tools are TDR's and agricultural districts. AFT is collaborating with ag economics professors at the U of I where they are looking at Canyon County and defining agricultural economic corridors and getting to the County the tools it needs to see that and quantify that. They hope to have it to the County this summer.

Neutral comments were offered by:

Fred Butler is a third-generation farmer in Wilder and he's worked in an irrigation business for 20+ years. In a perfect world we would adopt something similar to what Oregon did 40 years ago where when you bought land you knew exactly what you could do with it. His farmland is surrounded by subdivisions and a golf course. He likes some of the ideas being proposed by the County. Mr. Butler will submit additional written comments.

Danny Schuster spoke about how he tried to help a friend through the process to develop 26 acres of nonviable ground off Lakeshore Drive and Farner Road that hasn't been used in over 80 years. They have invested nearly \$50,000 into the process and their development request was denied and it is condemning the family to a lifetime of poverty because they can't do anything with the land. It doesn't grow anything, it's alkaline, the soils are not desirable, and there are no water rights and 80 years of not being used proves it's not a good piece of ground so where do they go

with it. He doesn't want to turn all farm ground into housing but there should be options for parcels like this one.

Commissioner Smith said there is much to consider so we'll likely delay and continue taking input and come up with a partial solution and then hold part of it until we do the comp plan amendment. Commissioner Van Beek said there are pockets of ground in the Lakeshore Drive area and the south Nampa area and she knows of two parcels that have been denied for water reasons and for the protection of agriculture that is still very rural. She said she's listening to both sides and Mr. Schuster is a great example of how do we make that balance.

Jim Thompson is a real estate agent who deals with a lot of farmers in Owyhee County where there are examples where the only people who can afford to buy farm ground are big corporations and it's eliminated the opportunity for generational farmers to buy more ground because they cannot afford it. He referenced a case where he tried to help a farmer sell some ground but they couldn't sell the property to a "normal person" because they wanted one building permit on the 80 acres and they couldn't get it because of the protection of agriculture. A big dairy farm corporation bought the property. We need to be careful in saying we're going to protect agriculture because we could hurt the people we are trying to protect when big corporations further push out the ag people.

Vince Mallard supports the process that allows for five-acre mini farms and he understands the importance of keeping Idaho rural. There are a lot of issues that have to be tackled, water being one of them.

Commissioner Smith wants to have Commissioner White listen to audio and continue this discussion and give staff an opportunity to evaluate the comments and propose something that finds the middle ground. In some of the information that was provided and maybe even a consideration of taking out the originality date until we have some more information, but moving forward with some things like the transfer; removing the 100% ownership; changing the process to allow the highway districts to have input with just a record of survey being included. Commissioner Van Beek asked if want staff to consider the clustering conversation where Dan Lister indicated we could eliminate the "or" and put in the "and", and leave the clustering portion in there. Mr. Lister said we could do that and have them both be required, but one already does that, they provide a plan showing how it's going to be the best option for that farm and clustering is typically part of that option so they would show that as part of them proving up this will be better for land by putting development over here and still being able to maintain the farm and how they are going to do that. One just does it, it doesn't need a second. Commissioner Smith wants staff to look into the suggested changes for the subdivision ordinance too. Ms. Allen said the language is good, but some things were left out so we could strengthen the language and make it clearer. Commissioner Smith agreed and also asked staff to look into the suggestions on the subdivision proposal. Commissioner Van Beek said there was discussion from Alan Mills and TJ Wellard about certain sections that need to have the language cleared up. Commissioner Smith said personally, she wouldn't change the definition besides the date. She asked staff to leave the definition how it was. (Strike all the staff changes – leave it exactly how it originally was – but just

change the date.) But, we are not ready to change the date so we should not mess with that right now. As we move forward think about the section for applicability with the comments on CUPs and the ag-only parcels. That's a big deal. The CUP issue really fired everyone up so we should probably move on from that. Dan Lister said one of the comments was about using the subdivisions definition in the state law versus the one we have now and that one adds allowances for five-acre lot sizes for agricultural purposes only, and our code right now says 40 acres. Staff does not recommend changing that. Per the exemption from state law it would allow someone to divide that up to eight five-acre parcels potentially without it coming through a land division or anything. They could just do it, sell it off. He understands some of that could be beneficial but most likely, with the history in Canyon County, what happens is they come back and say they cannot farm it and they want to put houses on it and it becomes more of an issue, so what we have done instead is keep the 40 acres as the exception but in the land division code if part of a land division they have a split or two on there they can create splits and the last bit that's less than 40 acres they can call it ag only and it still meets over five acres in size so it would meet that at that point but not to create multiple five-acre ag lots. Commissioner Smith agreed and said because the difference between what you're saying and that process, that one actually has a process, and this exception is just a blanket exception so anyone could go out and record deeds and divide the land. Mr. Lister said state law says cities and counties may adopt their own definition in lieu of this definition and we have and it meets our comprehensive plan. Commissioner Van Beek said state statute says they can divide into five acres and she asked if we are superseding the statute and leaving it at 40? Mr. Lister said yes, we are more restrictive. Commissioner Van Beek asked if we addressed the site plan showing access and the metes and bounds whether that was to be at the beginning or the end? Commissioner Smith said she asked staff to work on that so C would change to a site plan as required, and in Section 2 they would incorporate the record of survey at that point. I don't know if it strengthens it that we add notice to the public that if the highway district requests additional time we can grant it? Staff should work with Zach Wesley to see if that's something we need to put in there or if it's implied with how it's worded. Commissioner Van Beek said there was a question about the proposed parcels that were created remaining at at least one acre. Commissioner Smith doesn't like that and said staff should look into that for suggestions that meet the minimum lot size. There has to be a way to meet that; in an ag zone you would want a one-acre minimum. The Board agreed to leave testimony open. Commissioner Smith asked staff to post an updated staff report that would include some recommended changes based on testimony today. Zach Wesley said the P&Z Commission recommended denial so the Board will have to have a second hearing. We will come back, continue and at that point deliberate and then have a second hearing. Commissioner Van Beek made a motion to continue the discussion on the chapters and articles for zoning regulations of the Canyon County Code of Ordinances to April 8, 2022 at 9:00 a.m. The motion was seconded by Commissioner Smith and carried unanimously. The hearing concluded at 1:48 p.m. An audio recording is on file in the Commissioners' Office.

DETAILED MINUTES TO COME AT A LATER TIME

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

*Continued from 3.7.22

PUBLIC HEARING TO REVIEW STAR AREA OF CITY IMPACT, CASE NO. OR2021-0031

The Board met today at 3:07 p.m. for a continued public hearing to review the Star Area of City Impact, case no. OR2021-0031. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy P.A. Zach Wesley, Director of DSD Steve Fultz, DSD Planning Official Dan Lister, DSD Planner Kate Dahl, Middleton Mayor Steve Rule, Middleton City Clerk Becky Crofts, Attorney Mark Hilty on behalf of the City of Middleton, Attorney Andrea Nielson on behalf of the City of Star, Trace Leighton, Rosalyn Studarus, Eileen Vanderpool, Steve Burton and other interested citizens, Rachel Spacek with the Idaho Press and Deputy Clerk Jenen Ross.

Commissioner Smith explained that at the last hearing on February 23, 2022 Commissioners Van Beek and White were hopeful there could be an agreement for mediation between the two cities. Attorneys Mark Hilty and Andrea Nielson were asked for an update the situation.

Ms. Nielson said she met with Star City council and the mayor on March 1st where she reviewed the type of mediation that was discussed at the previous meeting. Star is very amenable to mediation and several different options were discussed including using Susan Buxton as a mediator. Star is willing to come to the table, to the mediation with an open mind and a willingness to come to a resolution. They would like to see the negotiation team consist of the mayor, the city attorney and possibly a planning staff member. Since the city council meeting on the 1st they've had an opportunity to review the letter that was provided by the City of Middleton on March 4th, she feels that a lot of the preconditions that were set forth as requirements for agreement prior to mediation are really antithetical to what mediation is. The preconditions as to whether annexation should or should not take place and in what areas is at the heart of the matter of the disputes between the map. It is the City of Star's position that, while they are open to discussion, they would prefer to discuss it with the benefit of the mediator which is the purpose of why all parties agreed that mediation would be beneficial to assist in the communication. She reiterated that the Star City Mayor, attorney and a planning staff member have been designated to negotiate on behalf of the city but that if a resolution is reached it would need to be formally ratified by the city council. She doesn't see that it would be an issue as the city council is in alignment with the Mayor. Ms. Nielson also noted that she thinks it is cleaner from an open meeting law and a municipal law standpoint to have the mayor handling the negotiations.

Mr. Hilty said this issue was also discussed with the Middleton City council last week and what come from that meeting is embodied in the letter that was sent on Friday, March 4th (a copy of the letter is on file with this day's minutes). There are a couple of conditions – one being that the city councils participate in the mediation, that is important to the Middleton city council. Additionally, if there is going to be a negotiation about a line between the two cities, that line should mean something. The frustrating part for the City of Middleton is that the City of Star has annexed wherever it can find willing property owners to annex into the city with no impact area. If there is going to be discussion about establishing an impact area between the cities there should be an

agreement that the line will be respected by both sides. Those are not pre-conditions that are antithetical to a successful process. It is the city councils that approve planning and annexing of property, that must approve an area of city impact. Middleton feels it's time for the city councils to sit down together in some format to see if there is a way to resolve the differences. Middleton realizes there are some issues to be worked out in regard to the open meeting law, confidentiality, and pending litigation.

Commissioner Van Beek asked why a city that is not incorporated into Canyon County is being given the right to continue to annex into Canyon County at the same level as a city that has an agreement in place. She then asked Mr. Hilty if his proposal is to have Star abide by the request that the county made last June, to not annex any additional property until a mediated agreement can be reached. Mr. Hilty indicated that the City of Middleton, as well as the county, has asked Star to no engage in the controversial category 'A' annexation while the issues are working to be resolved but they have not honored that. The letter that was sent from his office is more forward looking stating that if an impact area boundary is determined between the two cities, recognizing that Star has area within Canyon County and that Middleton has some impact area in there as well, that part of the establishment of that line would be that the two cities would agree that they shouldn't be annexing across. From Middleton's perspective, the impact area has relatively little significance if it doesn't form an area where the city has some assurance that it can plan, look at uses in the area and grow.

Commissioner Van Beek asked if there has been any consideration given to the property owners that may not want to belong to either city and remain in the county. Mr. Hilty said he has not talked to Ms. Nielson or Star about that although there were internal conversations with his client. Ms. Nielson addressed the subject of category 'A' annexations, they are not controversial, Idaho Code has always protected a voluntary annexation differently than an involuntary annexation. To her it doesn't sound like the two parties are that far off as to what could be negotiated but it's not something that can be negotiated until the areas of city impact are known. In response to a question from Commissioner Van Beek about residents who don't want to be in either area of incorporation, Ms. Nielson said that one of the proposals made by the City of Star is that if the City of Middleton would be willing to reduce their area of city impact to a certain amount, the City of Star would be willing to mirror that same reduction in the proposed area of city impact which would provide area for anyone who does not want to be part of either city. There could be a separate agreement as far as where the line is for category 'A' annexations that way it protects the private property interest of those who live in-between the two areas of city impact. It is Star's position to not enter into a mediation where they've already boxed themselves in a negotiation corner before even meeting with the mediator and had a chance to discuss what all the issues are. And if the parties can't agree on mediation the City of Star just asks that the Board provide that vote so that they can move forward with the process as outlined in Idaho Code.

Commissioner Van Beek asked Ms. Nielson if having the city council as part of the negotiations is a deal breaker. Ms. Nielson said it's not who they would have on the negotiation team and there are issues with the open meeting law; the City of Star is basically proposing a dual city council meeting. Their position is to make it as simple as possible for the mediator to address the real

issues by focusing on the mayors, the city attorneys and maybe a planner in order to keep everyone focused. Ms. Nielson said that Star's city council has already provided that authorization and fully intends to support the decision that's reached and formalize the agreement by ratification afterwards.

Commissioner Van Beek asked Mr. Hilty if it is a deal breaker if the negotiations consist of just the mayor, attorney and planner. Mr. Hilty said that he had specific instruction from his city council that they want the two city councils to meet. He feels this is a better path forward to resolution because otherwise there will be a relay of information to a third party who may have questions that weren't answered or asked; he feels it would be much more efficient to have those decision makers present as the issues are resolved. He's not saying he wouldn't go back and talk with the city council but at this point it is a condition for proceeding, that Star city council participate in the negotiation. At the request of Commissioner Van Beek, Mr. Hilty addressed questions about the logistics of having two cities participate in mediation as far as noticing requirements and taking place in either an open meeting or an executive session.

Ms. Nielson said she has spoken with Star's attorney, Chris Yorgason, about having dual city councils and open meeting law issues, and it is Star's position that this is not the type of mediation that they would want to be a part of. It was discussed at the last meeting that the mayors and one commissioner would take part in the mediation which is what Star believes to be the most appropriate way to mediate this with both city's having to ratify with the city council. This way each city council would have the benefit of their own executive session at their own city council hearing. Ms. Nielson and Mr. Yorgason are unsure about how the open meeting law/executive session would affect both city councils and a mediator having a dual meeting. Ms. Nielson reiterated that the city of Star is comfortable with the mayors and the commissioners participating in mediation. She feels this is a very reasonable proposition for mediation and if Middleton is not willing to agree to have mediation that was discussed last time, then Star would rather have the vote and proceed with legal remedies.

Commissioner Smith asked if mediation could move forward with the attorneys, the mayors and a planner. Mr. Hilty said that he does not have the authority to agree to that based on the instruction he's received from his client. In response to Commissioner Smith's question about rendering a decision, Mr. Hilty thinks that the Board could instruct him to go back and talk with the city council about the mediation format that Star would like, instruct Ms. Nielson to go back and talk to the City of Star about the format that Middleton would like or decide today that the city councils can't come together on a negotiation and proceed with a decision. Ms. Nielson added that if it were to happen where the commissioners created the overlap, there is a period of time already built in the statute for the cities to separately negotiate, that could also be done thru a mediator and Star is happy to do that after the vote and the overlap of area of city impact. However, unless the overlap is created there is no opportunity for that to occur within the statute. Mediation could take place but it would be a mediation that would be based on each party coming to the table without preconditions because there are no preconditions in LUPA 67-6526, it's just a negotiation. In regard to condition no. 2, Ms. Nielson said she doesn't want to overstate Star's position, it's not that they are amenable to that as a precondition prior to mediation it's that they

are amenable to discussing that within the context of mediation which is one of the purposes of mediation.

As a point of clarification, Commissioner Smith said that because the deadline has now passed Star has the right to seek judicial review because the Committee of 9 made a recommendation, they adopted it but the county did not. Commissioner Smith feels that the City of Star already has the option to seek judicial review. In response to comment from Commissioner Van Beek, Ms. Nielson clarified they are seeking a vote from the Board of County Commissioners on the proposed area of city impact, that way they have the benefit of a decision to bring to a judicial review. Commissioner Smith noted that if the vote is 'yes' and in agreement with the Committee of 9 that will essentially move it onto Middleton and Star anyway. It has overlapping boundaries so at that point either city could request a judicial review if they can't come to an agreement. Mr. Wesley said they could first request a recommendation from the county commissioners, if the cities don't adopt that recommendation then there is a procedure for the citizens/voters within that overlap to decide which area of impact they want to belong in. Commissioner Smith further clarified, stating that if the Board says 'yes' then one of the cities comes back to the Board stating they can't agree on the overlap then they can ask the Board to create a line at that point. If there is still an impasse it would then go to the voters.

Commissioner Van Beek is at the point she would ask the attorneys to go back to their clients to see if there is a way to come together before it goes to the judicial. In her opinion it eliminates a third option. Commissioner Smith pointed out that is also a failure to act. Commissioner Van Beek understands but she doesn't hear an unwillingness on the part of either attorney to go back. Ms. Nielson said that if Middleton would like to go back and discuss further, that is certainly their position, but Star will have no other executive session discussion on this matter. With that information, Commissioner Van Beek asked if Mr. Hilty would be willing to go back and have further discussion with his client. Mr. Hilty said that if that is the direction of the Board he will go back and have that discussion but he is not hopeful of the outcome. The other option would be for the Board to decide today, based on Star not being willing to revisit their position.

Commissioner Smith asked both Mr. Hilty and Ms. Nielson if either of them will be okay with overlapping boundaries. Mr. Hilty said that Middleton will say they do not agree with overlapping boundaries. Mr. Hilty also clarified that if the Board creates an overlapping boundary then the cities are required to negotiate, if that is unsuccessful then they can seek a recommendation from the Board, if that recommendation is not acceptable to one of the cities then there is a vote of the individuals that would be living in the overlapping area.

In response to a question from Commissioner Van Beek, Mr. Wesley said that the overlapping area doesn't have a judicial component, it's the creation of the initial area of impact that has the judicial component. Ms. Nielson said the City of Star would have standing to contest, thru judicial review, the decision which is already past due. Mr. Hilty said his understanding is that if the Board votes 'no' on the Committee of 9 recommendation it could be headed for declaratory judgement action (judicial review), if the Board votes 'yes' to create the overlapping impact area then the process moves towards a vote.

After discussion regarding the possibility of continuing this meeting to a time when the full Board would be present and each attorney has had a chance to speak with their respective city councils, Commissioner Smith said she would like to give this 24-hours so that the Board can fully consider the ramifications of failing to make a decision and what it would mean to agree with the Committee of 9 decision. Commissioner Van Beek made a motion to continue this hearing to March 10, 2022 at 11:00 a.m. The motion was seconded by Commissioner Smith with discussion noting that the intent is to render a decision and fully understand the ramifications of not rendering a decision and understanding the benefits, whether the Board agrees with the boundary of the Committee of 9 or not, the benefits of being able to move forward and let the process happen. The motion carried unanimously. The meeting concluded at 3:52 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 9, 2022

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. 2212

- The Board of Commissioners approved payment of County claims in the amount of \$1,904,630.20 for a County payroll

APPROVED CLAIMS

- The Board has approved claims 582617 to 582653 in the amount of \$34,036.14
- The Board has approved claims 582753 to 582754 in the amount of \$1,432.25
- The Board has approved claims 582480 to 582507 in the amount of \$13,369.87

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Danielle Scarlett, Deputy Attorney Criminal

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- Lowes in the amount of \$3,133.20 for Facilities Department

APPROVED COMMUTER VEHICLE AUTHORIZATION FORMS

- The Board approved commuter vehicle authorization forms for Katy Clark and Sydney Davis

RESCHEDULE PUBLIC HEARING FOR SIERRA VISTA PROPERTIES, INC., FOR A CONDITIONAL REZONE AND PRELIMINARY PLAT FOR MINT FARM ESTATES SUBDIVISION, CASE NOS. RZ2021-0046 AND SD2021-0038

Due to a lack of quorum the public hearing for Sierra Vista Properties, Inc., which scheduled for this morning at 9:00 a.m., was rescheduled to March 30, 2022 at 9:30 a.m.

CONSIDER SIGNING RESOLUTION APPOINTING MEMBERS TO THE CANYON COUNTY PLANNING AND ZONING COMMISSION

The Board met today at 4:01 p.m. to consider signing a resolution appointing members to the Canyon County Planning and Zoning Commission. Present were: Commissioners Keri Smith and Leslie Van Beek and Deputy Clerk Jenen Ross. Commissioner Smith said both of these appointments would be for a full term – Robert Larison will serve from March 9, 2022 to March 9, 2026 and Miguel Villafana to serve from March 9, 2022 to March 9, 2026. Both of these people were interviewed by the Board and Development Services staff. These are the recommendations from DSD and Commissioner Smith said she supports and highly recommends both of these individuals. Commissioner Van Beek stated for the record that she is unsure if she sat on both interviews but she is supportive of Commissioner Smith's comments that they have been vetted by DSD staff and made a motion to sign the resolution appointing Robert Larison (see resolution no. 22-030) and Miguel Villafana (see resolution no. 22-029) to the Canyon County Planning and Zoning Commission. The motion was seconded by Commissioner Smith and carried unanimously. The meeting concluded at 4:01 p.m. An audio recording is on file in the Commissioners' Office.

JOINT WORKSHOP WITH BOARD OF COMMISSIONERS AND P&Z COMMISSIONERS TO DISCUSS THE 2030 COMPREHENSIVE PLAN UPDATE

The Board met today at 5:04 p.m. for a joint workshop with the P&Z Commissioners and DSD staff to discuss the 2030 Comprehensive Plan Update. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Director Steve Fultz, DSD Staff members: Dan Lister, Kate Dahl, Elizabeth

Allen, Katie Phillips, Jenna Petroll; P&Z Commissioners Ron Amarel, Harold Nevill, Robert Sturgill, Patrick Williamson, Robert Larison, Miguel Villafana, and Bryan Sheets; Alan Mills, Darin Taylor, John Cotner, David Ferdinand, Matt Wilke, Parks Director Nicki Schwend and Juli McCoy; and interested citizens and Deputy Clerk Monica Reeves.

Elizabeth Allen gave the oral staff report which included the following highlights:

Background

Canyon County first adopted the plan in 1975. In 2005, the Plan was repealed and the 2010 Plan was adopted. The current 2020 Plan was adopted in 2011 at a time when the County was not experiencing the amount of growth and resource pressures. The Plan needs to be updated to reflect current conditions, address new and emerging issues, and better guide future rural county land use.

Public Outreach

Preparation of the new Plan began in the Fall of 2019 with the formation of 7 working groups that were generally representative of the various areas of the County. Public engagement events were held to introduce and publicize the Plan update and to receive public input on the Plan. Surveys were created in 2020 and remained open for two months.

Organization of the Plan

Major Policy Themes and Key Comprehensive Plan Policies

The Plan goals and policies were created to support the community desires and provide direction for the future. The following is a listing of key planning issues and the specific goals and policies to address the problems:

Chapter 1 - Property Rights

Chapter 2 - Population

Chapter 3 - Economic Development

Chapter 4 – Land Use and Community Design

- New land-use designations were created, including agriculture transition, agriculture estates, general agriculture, intensive agriculture overlay, agri-tourism overlay, parks and recreation, conservation and public/open space, and wildland-urban interface. With the importance of protecting farmland and the desire to allow agriculturally zoned parcels less than 40 acres, staff created the following:
 - Agriculture Transition District
 - Rural Agriculture District
 - Commercial Agriculture District (A-20)
 - Commercial Agriculture District (A-40)
 - Intensive Agriculture Overlay Designation

Chapter 5 – Natural Resources and Hazardous Areas
Chapter 6 – Public Services, Facilities, Utilities and Schools
Chapter 7 – Transportation
Chapter 8 – Recreation
Chapter 9 – Special Areas and Sites
Chapter 10 – Housing
Chapter 11 – Agriculture
Chapter 12 – Airport Facilities and National Interest Electric Transmission Corridors

Next Steps

- Additional workshop
- Address any changes needed
- Adopt the Plan
- Create ordinance and code updates to implement the Plan
- Conduct annual updates

Director Fultz had hoped to have the Plan adopted by May of 2022, but with adding another workshop and two public hearings it could be August or September. Following Ms. Allen's presentation, the Board and P&Z Commissioners had questions of/comments for Director Fultz and staff as follows:

- There was surprise at the lack of response about the comp plan despite the mass-notification that went to the public about the open houses and workshops.
- Lack of residential zoning around the immediate vicinity of some cities.
- Impact areas, specifically the City of Greenleaf's area, were created to protect agriculture and not to allow development. Why include all of Greenleaf's impact area with the 2-5-acre planning?
- Caldwell and Nampa have spent a lot of money running services north of Lake Lowell and there is a lot of farm ground in that area. Should that be a transitional area?
- The Snake River Scenic Canyon Byway should be noted and included in Agri-Tourism. The byway extends for 57 miles from Walter's Ferry into Nyssa, entirely along the southwest corner, and there's another northern extension that goes to Payette which connects to the other byways that are in the Treasure Valley. In 2008 the BOCC adopted a resolution to recognize and promote the byway. It is time to include it in the comprehensive plan. There were ideas that super side trips would come of that and go into the smaller communities to provide commerce and tourism opportunities as well.
- It is important to protect the Map Rock Road area.
- Does staff consider a unit a residence or a building permit?
- Secondary residences and financing issue (relation to date of originality ordinance)
- Development has an impact on schools. The public and school districts should pressure the legislature to help alleviate some of that.

- In the agriculture area a gravel pit is an allowed use, but in those sensitive areas has there been any thought given to eliminating that on an overlay, like a scenic byway? Gravel extraction for farm owners versus the historic component. It could be addressed through overlays.
- Opportunity zones (Deals with capital gains; it's a federal program for investment.)
- New working groups will be formed: Agriculture Commission, and a Smart Growth Commission, as well as other committees and task forces for TDRs (transfer of development rights) and ordinances. Committees will be formed with the intent of going through a formal appointment resolution by the Board of Commissioners. There will be a mix of representation from the development sector (building contractors, real estate, and local developers) and people from agriculture as well as representatives from fire, highway, and school districts, for example.
- Cumulative impacts of development.
- There should be a legend for the maps.
- There are areas of the County that have no fire coverage and it was asked if fire districts could be encouraged to cover those non-covered areas.
- Lot size designations - With the removal of the R-2 half-acre density what will the minimum lot size be?
- Will there be education and transportation working groups?
- Staff has done an excellent job with the draft document. The document should be easily understood so people understand what the County is trying to achieve.
- There are a lot of complaints about nitrate priority and water availability and it's difficult to get the Idaho Department of Water Resources to respond quickly. The County has updated its map to show IDWR's new nitrate priority boundaries.
- There has been a great deal more communication occurring between the communities and the planners and the decision-makers than there has been in the past, which is a good thing because it shows we are moving in the right direction.

Commissioner Smith asked if the group would like time to digest the information and come back for another session. Commissioner Amarel said a lot of things have to be completed; for instance, when we start affecting the ag land, we also have to think about the transfer of development rights. He doesn't know if that's the right thing to do, but it has to be looked into. Commissioner Sturgill has a lot of notes and comments and doesn't think an hour and a half workshop will be adequate to work through the chapters. We should have a process where they provide written comments and let staff sort and categorize it and turn the workshop into a summary of what was received. He said the P&Z Commission has appropriately resisted putting their inputs in because they were collecting public input, but we are at the phase where we should consolidate and digest it and let staff sort through those inputs. Commissioner Smith agreed and said staff will have to evaluate the comments – just like they evaluated the public comment - and not just make all the changes that were requested. When the comprehensive plan is in front of us and if something wasn't included that's when they can lobby for it. The BOCC and the P&Z Commission will send changes, staff will evaluate them and then we'll have another workshop and get the ball rolling.

Rather than looking at the entire document, Commissioner Van Beek likes the idea of breaking it into smaller pieces that are more digestible. Perhaps we could take three chapters at a time and have a targeted focus and incorporate comments and have discussion. Dan Lister suggested staff review the comments from tonight's session which can be addressed at the next workshop and from there, if they identify certain sections that really need to be honed in on then we could have a workshop just on the ones that seem to have questions. Commissioner Smith agreed. The group will provide comments on the entire document to DSD staff by March 28, 2022. Staff will compile the information and then the group will have another workshop in April. Director Fultz encouraged citizens to submit comments as well. The meeting concluded at 6:25 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 10, 2022

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

APPROVED CLAIMS

- The Board has approved claims 582698 to 582714 in the amount of \$7,936.50
- The Board has approved claims 582544 to 582575 in the amount of \$72,381.72
- The Board has approved claim 582697 in the amount of \$3,941.34
- The Board has approved claims 582715 to 582752 in the amount of \$65,465.52
- The Board has approved claims 582441 to 582479 in the amount of \$170,547.19
- The Board has approved claims 582509 to 582543 in the amount of \$68,485.43
- The Board has approved claims 582576 to 582616 in the amount of \$108,911.27

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Shilo Automatic Sprinklers in the amount of \$1645.00 for Facilities Department
- W2W Flooring in the amount of \$14920.14 for Facilities Department
- Bridge Brothers in the amount of \$42345.60 for Facilities Department
- L&W Supply in the amount of \$5716.62 for Facilities Department
- Interstate Electric in the amount of \$1540.59 for Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Chimene Eisfelder, Deputy Sheriff Inmate Control; Brian Richard, Deputy Sheriff Inmate Control

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

Action Item: Consider signing invitation for bids for Canyon County Fair Expo Building audio/visual equipment and installation

Action Item: Consider signing legal notice inviting bids for Canyon County Fair Expo Building audio/visual equipment and installation

DETAILED MINUTES TO COME AT A LATER TIME

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

CONTINUATION OF PUBLIC HEARING - REVIEW STAR AREA OF CITY IMPACT, CASE NO. OR2021-0031

The Board met today at 11:06 a.m. to conduct a continuation of the public hearing to review the Star Area of City Impact, Case No. OR2021-0031. Present were: Commissioners Keri Smith and Leslie Van Beek, Deputy PA Zach Wesley, DSD Planning Official Dan Lister, Andrea Nielsen, Attorney for the City of Star, Mark Hilty, Attorney for the City of Middleton, Middleton Mayor Steve Rule, Middleton City Clerk Becky Crofts, Steve Burton, Trace Leighton, other interested citizens, and Deputy Clerk Monica Reeves. Commissioner Smith said today's hearing was continued from March 8, 2022 where the Board took testimony and continued the hearing in order to gather consensus on mediation from Middleton and Star. On March 8th the Board found there wasn't an exact agreement for mediation and Star asked the Board to continue with a decision. The Board still had questions and had hoped Commissioner White was going to participate in today's hearing, however, she was unable to do so. The Board had asked staff for a

flowchart of the decision-making process so it's clearly outlined on what a "yes", or "no", or a lack of action would mean. Commissioner Smith asked if there has been any change from the Star or Middleton on the mediation agreement in the last 24 to 48 hours. Mark Hilty said the City of Middleton does not have any updates for the Board. Andrea Nielsen said the City of Star has the same position.

Deputy PA Zach Wesley said there were two documents prepared at the Board's request that go over the procedure as to what we have done to get to this point and also addresses all of the potential scenarios coming out of this hearing. (Both documents are on file with this day's minute entry.) The first document goes through the Committee of Nine proceedings and the steps we have complied with. We are now at the phase where the city has enacted the ordinance and we have had the hearings and have now scheduled the ordinance and the boundary and the rules for the County's consideration of the adoption of the Committee of Nine's recommendation. The flowchart that was prepared shows that if the county or the city fails to adopt there is a process for a declaratory judgement that would mean the district court would be able to, at its discretion, identify an area of city impact boundary, plan, or ordinance if the city or the county fail to adopt the Committee of Nine's recommendation. The flowchart separates those two questions: the first part addresses what happens if the county fails to adopt the committee's recommendation, whole or in part, and addresses what happens if an overlap area with another city area of impact is adopted either by negotiation, committee of nine recommendation adoption, or through a district court decision that creates an overlap. Part 1: the cities negotiate, and if they can negotiate and adjust their own boundaries then those would be what are in place. If they fail it comes to the Board of Commissioners to make a recommendation. The cities then are either required to adopt that recommendation or it would trigger a process where the voters in that overlap area would get to decide which area of impact they reside in as a whole.

Commissioner Smith said she was asked if we can adopt a different map, for instance, if the Board wanted to move a line that did not coincide with the Committee of Nine. Do we need to either adopt or not adopt the committee's recommendation? Mr. Wesley said if we did not adopt the committee's recommendation the City of Star could go back to the city council and adopt it so they are equal, or they could go to district court and have the court decide where the boundary lays. Commissioner Van Beek said a map was provided pursuant to what happened at our last hearing on the City of Middleton Future Land Use Map and she thought it was relevant. Mr. Wesley said Middleton's area of impact boundary goes from I-84 up and across Purple Sage Road to Can-Ada Road and then along the southern edge along the river, except for one area where it goes across the river. There was testimony from citizens that indicated they didn't want to reside in either city area of impact and a majority of those people who testified are already within the Middleton impact area. If we go through this process and we go to an election, the question is which area of impact they reside in, not no area of impact. Commissioner Van Beek said in 2017 people were contacting her with questions about how a nonincorporated city can come into the county. Mr. Wesley said Star is an incorporated city and under Idaho law cities are not bound by county boundaries. They can go into counties; political jurisdictions do not control the city's growth. Commissioner Van Beek said it would have been the local leadership at the city level that would have made the determination at that time either to agree to allow those annexations or

partnerships to happen. Mr. Wesley said the public record of the annexations shows a lot of instances where city and county officials were engaged in the annexation process or Star's planning process, and that means commenting on or being in favor of Star annexation areas, and the Star future land use map. There are many instances over that long history of annexation where Canyon County and city officials were involved in the process through comment. Commissioner Van Beek said the process is not clear and so the Board, the legal staff, and planning officials are now at a level where there is greater understanding of land use planning. It's a mess and she doesn't mind helping comb through it but the situation is this existed and people may have decided not to pick up and sort through those details before coming to this series of hearings. As a certified facilitative mediator, she believes in giving one more opportunity to allow those cities to come together and provide additional information that helps inform the Board on a competent process. The flowchart is exceptionally helpful and the additional map on the Middleton area of impact is helpful and the continued presence of people coming up shows good government.

Dan Lister said DSD utilizes agreements and maps for appropriate planning efforts and they have to put into context one thing – this area has been in Middleton's impact area since 2001 so our code says this is an area foreseeable to be annexed in the future. We have an agreement with the City of Middleton saying the county's rules apply in that location and the city has an opportunity to comment when we make changes within the area of city impact. We can listen to the comments but we don't have to go with those comments, and the same goes for the City of Star. They have an agreement that has been modified through discussions and we are at a point where the county's comprehensive plan supersedes Star's. They have a few ordinances they want to apply and most of them deal with subdivisions, but the county's ordinance allows us to waive those so we still have ultimate control within those locations. The cities can comment and we acknowledge them and see if we want to apply any of those as conditions or deny it, but ultimately our code is in place in that location. Mr. Lister's concern is if this is not approved today and it goes to a judicial review and if the agreement changes we might not have "the teeth" we have currently in our agreement.

Commissioner Smith said she's concerned with that as well. She is ready to issue a decision and she thinks it's in the best interest of the community that wants some resolution. There is a lot that still has to happen and we can continue on a path moving forward. Commissioner Van Beek agrees and believes the best path forward ultimately if there cannot be agreement or if the recommendation by the Board is not accepted by either city, that it will go to the people and they will decide. She prefers that method over a judicial declaratory judgment. Those agreements we have in place would be null and void and so the planning component we've done for this, in a declaratory judgment would eliminate any level of control from the Board and they could adopt whatever they wanted.

Mr. Wesley said his interpretation is it would be at the discretion of the district court to set the boundary if the city or county do not adopt it. They wouldn't be bound by the Committee of Nine recommendation. Both the city and the county would be free to make their argument and the court would be within its discretion to choose one of those sides or make up its own.

The Board accepted the colored map of the Middleton area of impact boundary that's titled "City of Middleton Future Land Use Map" as Exhibit #20, and it accepted the flowcharts Mr. Wesley reference as Exhibits #21 and #22. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony.

The Board's deliberation on the Committee of Nine Boundary Map was as follows:

Commissioner Smith said during the Committee of Nine process she and Commissioner Van Beek were the dissenting votes to that boundary map, and she still does not agree with the map; however, the Committee of Nine did approve the map and to keep moving forward she supports moving the map to the next phase. Commissioner Van Beek agrees. Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the voted unanimously to establish the City of Star Area of City Impact Boundary Map, which was adopted through a democratic voting process by the Committee of Nine.

The Board's deliberation on the City of Star Area of City Impact Ordinance as follows:

Commissioner Smith said the Committee of Nine reviewed the ordinance and for the reasons Dan Lister put on the record she recommends adoption of the city impact ordinance. Commissioner Van Beek said the first proposal from the City of Star had their ordinance taking precedence over the county's ordinance. There was negotiation and discussion to retain the integrity of the county's position on that so our ordinances are still in first place. Commissioner Smith said there are some Star ordinances that apply that can be waived by the Board, and originally their comprehensive plan was supposed to apply but our comprehensive plan, per the ordinance, applies. Commissioner Van Beek made a motion to adopt the City of Star Area of City Impact Ordinance. The motion was seconded by Commissioner Smith and carried unanimously.

Staff will update the approval documents and present them to the Board at a later date. The hearing concluded at 11:28 a.m. An audio recording is on file in the Commissioners' Office.

MARCH 2022 TERM
CALDWELL, IDAHO MARCH 11, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Misty A. Huffstutler, Legal Assistant I; and Greg Swanson, Criminal Deputy III

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 14, 2022

PRESENT: Commissioner Keri K. Smith, Chair – **Worked Remotely**
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White – **Attended Sequential Intercept Mapping workshop**
Deputy Clerks Monica Reeves/Jenen Ross

There were no meetings scheduled this day.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 15, 2022

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

APPROVED CLAIMS

- The Board has approved claims 582853 to 582893 in the amount of \$82,255.64
- The Board has approved claims 582823 to 582852 in the amount of \$29,521.35
- The Board has approved claims 582617 to 582653 in the amount of \$34,036.14
- The Board has approved claims 582344 to 582390 in the amount of \$80,198.11
- The Board has approved claims 582755 to 582793 in the amount of \$170,295.38
- The Board has approved claims 582794 to 582820 in the amount of \$18,531.18
- The Board has approved claim 582821 in the amount of \$42,345.60
- The Board has approved claim 582822 in the amount of \$179.75
- The Board has approved Elections claims in the amount of \$15,749.00

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Grainger in the amount of \$10,191.20 for Facilities Department
- Grainger in the amount of \$3,407.18 for Facilities Department
- A-Gem Supply in the amount of \$7,781.00 for Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Gisela Moreno Garibay, Senior Customer Service Representative

APPROVED CATERING PERMIT

- The Board approved an Idaho Liquor Catering Permit for La Michoacana Mexican Restaurant AKA LA Michoacana

FILE TREASURER'S REPORT IN MINUTES

- The Board filed the Treasurer's monthly report for January 2022

CONSIDER SIGNING RESOLUTION DECLARING CERTAIN PROPERTY AS ODD-LOT PROPERTY AND AUTHORIZING THE SALE THEREOF, AND LEGAL NOTICE DECLARING CERTAIN PROPERTY AS ODD-LOT AND INTENT TO SALE

The Board met today at 1:33 p.m. to consider a resolution declaring certain property as odd-lot property and authorizing the sale thereof, and to sign a legal notice declaring certain property as odd-lot and intent to sale. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy PA Doug Robertson, Treasurer Tracie Lloyd, Admin. Property Appraisal Supervisor Greg Himes, DSD Planning Official Dan Lister, Lance Warnick, and Deputy Clerk Monica Reeves. Deputy PA Robertson said the property has existed as a driveway since the 1950's and the homeowner is attempting to sell and found out he doesn't own a tiny piece of property that serves the driveway to his property. The Treasurer has requested the Board declare it as an odd-lot property which means it doesn't serve any purpose to anyone other than adjacent property owners and it's not for the public benefit for the County to hold on to it. The way this process typically works is that the County would declare it as an odd-lot piece and then we will approach the adjacent property owners and ask if they want to purchase it, but in this case, we already have the purchaser who has approached us asking to buy it so we are not going to approach the other adjacent property owners because it would be unjust to sell it to anybody else. The statute

requires the County have an appraisal done and the Assessor's Office has done an appraisal but there is a slight distinction in the language used in the statute which talks about a certified appraiser, which the Assessor's Office is not. If we went to an outside party we would probably only get \$2,500 which is half the value of the property and it didn't seem appropriate or just to do that. Mr. Robertson doesn't believe it will provide any liability to the County to use the Assessor's value to sell at market value to the property owner. The Board reviewed the resolution and had questions pertaining to the adjacent parcels and whether it would be possible to do a property boundary adjustment or a conveyance to make it all one parcel. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the resolution declaring certain property as odd-lot property and authorizing the sale thereof, with an additional statement describing the lot that it would be serving. (Resolution No. 22-031.) Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to sign the notice of sale of the odd-lot property. During discussion Commissioner Smith asked if the property owner made a specific offer? Treasurer Lloyd said an offer was not made. She calculated the taxes at \$4,119.73 through March 1st, however, the property had not been offered at a tax sale so that's why we are using the odd-lot statute and using market value. It is generating more money and the property owner will provide a check for certified funds for that amount. Lance Warnick, who was present for a land use hearing scheduled for 1:30 p.m., wanted to make a comment on the implication of dividing the parcels. Per state law when a parcel is adjusted they are obligated to hire a professional land surveyor to file a new record of survey and so there would be an additional economic impact, as opposed to keeping it as two parcels. Treasurer Lloyd said if it's contiguous they ask the Assessor to combine it under one parcel. It may be in their deed as two parcels, but it can be combined under one parcel. The meeting concluded at 1:47 p.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING – REQUEST BY JOHN COTNER & HAWK VIEW ESTATES SUBDIVISION FOR A REZONE AND PRELIMINARY PLAT, CASE NOS. RZ2021-0034 & SD2021-0021

The Board met today at 1:49 p.m. to conduct a public hearing in the matter of a request by John Cotner for a rezone of approximately 26.85 acres from an "A" (Agricultural) zone to an "R-R" (Rural Residential) zone. Also requested is approval of a preliminary plat (including irrigation and drainage) for Hawk's View Estates Subdivision, Case Nos. RZ2021-0034 & SD2021-0021. Present were: Commissioners Keri Smith, Pam White, and Leslie Van Beek, DSD Planner Dan Lister, Todd Lakey, John Cotner, Lance Warnick, and Deputy Clerk Monica Reeves. On January 19, 2022 the Board held a public hearing on this request and approved the rezone and preliminary plat. Because the decision was a material change to the Hearing Examiner's recommendation a second hearing was required.

Dan Lister gave the oral staff report. The Board had directed staff to re-notice the hearing to consider approval of the zoning map amendment as well as the preliminary plat, and had also requested the plat include a landscaped entry with a monument sign, and to discuss a utility easement that would allow Middleton's city services to extend to this area in the future. Upon discussion with the City of Middleton an easement that traverses Kemp Road would be required

and the easement size would be the width of the right-of-way for adequate sewer and water line separation. The Board also requested an ag disclosure be included as part of the conditions and that pressurized irrigation be provided to all lots. The items have been added as conditions to findings of fact, conclusions of law and order (FCO's). Both the P&Z Commission and staff have recommended denial of this application. The Board directed staff to review it as an approval and so the FCO's demonstrate how each finding can be made. There is not a new staff report. Commissioner Smith said within one mile of the site there are 23 platted subdivisions with an average lot size of 2.52 acres. The rural residential zone is commensurate with the average platted lot size.

Todd Lakey spoke about compatibility and the character of the area. The applicant could have come forward with a conditional R-1 rezone with a concept plan, but he requested an R-R rezone with a preliminary plat with lower density. The area is designated for residential development and there are residential land uses and zoning in area. The Hearing Examiner incorrectly described this a spot zoning but the applicant has demonstrated how this is not spot. The property is near the area of impact of Middleton, but not within it, but the County is planning this area for residential growth and development. There are 23 platted subdivisions within one mile with 436 lots. According to Mr. Lakey, the applicant has gone the extra mile to address potential impacts having a water engineering firm conduct a groundwater study which determined there would be no significant impact on the aquifer. There is a strong stable aquifer in the area. An NP study has been reviewed and accepted by Southwest District Health. They have worked with the highway district in the alignment for the road, and there is a letter of support from the landowner of the 90-acre agricultural parcel to the east stating the development will not negatively impact their property. The application complies with the comprehensive plan goals and policies and it meets the criteria of the zoning ordinance. There are surrounding agricultural uses in the overall area, but this property is in an area that is designated for residential development. Mr. Cotner is a high-quality builder that will set an enduring standard for the area.

Lance Warnick, the project engineer, offered testimony on the technical components of the preliminary plat. The City of Middleton is not requiring an easement of the public-right-of-way; they will use the proposed public road to put in sewer and water in the future. Pressurized irrigation will be supplied to all lots.

John Cotner responded to a question from Commissioner Van Beek who asked if he knows whether American Homes for Rent is purchasing land in the area. Mr. Cotner said he has not heard anything about it.

Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to approve the rezone request for Case No. RZ2021-0034, including the FCO's, and the subdivision for Case No. SD2021-0021. The hearing concluded at 2:13 p.m. Just as the hearing ended, it was brought to the Board's attention that an exhibit needed to be included into the record. At 2:28 p.m., the Board went back on the record and Commissioner Smith said the exhibit is based on the testimony from Lance

Warnick regarding the City of Middleton’s confirmation that future sewer and water lines can be installed in the street right-of-way versus an easement. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to reopen the public record to accept the email from Lance Warnick dated February 24, 2022 into the record. (Exhibit #32.) Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Smith said based on testimony, Condition No. 4 needs to be reworded. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to reopen public testimony to get clarification on the sewer expansion. Lance Warnick said by definition a legal right-of-way gives a public entity, like a city or a utility company, the ability to install lines that benefit the public. The email communication with the City of Middleton talks about what they need to have as a corridor to provide sewer and water to and through the property, and it identifies that the proposed right-of-way would provide sufficient width for that. They do not need to have an additional easement located outside the public right-of-way. The road is planned. Kemp Road will use 24 or 26-wide pavement with barrow ditches on each side and they anticipate when the city gets there with services it could be installed outside the pavement corridor. A concern the city engineer had is making sure the pressure irrigation is located far enough away to maintain a 10-foot separation. According to Mr. Warnick, the pressurized irrigation will not be located within that 10-foot segment and that alleviated the engineer’s concern. Commissioner Smith recommends the removal of Condition No. 4 based on testimony. Upon the motion of Commissioner Van Beek and the second by Commissioner White, the Board voted unanimously to close public testimony. Commissioner Van Beek made a motion to remove Condition No. 4 regarding the utility easement to eliminate the confusion as per the testimony by Lance Warnick. The motion was seconded by Commissioner White and carried unanimously. The hearing concluded at 2:36 p.m. An audio recording is on file in the Commissioners’ Office.

CANVASS MARCH 8, 2022 ELECTION - CANYON COUNTY ELECTIONS OFFICE

The Board canvassed election results for the March 8, 2022 Consolidated Election. The official documents were presented by Elections staff and were signed in the Elections Office.

DETAILED MINUTES TO COME AT A LATER TIME

Action Items:

Action Item: Consider establishing City of Star area of city impact boundary map

Action Item: Consider adopting City of Star area of city impact ordinance

DETAILED MINUTES TO COME AT A LATER TIME

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

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 16, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Richard Cabana, Deputy Judicial Marshal; Michael Bruce Mauldin, Deputy Judicial Marshal; Delbert Charles Lamb, Deputy Judicial Marshal

DETAILED MINUTES TO COME AT A LATER TIME

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

PUBLIC HEARING TO CONSIDER A REQUEST BY MARTIN MAESTREJUAN FOR A COMPREHENSIVE PLAN MAP AMENDMENT, CONDITIONAL REZONE, DEVELOPMENT AGREEMENT AND PRELIMINARY PLAT FOR FLYING ARROW LANDING SUBDIVISION, CASE NOS. OR2021-0027, CR2021-0010 and SD2021-0049

The Board met today at 2:33 p.m. for a public hearing to consider a request by Martin Maestrejuan for a comprehensive plan map amendment, conditional rezone, development agreement and preliminary plat for Flying Arrow Landing subdivision, case nos. OR2021-0027, CR2021-0010 and SD2021-0049. Commissioner Smith explained this is a continued hearing from February 22nd where the Board elected to obtain additional information regarding the Homedale impact area, city services, EMS, water availability, capacity for Homedale School District, collector identification on the functional transportation map, the nitrate priority area and to understand at a greater level the nutrient pathogen study that was provided by Atlas.

Katie Phillips spoke about the nitrate priority area, SWDH and DEQ had updated their maps and DSD did not have that information so Mr. Maestrejuan had to complete the nitrate priority study. Based on the map, a portion of the development lies within that area. The City of Homedale provided comment about service availability to the location, there could be a connection provided that improvements are installed to city standards. In regard to the parcels to the south, those

parcels were created thru administrative land divisions. The fire district and emergency response time indicated that the fire district response is anywhere from about 3-9 minutes and the sheriff's call for service to the Batt Corner area is approximately 30 minutes dependent upon the type of call and the call volume. The highway district provided comment regarding the difference between the major and minor collectors, indicating that a traffic impact study was not warranted, they don't believe the development will adversely impact Batt Corner and Boehner Rd. Homedale School District provided comment stating that without demographics of potential families going in, it is unknown what the impact would be though potential future costs would include an additional bus route, bus and driver. Additional information was provided by the applicant and are noted as exhibits 19, 20 and 21.

Martin Maestrejuan gave testimony in favor of his application. He addressed a comment made by Commissioner Smith at the last hearing that she had driven Batt Corner Rd. and witnessed many pieces of farm ground on that road, he doesn't disagree. Batt Corner Rd. is an 8.5-mile road that stretches from Hwy 95 north to the outskirts of Parma. His proposed subdivision is in the first mile from Hwy 95 heading north. He took 6 street view photos of the surrounding area and what the place looked like. Exhibit 22 was referenced which indicates 4 of the 7 lots south of his property fall into the rural residential tax code. With that being said, everything from Hwy 95 driving north to his property there is no leapfrogging of residential properties, everything is connected. Reference was made to a letter written by a Canyon County resident who would potentially like to build in the area. Mr. Maestrejuan stated that just because there is a lot of development going on in the valley he doesn't think everyone needs to be steered to houses within city limits, he thinks there should be options for people who want to live a rural lifestyle. In speaking with the Homedale School District, they told him they may have capacity depending on the grades and how many kids are in the subdivision. There is a bus route that heads south on Batt Corner Rd. and stops at the property south of him.

Commissioner Smith asked about the city's response regarding water connection. Mr. Maestrejuan referenced another exhibit from the Idaho Department of Water Resources which noted that the proposal of 11 well permits is not outside of the law if they choose to do that. However, if they hook up to city water there would have to be a fire hydrant at the very end of the water line which would be better for the fire department and he's not opposed to doing that. Discussion ensued regarding the cost of drilling wells vs. piping in for city services, currently it is less expensive to drill a well. Commissioner Smith asked about well and fire suppression systems in each of the homes. Mr. Maestrejuan said that Wilder Fire Department only requires that fire suppression be installed in homes over 3500 sq. ft. In response to a question from Commissioner White regarding suppression pressure, Mr. Maestrejuan said that is something he would have to discuss with their engineer and there would have to be a water model run with the city. Mr. Maestrejuan addressed a question from Commissioner Van Beek about water rights on the property saying that the property comes with 22.17-acre feet of water which will need to be directed back towards each lot. Each property would get a part of those water rights that are on the farm and IDWR encourages flood irrigation in an effort to replenish the aquifer. Additionally, the City of Homedale only has 3 services on the Canyon County side of the river, 2 churches and 1 business, the rest is all on the other side of the river within their city limits. Currently, they have

970 services on their well. With Mr. Maestrejuan's property being on the Canyon County side it is encouraged for people to have their own wells because they don't want to use city water to water yards. Each property would have to apply for their own permit to drill a well. Commissioner Van Beek asked about the photos showing the condition of the road which doesn't look to be well maintained. Mr. Maestrejuan said he doesn't know what Golden Gate Highway District's plan is for road repairs. He said the comment from their engineer is that there would be no adverse effects as far as the number of lots. Commissioner Van Beek said that transportation infrastructure is a condition of finding that they look at and evaluate. Mr. Maestrejuan said that he is trying to get this to final plat as soon as possible and addressed Commissioner Van Beek's comment regarding the desirability, space, community and the entrance for the subdivision, specifically the esthetics of the entry. He said they are going to make it look nice; it is curb and gutter as per the City of Homedale requirements but at this point street lighting will be deferred. Commissioner Smith told Mr. Maestrejuan that the Board has been requiring subdivisions to show a landscaped entry plan which includes a monument sign at the entry as she believes it helps with value in the area. Mr. Maestrejuan said he is not opposed to landscaping esthetics. In response to a question from Commissioner Smith about the use of a private road vs. public road for the entry, Mr. Maestrejuan said that he feels that it wasn't necessary for it to be a public entrance, it's designated more for the residents of the neighborhood. Commissioner Smith asked about exhibit 10C, which is a letter from the Mervyns' regarding necessary repairs needed on their sprinkler lines so that their irrigation is restored and working. Mr. Maestrejuan explained that Mr. Mervyns moved to the property in 1998 and all of the infrastructure had already been put in. The property was leased and farmed by McIntyre Farms for many years who installed their own infrastructure. They used wheel lines and the risers that were already on Mr. Mervyns property because it was all one farm at one time. Mr. Maestrejuan said that the pressurized irrigation will probably be abandoned once the subdivision is approved. Per Mr. Maestrejuan, Mr. Mervyns has his own water which is gravity fed to his property. Commissioner Smith noted that Mr. Mervyns has stated that is not true. Mr. Mervyns letter states that *there is one irrigation head gate in the front yard of his house with one line that continues along Boehner Rd. The second line, the back portion of the property, was severed and capped by Mr. Maestrejuan when he installed his pivot and sprinklers without permission or any prior discussion.* Mr. Mervyns letter continues, stating that *Mr. Maestrejuan's head gate and pump which run underground thru the edge of his property is the only irrigation to his farm ground at this time. Their second line needs to be repaired and risers replaced so that that irrigation is restored.* Mr. Maestrejuan said he is happy to help Mr. Mervyns with his new infrastructure to be installed but that he has no pump system. Discussion ensued, referencing the maps, about where the property lines are located and the portion of Mr. Mervyns field that is watered by Mr. Maestrejuan's sprinklers. Mr. Maestrejuan doesn't feel like it is the responsibility of the subdivision to pay for Mr. Mervyns water or farm operation. The property was split in 1993 and per TJ Wellard with Skinner Land Survey the water rights and easements for that property were already established on record of survey. Mr. Maestrejuan reiterated that he would be happy to help Mr. Mervyns with labor to install a water line but he doesn't feel it's his responsibility to pay for materials or the permitting. At the request of Commissioner Van Beek, Mr. Maestrejuan pointed out his property in relation to Mr. Mervyns property along with the pump station on Boehner Rd. and the gravity fed water line on the maps. According to Mr. Maestrejuan, Mr. Mervyns was there the day he installed more risers along the fence line.

Commissioner Van Beek asked about the area south of this property on the eastern boarder as far as the building being subdivisions or just property owners who've built homes. Mr. Lister said that those lots were created thru the processes allowed in the ag zone at the time so they are either original lots or they are land divisions approved in the ag zone per the code. The City of Homedale shows the area closer to Boehner Rd. and Batt Corner Rd. as agricultural, as it moves further south it changes to their residential designation. The City of Homedale has a council meeting once a month and Mr. Maestresjuan has asked to speak at the meeting that will be held tonight. His understanding is that this is not a requirement for the city, it is more of a request. The city is more focused on their city limits on the other side of the river. They pump water from the Canyon County side of the river because of water quality.

Commissioner Van Beek asked Mr. Maestresjuan about his rebuttal to the standards the Board is asked to meet.

- *Is the requested type of growth generally in conformance with the comprehensive plan?* Mr. Maestresjuan said that as far as he knows the city of area impact line is not going to change on paper with the City of Homedale. It didn't in the last comprehensive plan when it was adopted in 2011 he doesn't think it will change on the new one. He doesn't know if his property is going to be in transition. The request of the city council is for Mr. Maestresjuan to show them that they may be interested in tying into the city water and believes the city is leaving that decision to the Board.
- *On the proposed conditional rezone, is it compatible with the surrounding land uses?* Commissioner Van Beek explained that Mr. Maestresjuan would have to make an argument for a subdivision being located in ag ground being more compatible than the ag designation as it is. Mr. Maestresjuan said that the residential boundary for the City of Homedale is at Ustick Road and if you drive the first mile from Hwy 95 north there is no leap-frogging as far as having roofs. He does not believe he is changing the outlook of the area. He does sit next to agricultural land but he is inside the line drawn on paper.
- *Impact for essential public services.* Commissioner Van Beek said there is documentation from Golden Gate Highway District that says they don't need a traffic impact study and don't anticipate a significant load on the roadway, the school district didn't really have a definitive answer, response times were received from the fire and ambulance districts and the fire suppression issue has been addressed.

Mr. Mastresjuan said he doesn't feel that the area is unsafe to the general public as it is. The Canyon County Sheriff's Office has a very large area they are covering. This is a chance to condense the amount of people that can come to the area, he does not want to try to put 24 homes on the property, he wants to keep it a low density. He thinks that as things change in the next 10 years development is inevitable.

Kurt Smith provided testimony in favor of the application stating that the 4 lots directly below the subject property are taxed as rural residential. As stated, there are residential lots all the way down

to Hwy 95, the other 3 lots are taxed as improvements for residential. As far as the NP study, they now have official approval from the DEQ. In regard to the septic system they have been approved without any pre-treatment in the system because of the aquifer that is below the property. The water quality is good, generally in an area like this all of the well logs will be similar to Mr. Maestrejuan's as far as depth and flow rate. In regard to water rights, his understanding from the state is that there are no ground water rights. The only ground water rights are for Mr. Maestrejuan's house in which he has the right to water up to ½ an acre and water stock 14,000 gallons daily. He indicated that they do not have anything to do with the state of repair for the roadway, it is the responsibility of the highway district to fix it. Commissioner Smith questioned this statement because it's serving the level of service at the existing level, but with adding to the level of service she asked if he feels that is still a fair statement. Mr. Smith feels it is still a fair statement because they will collect the fees for the additional people to which Commissioner Smith pointed out there is evidence that property tax fees do not come close to being able to cover the level of service and with agencies only being able to increase their budget by 3%. Mr. Smith said they would have no issues in proving a landscape plan for the entrance and are fine with that being a condition of approval. Commissioner Smith clarified that the Idaho Land Use Planning Act doesn't have anything to do with the tax code system, they don't correlate. Mr. Smith said that in his review of the new comprehensive plan, this property is in an ag transition area. Mr. Lister explained that one of the directions they were asked to look at during a recent workshop was pulling back some of the ag transition if it doesn't match the area of city impact.

In response to a question from Commissioner Smith, Mr. Lister provided a brief overview of the conditions of approval that have been prepared. Mr. Smith said they do not have any issues with any of the conditions. Commissioner Smith said that part of why she proposes conditional rezones to people is because that is the tool to propose conditions to mitigate any concerns.

Kyle Beaver provided testimony in opposition stating that they farm directly to the east of the proposed plan and his biggest concern is being able to continue farming the ground. In the last year he's had his pivot sprinkler hit the road a few times and has had law enforcement called on him 5 times for it. There is another subdivision in the area, Noah's Landing, and the adjacent farmer to that property who ran 10 head of cattle is now in litigation with residents of that subdivision for the cattle being too loud at night. He and his wife are asking for this to be denied, simply for the fact of being able to farm in the area. He also has concerns about ground water and the possibility of wells going dry. In response to a question from Commissioner Van Beek regarding farm wells in the area, Mr. Beaver pointed out the well he is aware of on the zoning map. Commissioner White requested further clarification as to how the proposed 12 homes would stop his farming operation. Mr. Beaver clarified that his biggest concern is having law enforcement called on him because the new residents don't understand how farming operations work such as spraying chemicals on his fields or working thru the night to bale alfalfa hay. Commissioner White believes that anyone moving to the area is going to know that this is rural and noted the 'right to farm statement'. Mr. beaver reiterated that he had law enforcement called on him 5 times last summer.

Commissioner Van Beek asked about any designated setbacks. Mr. Lister explained they would have to meet the zoning requirements for the setbacks but there are no agricultural buffers being presented. Discussion ensued regarding possible setback options.

Janice Cone testified that one of her biggest concerns is with wells in the area. Her parents bought the property in 1978 and sometime before 1993 had to drill the well deeper. The parcel to the west of her parent's property has had his well go dry twice this winter. Additionally, she has concerns about irrigation water runoff due to the property being on a slope. She indicated that when law enforcement is called it takes a fair amount of time to make their way out. She spoke about teenagers in the area with their loud trucks and reckless behavior.

Sarah Beaver offered testimony in opposition stating that she feels like they are continuing to get encroached upon by urban people wanting to live in the country but maintain their urban ways. She also has concerns about the root lateral underneath Mr. Maestresjuan's property that they also have and have been told by the irrigation district that they are not allowed to build any structures or roads over. If they touch it or cut it they have to replace the entire thing. According to Ms. Beaver, per Wilder Irrigation District rules, if irrigation is cut it has to be replaced, there has to be an opportunity for irrigation. Wilder Irrigation made it very clear to them when they installed their pivot line that if they cut any irrigation line that provided water to a neighbor it had to be replaced. She also spoke about the struggles of farming and how it is not always easy but not necessarily a reason to subdivide property and encourage more development.

Mr. Maestresjuan provided rebuttal testimony stating that he has proposed CC&Rs that do protect the 'right to farm statement' for his neighbors and the surrounding areas that he would like to incorporate as conditions. Everyone in the subdivision will have a right to farm statement and the disclosure to know that neighboring farms shall not be encroached upon. He feels that people who choose to live in the proposed subdivision will also be choosing to live with the neighbors and the surrounding area. He is also implementing weed control which will be part of the HOA. In regard to the root lateral, he has easement agreements in place at the Bureau of Reclamation and Wilder Irrigation. Neither of those agencies have any opposition to what he's doing nor do they have any opposition to a waterline from the City of Homedale. Mr. Maestresjuan addressed the issue of water from pivot sprinklers hitting the roadway stating that he has also received phone calls but has never been visited by law enforcement; he explained that there are ways to adjust them to minimize water hitting the roadway.

In response to a question from Commissioner White about his plans for the property, Mr. Maestresjuan said he would like to get the property to final plat as soon as possible but he will not be the builder of individual homes nor the general contractor for each lot.

Commissioner Van Beek made a motion to close public testimony. The motion was seconded by Commissioner White and carried unanimously.

Late exhibits 22 and 23 where entered into the record.

Commissioner Van Beek said that her position in equity and fairness is always to try to base decisions on the same criteria and take that information into consideration. In staff's evaluation of this project and the original staff report provided on February 22nd, she doesn't know how to make findings that overcome what staff has already put into place including conformance with the comprehensive plan, the surrounding land use, compatibility, the extensive discussion with farmers and lobbying for individual property rights, the preliminary plat seems to fall short of some of the requirements that the Board has been laying out for other developers. She spoke about her concerns about the economic climate in the state of Idaho and subpar development. She feels part of the due diligence of the Commissioners is to look at the future of development in the county. At this point, this does not pass muster for her to approve. She doesn't have enough information to overcome the staff report and the findings by planning and zoning. Discussion ensued regarding possibly continuing in order to see if there is additional information that comes from the City of Homedale city council tonight.

Mr. Lister reviewed the decisions that are before the Board today including a comprehensive plan amendment, a conditional rezone and preliminary plat. Staff is recommending denial of all three so if this were to be approved today it would need to be re-noticed.

Commissioner Van Beek expressed her concerns about potential code enforcement issues as well as potential access issues in regard to the private road if this were to divide further in the future.

In regard to Mr. Beaver's comments, Commissioner White said she wasn't sure how this development would affect his farming operation. Commissioner Smith explained that the quality of life of an area has to be considered. In reference to Ms. Cone's statements about teenagers causing trouble, Commissioner Smith said kids are going to move from one area to another and they're going to play but she does have concerns about adding to the trouble. She also spoke about some of the issues that can arise when residential and agricultural are adjacent such as spraying, driving on canal roads, cattle getting loose, dogs on the run, animals defecating in seed crops, aerial spraying possibilities that get stopped, the potential issues are endless. However, there is a good history of farming next to rural residential properties that can happen as well. Commissioner Smith said there is a transition, the lots that were developed north of Ustick that are being referenced as compatible to the surrounding area were all created by administrative land division so those were not put into place to change a character of the area, they were put in place to allow families to expand and exert property rights.

Mr. Lister said that Noah's Landing touches a rural residential zone and the reason that was acceptable by the Board at that time was because it's below Ustick where future residential is designated, secondly it's touching a residential zone that's been there since the 1980's. Existing subdivisions south of Batt Corner Rd. are from 1960 and 1977, at that time the rural residential zone was a one-acre lot size. As time has gone on rural residential has changed to a two acre minimum lot size which protects the existing area but also helps maintain the rural character as it moves out. When you look at the future land use map for Homedale they purposely show that as agriculture because they've created their own buffer around their city of impact to continue having an ag buffer between their growth and what is happening east and north of this property.

This property is still in an impact area but it's an impact area where even Homedale is showing protection of ag. Mr. Lister spoke about the subdivisions to the north, one of which agreed to maintain 15 acres in agriculture land for one additional building permit and the other, they asked for two additional building permits but committed to keeping 20 acres in ag land. Those subdivisions have an ag preservation component which will be kept in perpetuity until it is rezoned or the development agreement is amended. In response to a question from Commissioner Van Beek, Mr. Lister confirmed this property is inside the City of Homedale's impact area, Boehner Rd. is the line.

Commissioner White spoke about how she doesn't feel that she can approve something that takes away someone's livelihood and ability to survive in reference to the loss of Mr. Mervyns access to irrigation water.

Commissioner Van Beek said she cannot make a decision unless she changes the findings and she doesn't have information to change the findings. There are things that the applicant can do to provide assurances to this Board such as gathering additional information and providing a site plan that shows an entrance monument. She explained that Canyon County's comprehensive plan is in transition and no one is quite sure where that is going to land. Commissioner Van Beek made a motion to deny this application in case nos. OR2021-0027, CR2021-0010 and SD2021-0049 stating some of the reasons are related to the quality, the ability to service that was brought out in testimony, the additional cost load in what she believes is good faith and with every intent but there are people that roll significant cash that cannot cash flow those. She can't make a finding that she doesn't have.

Commissioner White spoke about how this property is right on the border and if Homedale were to bring it in to the city limits it could become higher density residential. Commissioner Smith spoke about how the average lot size in this area is 16 acres and how the comprehensive plan and the City of Homedale have this area designated as agricultural.

Mr. Lister said they are working on updating the comprehensive plan and as stated by the applicant this area was recently shown as an ag transition area, however, they are also working to come up with different lot sizes so this may be an area that changes to 5-acre lots. There are a lot of opportunities coming that would provide more buffers and different types of ag uses within an ag zone. Those are opportunities that could occur after the comprehensive plan is updated. Mr. Lister suggested considering the comprehensive plan amendment first to see if that can pass or not. Then consider the conditional rezone separately as it can go forward without the comprehensive plan amendment as long as it's conditioned to meet the findings. He explained that the comprehensive plan is more about determining if there is enough there to show a growth that has been envisioned as part of the comprehensive plan; staff can't find that. One option may be to take it piece by piece and make a decision on the comprehensive plan amendment and then move forward to the conditional rezone. The hearing could be continued in order to give the applicant more time to provide better conditions.

Commissioner Smith said she has a hard time even looking at how you can do a conditional rezone approval without being consistent with the comprehensive plan. She thinks that this application may just be too soon; it is an agricultural area on every map. The only thing that it has going for it is that it's in the impact area.

Commissioner White said the timing is bad indicating the area isn't ready for this and seconded Commissioner Van Beek's motion for denial. A vote was taken on the motion with the Board voting unanimously to deny the application in case nos. OR2021-0027, CR2021-0010 and SD2021-0049.

The hearing concluded at 4:26 p.m. An audio recording is on file in the Commissioners' Office.

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 17, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Brenda Stone, Interpretive Specialist; Kelsey Rush, Deputy Sheriff – Patrol

DETAILED MINUTES TO COME AT A LATER TIME

Medical Indigency Decisions

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

DETAILED MINUTES TO COME AT A LATER TIME

Action Item: Consider signing Treasurer's tax charge adjustments by PIN for February 2022

DETAILED MINUTES TO COME AT A LATER TIME

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

Action Item: Consider signing declaration and notice of sole source procurement for Pod 5 roof replacement

Action Item: Consider signing resolution waiving certain Landfill fees for Canyon County residents for one day only on Saturday, April 23, 2022

Action Item: Consider signing FY2022 Pickles Butte Sanitary Landfill dust control system project solicitation of bids

DETAILED MINUTES TO COME AT A LATER TIME

Action Items:

Action Item: Consider signing resolutions for Greg Payne who is requesting a refund for a withdrawn rezone application

Action Item: Consider new alcoholic beverage license for Summit Auctions LLC dba Summit Auctions

DETAILED MINUTES TO COME AT A LATER TIME

Meeting with Eide Bailly to review FY2021 audit report

DETAILED MINUTES TO COME AT A LATER TIME

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

Consider preliminary negotiations involving trade or commerce in which the county is in competition with governing bodies in other states or nations

DETAILED MINUTES TO COME AT A LATER TIME

Monthly Code Enforcement meeting to discuss general issues, set policy and give direction

DETAILED MINUTES TO COME AT A LATER TIME

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

CALDWELL, IDAHO MARCH 18, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Rebecca Ramsey, Weed & Gopher Control Technician; Jeff Foreman, Maintenance Supervisor; Guy Bollinger, Maintenance Specialist; and Carl Dille, Maintenance Superintendent

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- ACCO in the amount of \$8,900.00 for Facilities Department
- Sherwin Williams in the amount of \$4,832.00 for Facilities Department

MARCH 2022 TERM
CALDWELL, IDAHO MARCH 21, 2022

PRESENT: Commissioner Keri K. Smith, Chair – **OUT (worked remotely in the afternoon)**
Commissioner Leslie Van Beek, Vice Chairman - **OUT**
Commissioner Pam White - **OUT**
Deputy Clerks Monica Reeves/Jenen Ross

MARCH 21, 2022 AGENDA ITEMS WERE CANCELLED OR RESCHEDULED

The following agenda items were cancelled or rescheduled due to a lack of quorum:

- 11:00 am Bi-weekly meeting with HR Staff to discuss general issues, set policy and give direction - **Rescheduled to 3.22.22 at 2:30 p.m.**
- 11:30 am Weekly meeting with Public Information Officer to discuss general issues, set policy and give direction
- 1:30 pm Weekly meeting with the Director of Development Services to discuss general issues, set policy and give direction

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 22, 2022

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

APPROVED CLAIMS ORDER NO. 2213

- The Board of Commissioners approved payment of County claims in the amount of \$1,807,709.45 for a County payroll

MARCH 21, 2022 AGENDA ITEMS WERE CANCELLED OR RESCHEDULED

The following agenda items were cancelled or rescheduled due to a lack of quorum:

- 1:30 pm Monthly meeting with Public Defender to discuss general issues, set policy and give direction
- 2:00 Pm Monthly meeting with the County Agent to discuss general issues, set policy and give direction
- 2:30 pm Bi-Weekly meeting with the HR Staff to discuss general issues, set policy and give direction

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 23, 2022

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

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- City of Caldwell in the amount of \$1,569.00 for Facilities Department
- Franz Witte in the amount of \$45,869.02 for Facilities Department
- Atlas in the amount of \$3,320.00 for Facilities Department
- Architectural Glass & Glazing in the amount of \$4,416.00 for Development Services
- Elevate Technology in the amount of \$1,560.00 for Information Technology
- Right! Systems Inc. in the amount of \$2,000.00 for Information Technology
- Right! Systems Inc. in the amount of \$2,645.74 for Information Technology

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Cale Jacobus Welling, Deputy Sheriff – Inmate Control; and Charles Bryce Chaloupsky, Deputy Sheriff – Inmate Control

APPROVED CATERING PERMITS

- The Board approved an Idaho Liquor Catering Permit for Raising Our Bar LLC dba Raising Our Bar to be used 4/2/22; 4/9/22; 4/10/22; 4/15/22; 4/22/22; 4/23/22; and 4/28/22; and Moad LLC dba O’Michael’s Pub & Grill to be used 4/29/22; and 4/30/22

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 24, 2022

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

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Brenda Sanchez, Sr. Administrative Specialist – Community Service; and Syndi Whitmire, Auditing Specialist

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Hess Construction in the amount of \$8,849.00 for Facilities Department

- Amazon and or Best Buy (whichever is cheapest) in the amount of \$6,436.91 (+tax) for Prosecuting Attorney's Office
- Uniforms 2 Gear in the amount of \$4,717.44 for Prosecuting Attorney's Office
- Amazon and or Best Buy (whichever is cheapest) in the amount of \$7,822.14 for Prosecuting Attorney's Office

MEETING TO CONSIDER MATTERS RELATED TO MEDICAL INDIGENCY

The Board met today at 9:02 a.m. to consider matters related to medical indigency. Present were: Commissioner Pam White, Commissioner Keri Smith via teleconference, Director of Indigent Services Yvonne Baker and Deputy Clerk Jenen Ross.

Case nos. 2022-364, 2022-385 and 2022-471 do not meet the eligibility criteria for county assistance and upon the motion of Commissioner Smith and second by Commissioner White the Board voted unanimously to issue initial denials.

Neither the hospital nor the applicant appeared for case no. 2022-168 and upon the motion of Commissioner Smith and second by Commissioner White the Board voted unanimously to issue a final denial.

Commissioner White made a motion to continue case no. 2022-176 to May 26, 2022. The motion was seconded by Commissioner Smith and carried unanimously.

Commissioner Smith made a motion to issue a final denial on case no. 2021-891. The motion was seconded by Commissioner White and carried unanimously.

Liens were presented for Board signatures.

Director Baker spoke about a subordination agreement for case no. 2007-522. This subordination was previous approved by the Board but since that time the loan amount has changed from \$202,000 to \$230,000 and the underwriter is requesting a new subordination agreement. Ms. Baker noted that the county does not have much standing in this matter as the applicant filed for Chapter 7 bankruptcy therefore the county is not permitted to contact them for payment. Commissioner White made a motion recognizing the increased amount. The motion was seconded by Commissioner Smith and carried unanimously.

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

MARCH 2022 TERM
CALDWELL, IDAHO MARCH 25, 2022

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

APPROVED CLAIMS

- The Board has approved claims 583050 to 583074 in the amount of \$25,218.91
- The Board has approved claims 583139 to 583156 in the amount of \$14,340.00
- The Board has approved claims 583117 to 583138 in the amount of \$36,159.12
- The Board has approved claims 583075 to 583116 in the amount of \$43,287.36
- The Board has approved claims 582932 to 582971 in the amount of \$35,046.25
- The Board has approved claims 583008 to 583049 in the amount of \$53,848.02
- The Board has approved claims 582894 to 582931 in the amount of \$72,109.55
- The Board has approved claims 582972 in the amount of \$289.25
- The Board has approved claim 1247044.66 in the amount of \$1,247,044.61
- The Board has approved claims 582973 to 583007 in amount of \$95,001.45
- The Board has approved claims 583196 to 583231 in the amount of \$78,715.49
- The Board has approved claims 583157 to 583195 in the amount of \$42,493.88

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Pipeco in the amount of \$33,354.58 for Facilities Department
- BOE in the amount of \$7,693.00 for Information Technology
- JAMF in the amount of \$7,560.00 for Information Technology

MARCH 2022 TERM
CALDWELL, IDAHO MARCH 28, 2022

PRESENT: Commissioner Keri K. Smith, Chair
Commissioner Leslie Van Beek, Vice Chairman
Commissioner Pam White
Deputy Clerk Jenen Ross

APPROVED CLAIMS

- The Board has approved claims 583319 in the amount of \$30,000.00
- The Board has approved claims 583269 to 583294 in the amount of \$13,558.77
- The Board has approved claims 583295 to 583318 in the amount of \$487,638.75
- The Board has approved claims 583234 in the amount of \$294.50
- The Board has approved claims 583233 in the amount of \$1,569.00

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Pig in the amount of \$4,344.00 for Solid Waste Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Valerie Cruz, Court Clerk I; Julieann Holm, Court Clerk I; and Hannah Heaton, Juvenile Probation Officer

DETAILED MINUTES TO COME AT A LATER TIME

Action Item: Consider new alcoholic beverage license for Darice Feigel dba The Undiscovered Barrel

DETAILED MINUTES TO COME AT A LATER TIME

Discussion regarding the FY2022 compensation plan

DETAILED MINUTES TO COME AT A LATER TIME

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

Action Item: Consider signing FCO's for Martin Maestrejuan/Flying Arrow Landing Subdivision: Case No. OR2021-0027/CR2021-0010/SD2021-0049

Action Item: Consider signing approval documents regarding Russ and Vicki Elsberry's request for a comprehensive plan map amendment and conditional rezone, Case Nos. OR2020-0009 & CR2020-0013

*Findings of Fact, Conclusions of Law, & Order

*Development Agreement

- *Ordinance
- *Resolution

DETAILED MINUTES TO COME AT A LATER TIME

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

DETAILED MINUTES TO COME AT A LATER TIME

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

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 29, 2022

PRESENT: Commissioner Keri K. Smith, Chair
 Commissioner Leslie Van Beek, Vice Chairman
 Commissioner Pam White
 Deputy Clerk Jenen Ross

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Martha Williams, Customer Service Specialist (Pre-Trial); and Michelle Lynette Pratt, Cust. Serv. Spec. Records

DETAILED MINUTES TO COME AT A LATER TIME

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

Action Item: Consider signing Ordinance Amending Ordinance No. 18-016 amending Chapter 2, Article 1, Section 9 civil enforcement procedure of Canyon County Code of Ordinances; and severability clauses; and effective dates

Action Item: Consider signing Summary of Ordinance No. 22-005 amending Ordinance No. 18-016 Chapter 2, Article 1, Section 9 civil enforcement procedure, of Canyon County Code of Ordinances

Action Item: Consider signing Amendment No. 2 to Canyon County agreement with Cole Architects Agreement No. 19-127

Action Item: Consider signing resolution classifying certain records of the Canyon County Prosecuting Attorney's Office and authorizing the destruction of certain juvenile case files/records

Action Item: Consider signing resolution classifying certain records of the Canyon County Prosecuting Attorney's Office and authorizing the destruction of certain criminal case files/records

DETAILED MINUTES TO COME AT A LATER TIME

Public hearing to consider a request by Ryan & Tanya Robinson for a conditional rezone: Case no. RZ2021-0042

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

Findings of Fact, Conclusions of Law & Order

Ordinance

Development Agreement

DETAILED MINUTES TO COME AT A LATER TIME

Action Item: Consider signing a final plat for Britannia Heights Subdivision No. 7: Case No. SD2021-0020

DETAILED MINUTES TO COME AT A LATER TIME

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

Consider preliminary negotiations involving trade or commerce in which the county is in competition with governing bodies in other states or nations

MARCH 2022 TERM

CALDWELL, IDAHO MARCH 30, 2022

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 583320 to 583359 in the amount of \$36,437.89
- The Board has approved claims 583235 to 583268 in the amount of \$40,746.17

APPROVED EMPLOYEE STATUS CHANGE FORM

- The Board approved an employee status change form for Doug Robertson, Criminal Chief Deputy; Enrique Gutierrez, Criminal Deputy II; Janice Beller, Criminal Deputy II; Ellie Somoza, Criminal Deputy IV; Bryan Knox, Criminal Deputy IV; Andrew Haws, Criminal Deputy II; Zach Wesley, Criminal Deputy IV

APPROVED PURCHASE ORDERS

The Board approved the following purchase orders:

- Western States in the amount of \$36547.57 for Solid Waste Department
- Right! Systems Inc. in the amount of \$30568.80 for Information Department
- Dell in the amount of \$1247.50 for Information Department
- Sunshine Window Cleaning in the amount of \$3245.00 for Facilities Department
- Global Industrial in the amount of \$4408.89 for Facilities Department

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

The Board met today at 9:05 a.m. with the Solid Waste Director to discuss general issues, set policy, give direction and to consider and action item. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Director of Solid Waste David Loper, Controller Zach Wagoner (left at 9:10 a.m.), Deputy P.A. Doug Robertson (left at 9:10 a.m.) and Deputy Clerk Jenen Ross. The action item was considered as follows:

Consider signing a resolution authorizing an increase in the Solid Waste Department's petty cash account: Director Loper said both scale houses are being used Monday thru Saturday at this point with the volume of the traffic they are seeing. Previously the upper scale house was used mostly for account customers but it is now being used to help with the volume. The request is to increase the petty cash from \$1500 to \$2000 in order to complete transactions and keep traffic moving. Controller Wagoner is supportive of this change noting that cash handling practices are in place and the Landfill is audited by Eide Bailly each year. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the resolution authorizing an increase in the Solid Waste Department's petty cash account (see resolution no. 22-039).

The following updates were provided to the Board:

- Waste amounts were up 15.83% for February.
- A letter from DEQ regarding the landfill expansion project was recently emailed to the Board which is all part of the process.

- Director Loper would like to move forward with the beautification project in order to enhance the esthetics of the entryway and provide better ingress for big trucks at the landfill. He feels the most efficient way to work thru this project is with the help of an architect which is a cost of approximately \$8000. The Board is supportive of a proposal/contract being prepared and presented for consideration. Director Loper also noted that the entry signage will most likely be a quarry rock and landscaping, not any kind of digital or electronic sign as he doesn't feel that's necessary.
- The bidders conference for the Stuart well water right/dust control project is tomorrow but so far, he's only received one call regarding the project.
- Director Loper anticipates requesting a loader and excavator in the FY23 budget. The buy-back option will need to be exercised for the current loader. Caterpillar has indicated that they are about 8-months out if a build slot is secured today. The purchase will be made as a sole source under the government contract and the Board is supportive of moving forward to get the process started.
- A SWAC committee and bylaws are being worked on.
- Director Loper will be meeting next week with DEQ regarding the landfill gas design. The goal is to have the system designed to last 10-15 years and he hopes to have the actual design process completed this fiscal year.

The meeting concluded at 9:29 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY SIERRA VISTA PROPERTIES, INC. FOR A CONDITIONAL REZONE WITH DEVELOPMENT AGREEMENT AND PRELIMINARY PLAT, CASE NOS. RZ2021-0046 & SD2021-0038

The Board met today at 9:37 a.m. for a public hearing to consider a request by Sierra Vista Properties, Inc. for a conditional rezone with development agreement and preliminary plat, case nos. RZ2021-0046 & SD2021-0038. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Planner Katie Phillips, Darin Taylor, John Cotner, Keith Boaham, Derritt Kerner, Ammon Andelin, Jill Jenkins, Allen Colson and Deputy Clerk Jenen Ross. Katie Phillips gave the staff report stating that the request is for a conditional rezone with a development agreement and preliminary plat for Mint Farms Estates Subdivision. The future land use designation for the subject property is residential. The property is located just outside of Middleton's area of city impact, the boundary ends at Purple Sage Rd. The subject property is zoned 'A' agriculture and the applicant is proposing to conditionally rezone it to R1, single family residential with a minimum average lot size of one acre. To the north of the site is agricultural zoning and uses. To the south is agricultural zoning, residential use which was a conditionally residentially rezoned property in 2008 within the area of city impact that has not yet been developed and is currently being farmed. To the east is agricultural zoning, residential uses and Kingsbury Meadow Subdivision platted in 2008. To the west is recently approved RR zoning as of March 2022, agricultural zoning and uses, sporadic residential and 4-acres of rural residential zoned property at the NE corner of Lansing and Purple

Sage Rd. Within one mile of the site there are 25 platted subdivisions for a total of 465 lots and a 2.43-acre average lot size. The property contains primarily moderately suited soil types as shown on exhibit 9i with some areas of least suited soil in the areas of the property that contain greater slope. The site contains prime farmland soil if irrigated and farmland of statewide importance if irrigated as shown on exhibit 9j. The areas of slope contain non-prime farmland soils. The preliminary plat consists of 53 residential lots that range in size from 1-acre to 2.35-acres, for a net average of 1.44-acres. Pressurized irrigation is proposed as well as individual septic systems and wells. Access will serve as internal public roads. Public comment was received from Cecile McMonigle, exhibit 11a, who is opposed to the rezone and plat due to the compatibility with the agricultural area, concerns in regard to traffic and how it impacts existing farming in the area. Agency response was received from Keller and Associates who have reviewed the plat submittal package for conformance with Canyon County code and recommended approved. Canyon Highway District supplied comment in exhibit 10a, several items were noted that will need to be corrected on the preliminary plat. In exhibit 10d, Canyon Highway District responded to an inquiry by staff in regards to a traffic impact study in which the district noted that they have received the TIS but no approval of the study has been issued yet. COMPASS supplied comment in exhibit 10b, they noted that the proposed development exceeds the growth forecasted in the area, the location of the site is predominantly agriculture and nearby services such as schools, parks and grocery stores can only be accessed by vehicle. The Idaho Department of Environmental Quality provided comment in exhibit 10c in regard to air quality, waste water, recycled water, drinking water, surface water, solid waste, hazardous waste and groundwater contamination. The Canyon County hearing examiner recommended denial of the conditional rezone, development agreement and preliminary plat request on January 20, 2022 as shown in exhibit 12c. Staff has found that the request does not comply with the criteria for a conditional rezone, the preliminary plat complies with the Canyon County zoning ordinance and Idaho State statute, however without the approval of the conditional rezone the plat cannot be approved. Staff is recommending denial of the request and has outlined proposed findings of facts, conclusions of law and order for the Board's consideration found in exhibits 1 and 2 of the staff report. Late exhibits 10e from the Canyon County Highway District, 11b from Darin Taylor, 12d well information provided by Mr. Taylor, 12e crash data provided by Mr. Taylor were received. Canyon County zoning ordinance 07-06-07 provides for conditional rezone criteria in which the proposal is required to meet.

Commissioner Smith noted that in exhibit 9e there are currently 25 subdivisions with an average lot size in the area of 2.43 and there are two subdivisions in platting with average lot sizes of 1.27 and even within the area it's a 6.28 median which includes some big farm ground. She asked if that was considered in any of the analysis. Ms. Phillips was unsure of the answer, letting the Board know she would have to defer to the planner on this case, Jennifer Almeida.

As a point of clarification, discussion ensued regarding the City of Star's impact area borders. The northern border is Edna Ln. and the western boundary is Kingsbury. This development would be approximately ½ mile from the Star impact area.

Darin Taylor offered testimony in favor application. He spoke about the traffic impact study in exhibit 6, the executive summary shows that there are no required improvements beyond the

prior improvements that are already planned by the highway district and ITD. In regard to the development exceeding the estimated growth as designated by COMPASS, Mr. Taylor has participated in those meetings and he feels it's a constrained guess. From Boise out, they've planned a certain number for growth, they determine a number and then divide it up by zones. His guess is that the number has been exceeded in all areas as the growth rate has been very high. In referencing his letter of intent dated March 7th, exhibit 11b, a review was given as follows –

- Keller and Associates found that the plat conforms to the county requirements.
- Area of city impact – according to the county's comprehensive plan high density development should go in areas of city impact, this is not high density so it should not go in the area of city impact.
- Future land use map – shows that the entire area surrounding the subject property was adopted in 2011 as part of the comprehensive plan showing as residential.
- Exhibit 9d shows the residential subdivisions that have been approved within the area.
- Exhibit 9e, right now there are two subdivisions in platting within the vicinity, making 27 platted subdivisions, 1194.94 acres within one mile of the subject property. The acreage number is important because COMPASS says this area is still predominately agricultural but if you compare the acreage for ag to the acreage for rural residential the acreage for ag is less.
- Exhibit 9l – Oakley Estates Subdivision, which had the preliminary plat approved in 2020, is not noted on the lot classification map.
- Exhibit 9c – zoning classification map, there are several different types of residential zoning that have been used over the years, it is not just one type of zoning classification that has been used.
- Exhibit 9k – approved subdivisions in the vicinity, the county has been approving rural residential subdivisions in the is area at an increasing rate in recent years because the demand has been there.
- Exhibit 9g – the subject property is not in a nitrate priority area.
- FEMA map – this area is not in a flood zone or at any flood risk.
- Subject property is not in a wildland urban interface, so not at risk for fire.
- No airports are near the subject property.
- Exhibit 9h – no dairies, feedlots or gravel pits within a mile.
- The nearest dairy is 3 miles west of the subject property and the nearest feedlot is about 4 miles west and 2.5 miles south of the subject property.
- The county's comprehensive plan future land use map shows this area a residential.
- The county's functional classification map 2035 shows Purple Sage as a minor arterial, although the highway district views it as a major arterial.
- Exhibit 9b – small vicinity map, the predominant use in the vicinity and in the area of the subject property is residential.

- The highway district's transportation plan map for this site and area, an updated letter from the highway district was submitted, the highway district has reviewed the plat and they have a couple more minor changes.
- Exhibit 12d which is a summary of the well log information. For 30 years wells have been producing between 30 and 125 gallons per minute in the area. There are 24 wells noted in the exhibit, all of which surround the subject property. There are no areas showing trends of low water flow.

In response to a question from Commissioner Van Beek, Mr. Taylor said he is representing a developer to whom the farm ground has been sold. Commissioner Smith spoke about the aerial photo that shows a large swath of land that is agricultural. Some of these areas were identified as residential because of the lack of water, but this one does have water and has historically been farmed.

Ammon Andelin provided testimony in favor of the application. He addressed questions in relation to the farm ground stating that his father purchased the land several years ago from a farmer who was retiring. He feels they have done their best to be diligent in their planning of the development including making contact with all appropriate parties and working with the landowners directly to the west and east of the property to coordinate stub roads for consistency with the fire and highway district standards.

Derritt Kerner with Rock Solid Civil spoke about working with Mr. Andelin in planning the subdivision. In the discussions with Mr. Andelin they decided on a mix of one and two acre lots; the larger lots are around perimeter and the smaller ones are inside. They feel there is a need for these size lots in the valley, not just the county. The idea was for the larger lots to work as a kind of buffer for the smaller lots as cities continue to expand outward. In looking at planning maps from the highway district, they have this area planned out as far as stubs and dictated where the entrance off Purple Sage would need to go. The clients were modest and wanted to do what made sense. His feeling is that if you waited much longer to do this project the area could become part of a city impact area and be much higher density. In response to a comment from Commissioner Smith, Mr. Kerner said that all the existing irrigation ditches/laterals will be piped and approved. They are working with the neighbors to make sure they get the water that they need. They will be working with the irrigation company to make necessary upgrades in regard to boxes and pipes.

Jill Jenkins offered testimony in opposition. She spoke about how her property doesn't have surface rights. She feels high density development needs to be on a municipal water system and expressed her concerns about available water in the area. She dislikes the lack of greenspace planned for the development and said that if 5-10 acre lots were being planned she wouldn't have the same concerns.

Allen Colson provided testimony in opposition stating that he doesn't feel this development brings anything positive to the community. He has concerns about increased traffic and that people moving to the area don't understand the rural lifestyle. He spoke about nearly being hit just trying

to turn into his driveway while pulling a horse trailer and that multiple times vehicles have disregarded the stopped school but with its lights flashing. He feels that ag land should be supported and maintained. This is prime agricultural land and it has always been farmed for the 20 years that he's lived there. He also has concerns about resources such as the schools, EMS, and the care and upkeep of the roadways.

Commissioner Smith noted that the maps don't reflect changes that are happening in the area and that the Board needs more information. She is concerned that what the Board is looking at and possibly what P&Z referenced don't reflect changes that have happened recently.

Mr. Taylor offered rebuttal testimony addressing the sale and purchase of the property, return on investment and road requirements from the highway district which are numerous. He believes the county has rezoned farmland to residential in this vicinity, this is not the first application requesting a different land use from farmland. In regard to irrigation, they've spoken extensively with the Bureau of Reclamation and Black Canyon Irrigation District, waterways are fragmenting farmland and the irrigation district wants a lot of improvements to this property. The applicants have spoken with the city and are open to an annexation agreement, however, have always contemplated this being a rural residential subdivision, not in a city and connected to municipal services. In regard to Mr. Colson's concerns about the school bus, this subdivision will offer a school bus stop on his side of the road as the bus will be able to travel and loop thru the neighborhood. He addressed Ms. Jenkins concern about the aquifer recharge noting that there are return flows coming to it thus the high gallons per minute discharge on the well permits. In regard to concerns about open areas Mr. Taylor explained it's internal, not on the main road. He imagines there is currently no place in the area for the people to walk and thinks they will take advantage of walking the subdivision roads instead of on Purple Sage.

Commissioner Smith thinks that an RR zone is more appropriate to consider. She suggested increasing the size of the outer lots and having smaller lots on the inside that are under 2 acres because the average size would still be met. She feels this is truly an agricultural area but recognizes it's transitioning to rural, she personally feels that an RR zone is more appropriate for the Board to consider. Mr. Taylor thinks the zoning designation is less important than having lots that make sense, that people will maintain, help meet the demand for housing and that will help with more affordable housing. Commissioner Smith said she still stands with RR and would be open to continuing the hearing if necessary. Mr. Taylor said the zoning designation doesn't make any difference to them. He is more concerned about what it would mean for the development agreement or changes to the preliminary plat because those have been worked thru. Commissioner Smith thinks it would make changes to the preliminary plat because the average minimum lot size would have to be met and there would need to be amendments to be more compatible with the area for a rural subdivision. Commissioner Smith read in to the record the definitions of an RR zone and an R-1 zone as follows, the purpose of the rural residential (RR) zone is to encourage and guide growth where a rural lifestyle may be determined to be suitable. The purpose of the R-1 zone is to promote and enhance predominantly single-family living areas at a low-density standard.

The Board took a brief break from 11:10 a.m. to 11:22 a.m.

After the break, Mr. Taylor said that the existing proposed preliminary plat has 20 parcels at 2+ acres, 20 at 1 acre and 13 between 1 and 2 acres. He referenced exhibit 12b which shows dotted black lines of this property and project and represent the associated Canyon County Highway District standards manual. He would like to have this hearing continued so that they can bring back a revised preliminary plat showing larger lot sizes in anticipation of an amended request that they would file for a conditional RR zoning instead of R1 zoning. With the larger acreages, they would lose several lots to do that. They would like to increase lot sizes to target approximately 1.75 acres, if the Board is wanting them to hit that 2-acre minimum average that is a significant loss of potential revenue without any adjustment to costs. They would like to do some additional research in what the changes would mean for them.

Commissioner Smith suggested the best process in moving forward would be to ask for the case to be put on hold. Assuming the choice is to move forward with a conditional rezone for RR, the Board would look to follow the variance procedures outlined in Article 8 which allows the Director of Development Services to grant a variance of minimum lot size up to 33%. The applicant would need to apply for a variance for the internal lots and be able to adequately describe why they qualify for the variance. The neighbors would be notified and could provide comment on the variance. Once the variance is established and there is a new proposal and updated plat, staff will update the case maps for the Board so that they have correct information. At that time, she thinks they could come forward with the proposal.

Discussion ensued between Commissioner Smith and Mr. Taylor regarding this path to move forward. Commissioner Smith said it is really the only way forward, the average min lot size will still have to meet 2 acres so in order to vary from that the variance process would have to be followed. The suggested 1.75 acre lots would fall within the 33% allowed variance that the Director can approve. Notification will need to go out to neighbors within 300' with a 15-day comment period.

Commissioner Van Beek concurred that she doesn't think the Board is ready to make a decision. She knows this is a transition area and appreciates the applicant's willingness to go back and take into consideration what has been discussed today.

Commissioner White also said she is fine with taking the time that is needed to figure this out for the property owner and their rights.

Discussion ensued regarding a pre-annexation agreement with the City of Middleton and how this area is rural although transitioning, that it is essentially a buffer zone.

This hearing will be continued to May 25th at 1:30 but Commissioner Smith stated she wants staff to review and update the case map so it's very current, leave the case on the land use hearings page so that the neighbors can see it and for the property to be posted but it is not necessary to post in the newspaper again. The continued hearing date will either be a status report because

the variance was denied or it will be a continued hearing based on the applicants request for amended zoning and density with a minimum 2-acre average lot size with no variance. Upon the motion of Commissioner Van Beek and second by Commissioner White the Board voted unanimously to continue the hearing to May 25, 2022 at 1:30 p.m.

The hearing concluded at 11:47 a.m. An audio recording is on file in the Commissioners' Office.

MEETING TO CONSIDER AGENDA ITEMS

The Board met today at 1:36 p.m. to consider agenda items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Clerk Chris Yamamoto, Treasurer Tracie Lloyd (left at 2:06 p.m.), Prosecutor Bryan Taylor, Controller Zach Wagoner, Chief Deputy P.A. Sam Laugheed, Deputy P.A. Doug Robertson (left at 2:06 p.m.), Judge Davis Vander Velde, HR Generalist Demi Etheridge, TCA Jamie Robb (left at 1:44 p.m.), Deputy TCA Benita Miller (left at 1:44 p.m.), Alan Mills (left at 2:06 p.m.), Facilities Director Rick Britton (arrived at 1:41 p.m.) and Deputy Clerk Jenen Ross. The action items were considered as follows:

Public hearing to consider offer to purchase County property located at O Pond Lane: Commissioner Smith said that recently an email was received making an offer for the property. Treasurer Lloyd explained that this piece of property was taken in 1942 for property taxes in 1938 and it has been in the county's name since that time. It was offered for sale in 2015 for approximately \$70,000 but it did not sell. There was later an offer for \$10,000 but it was declined. The current offer on the property is \$5000. Treasurer Lloyd asked DSD to do some quick research regarding possible building permits and the zoning of the property which was emailed to the Board earlier today. Additionally, DSD provided a floodplain map which shows a portion of the property in the floodplain.

Mr. Robertson said that from a legal perspective, because the property has been offered for public auction the Board is now legally able to accept an offer. Other options the Board could consider would be to reject the offer and/or put it back up for public auction.

An assessment was done on the property in 2015 and at that time it was assessed at \$100,000. The only access to the property is thru surrounding properties; there is no public access and Treasurer Lloyd is not aware of any easements granted to this parcel. There is only a portion of the property that lies within the floodplain but it is a buildable parcel.

Commissioner Smith stated there is an administrative land division available so there could be two building sites and feels it is a lot more valuable than \$5000. She thinks there could be a reappraisal and a person could file for quiet title to potentially gain access.

Alan Mills said that without access he doesn't see any value. He feels there must be a reason it's remained with the county and not previously purchased. Mr. Mills represents the landowner whose property surrounds this parcel. Commissioner Smith feels the value to the landowner

represented by Mr. Mills is that since he owns the land to the south, this property has 2 building permits available, two lots could be sold or the building permit could be transferred. Mr. Mills argued that if there is no access, what are the lots worth? Mr. Mills said if there is a counteroffer, he's willing to pass along the information but it seems to him that the only person that this land really holds any value for is his buyer. He doesn't know what the buyer plans to do with the property as all the land next to him is zoned industrial so he thinks it's unlikely they'd want to build two homes there. Commissioner Smith said the building permits could be transferred to the buyer's property to the south, but Mr. Mills noted that is all industrial property too.

Treasurer Lloyd said there is approximately 3.5 acres in ag and 2.25 acres that are considered light industrial; total acreage of the property is 5.84 acres. Commissioner Van Beek wondered, if the property is as valuable as Commissioner Smith feels it is then why hasn't anyone else capitalized on purchasing it. Commissioner Smith doesn't know that any past commissioner would have had the expertise to know the guidelines for an administrative land division and that it is the Board's job to maximize the most benefit to the taxpayer.

Discussion ensued regarding available building permits on the parcel that could be transferred, available access and the value of ground sold in the area.

Treasurer Lloyd provided some additional background information on the property stating that it has always been marked as 'county gravel pit', in 1985 there was an easement granted to Idaho Concrete. In 2015 when Idaho Concrete was done with the property it was decided by the Board at that time to put it up for sale. Commissioner White wondered if perhaps there was a reclamation plan in place after the concrete company vacated which may have been prohibitive. Mr. Mills believes that the Department of Lands probably would have required a reclamation plan.

Commissioners Smith and Van Beek had a discussion regarding the potential value of the property. Commissioner Smith feels there is value if someone is willing to put in the effort there are ways to get access to the property, there are reasons why it sat on the books and there are reasons people wouldn't have a thorough understanding of the availability of building permits there. She feels there should be an opportunity provided to the other adjoining land owners to purchase the land. Commissioner Van Beek feels that the land is only as valuable as someone is willing to pay for it. There have been 50 years for people to do their due diligence to gain access and that the surrounding landowners had the opportunity to purchase when it was put up for auction.

Mr. Mills thinks there needs to be some additional research done to determine the real value of the property and have the opportunity to look at other potential possibilities. Commissioner White agrees there needs to be some additional research done.

Additionally, Mr. Mills said in the original offer (which is now expired) the buyer would pay for the survey contingent upon the offer acceptance.

Commissioner White made a motion to reject the offer for purchase of county property located at O Pond Lane, parcel no. 34980. The motion was seconded by Commissioner Van Beek and carried unanimously.

Consider resolution authorizing specific deviations from FY22 Compensation Plan (Prosecuting Attorney's Office): Prosecutor Taylor said the resolution captures what has been discussed via email and at the meeting on April 28th. Mr. Laugheed stated that with the record that has been made the Clerk and Controller are aware that two (2) positions will be unfunded in the Prosecutor's budget which will actually result in savings to the 'A' budget. Commissioner Van Beek referenced the Transparent Idaho website and noted there are former Canyon County Prosecuting Attorneys that have accepted a lower salary with another governmental agency. Commissioner Smith said that while she appreciates Commissioner Van Beek's recognition of these differences, she feels that P.A. Taylor did a fantastic job at the last meeting describing differences noting that the caseload is significantly lower and those attorneys were voluntarily choosing to take a lighter workload. Mr. Taylor also said there are a lot of work from home options which his office cannot afford due to court requirements. Commissioner Smith asked what impact the last 'where-as' statement makes regarding other people's ability to make requested changes to the compensation plan. Mr. Laugheed said he doesn't think that statement changes the ability of any elected official or department administrator or other relevant supervisory authority in the county to request market adjustments. He thinks the purpose of that statement is to acknowledge that there were likely other arguments in favor of market adjustments throughout the county. The concern is singling one-offs will lead to a series of one-off requests so acknowledging that there could be the potential for one-offs. Additionally, Mr. Laugheed noted that the Controller, Clerk and other elected officials have said that the compensation plan needs to be reviewed and revised, he feels that is the purpose of the statement. This should not be, in the opinion of the Clerk, Controller and PA, the last that is heard about the compensation plan in FY22. In response to a question from Commissioner Smith, Mr. Laugheed thinks that the revisions made by the Board to the resolution make it clear that market adjustment would be contemplated, additionally, 31-1606 allows for market adjustments throughout the year with a resolution.

Judge Vander Velde spoke about how the courts have employees they think are probably underpaid. They take no position with the request being made today, he has no doubt about the need that is being asserted by the Prosecutor's Office. Their concern going forward is that if there is a review of the compensation plan that he and the TCA's office will be involved in the process.

In response to a question from Commissioner Van Beek, Mr. Taylor said that an exit interview was done for the one employee that has left and the other has not yet left. Mr. Taylor further explained that exit interviews are standard practice in his office and that they are voluntary. At the request of Clerk Yamamoto, Prosecutor Taylor conveyed to the Board what was expressed during recent exit interviews.

Commissioner White made a motion to sign the resolution authorizing specific deviations from FY22 Compensation Plan (Prosecuting Attorney's Office) (see resolution no. 22-040). The motion

was seconded by Commissioner Smith. A roll call vote was taken on the motion with Commissioners White and Smith voting in favor and Commissioner Van Beek voting in opposition. The motion carried in a 2-to-1 split vote.

A request to go into executive session was as follows:

EXECUTIVE SESSION – ACQUISITION OF AN INTEREST IN REAL PROPERTY AND RECORDS EXEMPT FROM PUBLIC DISCLOSURE AND ATTORNEY-CLIENT COMMUNICATION

Commissioner White made a motion to go into Executive Session at 2:24 p.m. pursuant to Idaho Code, Section 74-206(1) (c) and (d) regarding acquisition of an interest in real property, records exempt from public disclosure and attorney-client communication. 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, Clerk Chris Yamamoto, Controller Zach Wagoner, P.A. Bryan Taylor, Chief Deputy P.A. Sam Laugheed and Facilities Director Rick Britton. The Executive Session concluded at 2:53 p.m. with no decision being called for in open session.

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

MEETING TO DISCUSS THE 2021 RATIO STUDY

The Board met today at 2:53 p.m. to discuss the 2021 ratio study. Present were: Commissioners Keri Smith and Pam White, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Admin. Property Appraisal Supervisor Greg Himes and Deputy Clerk Jenen Ross.

Assessor Stender explained that every year the State Tax Commission runs a ratio study on the assessment level, which is a statistical analysis on the values the Assessor's Office has sent out to constituents valuing their properties. There are five categories that are evaluated - manufactured homes, residential - improved, residential – vacant land, commercial – improved and commercial – vacant land. This year they did not come thru the study with a satisfactory score. Assessor Stender explained that the study takes the current year's values and looks back to determine if values were high enough. Currently, Canyon County is at 87%, the ultimate goal is to be at 100% but between 90%-110% is satisfactory. Mr. Himes explained that in order to get into compliance values will have to be increased 38-45% on the residential side. The Assessor's Office was aware they were falling out of compliance but due to the rapidly changing market they were not able to keep up. This year, 40 of the 44 Idaho counties are out of compliance. Assessor Stender said that the legislature hasn't made any increases to the homeowner's exemption but with the 8% cap on increasing budgets there will be some shifting in the assessment pool of who is going carry a larger burden; commercial and industrial properties are anticipated to increase. Commissioner Smith noted that levy rates can still come down but that it needs to be an effort by not only the county but cities and schools too. She suggested the Assessor's Office could make a presentation similar to today to the cities otherwise the levy rates may not decrease. Commissioner Smith would also like to make sure the public is informed that all taxing entities have a responsibility and that just

because taxes increase doesn't mean they will lose their home. Mr. Cox said that Mr. Himes has a plan in place to get the county back into compliance but in the short-term it's going to be a bit painful. The Assessor's Office wanted to make the Board was aware that the State Tax Commission will be sending a letter stating that they are out of compliance and that there are steps to get back into compliance.

A brief discussion ensued regarding mileage reimbursement and the use and/or purchase of fleet vehicles. Additionally, in response to a question from Commissioner White, Assessor Stender said that the vehicle registration portion of the DMV does not have to be housed with the driver's license portion of the DMV.

The meeting concluded at 3:13 p.m. An audio recording is on file in the Commissioners' Office.

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

The Board met today at 3:31 p.m. with the Public Defender to discuss general issues, set policy and give direction. Present were: Commissioners Keri Smith and Pam White, Chief Public Defender Aaron Bazzoli, Controller Zach Wagoner (arrived at 3:34 p.m.) and Deputy Clerk Jenen Ross.

Mr. Bazzoli provided the Board with a breakdown of HB781 which is one of the bills regarding public defense that the governor is considering. Mr. Bazzoli said that his understanding is that both bills being considered essentially do the same thing which is to transition to a fully state funded public defense system by 2025. Both bills create a window of opportunity to determine the new model in which the State of Idaho is able to fulfill its constitutional obligation to provide adequate indigent defense, however, neither bill accounts for any of the institutional offices, office space, IT support, HR support, PERSI or health insurance. There are three main options being considered – a state funded system but with county employees, a separate Board (similar to an ambulance or health district), or a statewide system with one public defender supervising the entire state and reporting to a state board system or state administrative agency with satellite offices in different counties. Currently they are looking at how all the other western states are operating and how the different models' function. Mr. Bazzoli said most of his counterparts are in favor of county-based system but they still need to figure out how that would look. He is also trying to get on the committee that is evaluating the options if the bills pass and a statewide system is created.

The meeting concluded at 3:38 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
Deputy Clerks Monica Reeves/Jenen Ross

APPROVED PURCHASE ORDER

The Board approved the following purchase order:

- SBI Contracting Inc. in the amount of \$39,875.00 for Facilities Department

APPROVED EMPLOYEE STATUS CHANGE FORMS

- The Board approved an employee status change form for Elizabeth Tellez, Juvenile Detention Field Training Officer; Ruth Everhart, Juvenile Detention Field Training Officer; Mary Gomez, Assistant Director of Misdemeanor Probation; Jessica Tim, Cust. Serv. Spec. Booking; Aidan Lorenz, Elections Specialist; Adelia Martinez, Records/Passport Specialist; Matt Alarcon, Civil Area Supervisor; Marah Meyer, Clerk IV-Civil Lead

MEDICAL INDIGENCY DECISIONS

The Board met today at 8:56 a.m. to consider matters related to medical indigency decisions. Present were: Commissioners Keri Smith, 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: 2022-473 and 2022-373.

Case no. 2022-474 meets the eligibility criteria for county assistance. Commissioner Van Beek 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 White and carried unanimously.

Liens and lien releases were presented for Board signatures.

The meeting concluded at 8:58 a.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH COUNTY ATTORNEYS FOR LEGAL STAFF UPDATE AND TO CONSIDER AN ACTION ITEM

The Board met today at 9:00 a.m. with county attorneys for a legal staff update and to consider action items. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Deputy P.A. Doug Robertson, Lt. Harold Patchett (left at 9:17 a.m.), Fair Director Diana Sinner, Facilities Director Rick Britton, Director of Juvenile Probation Elda Catalano (left at 9:03 a.m.), Assessor Brian Stender (left at 9:16 a.m.), Chief Deputy Assessor Joe Cox (left at 9:16 a.m.), Chief Deputy Treasurer Jennifer Mercado (left at 9:16 a.m.) and Deputy Clerk Jenen Ross.

Consider signing MOU with United Way of Treasure Valley Inc. for Truancy Prevention Kicking-Off School 2022 Community Event: Director Catalano explained they in the planning process for this year's event. Donation support checks have already been received and they would like to work with United Way as the fiscal agent again this year. Mr. Wesley said this format has been used for several years; the United Way is a non-profit and can provide opportunities for tax deduction whereas the county cannot. Upon the motion of Commissioner White and second by Commissioner Van Beek the Board voted unanimously to sign the MOU with the United Way of Treasure Valley Inc. for Truancy Prevention Kicking-Off School 2022 Community Event (see agreement no. 22-020).

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

EXECUTIVE SESSION – COMMUNICATE WITH RISK MANAGER REGARDING PENDING/IMMINENTLY LIKELY CLAIMS

Commissioner Van Beek made a motion to go into Executive Session at 9:05 a.m. pursuant to Idaho Code, Section 74-206(1) (i) to communicate with risk manager regarding pending/imminently likely claims. The motion was seconded by Commissioner White. A roll call vote was taken on the motion by Deputy Clerk Jenen Ross with Commissioners Van Beek, White and Smith voting in favor of the motion to enter into Executive Session. The motion carried unanimously. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Deputy P.A. Zach Wesley, Assessor Brian Stender, Chief Deputy Assessor Joe Cox, Chief Deputy Treasurer Jennifer Mercado. The Executive Session concluded at 9:14 a.m. with no decision being called for in open session.

At the conclusion of the executive session the following action items were considered:

Consider Nampa Fire Protection District's claim for corrective action on two tax parcels: Mr. Robertson said they are requesting the second half of their taxes be waived based on statutory code that governmental agencies are exempt from property taxes. Commissioner Van Beek made a motion to waive the second half of the tax liability for the Nampa Fire Protection District. The motion was seconded by Commissioner White and carried unanimously. Copies of the actions taken by the Board are on file with this day's minutes.

Meeting to take comment regarding sole source procurement for the Pod 5 roof at the Canyon County Jail: No members of the public were present for today's meeting and no comments were received so the project will continue moving forward.

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 Van Beek made a motion to go into Executive Session at 9:19 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 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 and Deputy P.A. Zach Wesley. Directors Sinner and Britton participated from 9:19 a.m. to 9:53 a.m. Director Fultz participated from 9:53 a.m. to 10:02 a.m. The Executive Session concluded at 10:02 a.m. with no decision being called for in open session.

The meeting concluded at 10:02 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING TO CONSIDER A REQUEST BY IDAHO DEVELOPMENT, LLC, FOR A COMPREHENSIVE PLAN MAP AMENDMENT AND CONDITIONAL REZONE WITH DEVELOPMENT AGREEMENT, AS WELL AS A PRELIMINARY PLAT FOR BURRIS RANCH ESTATES SUBDIVISION, CASE NOS. OR2021-0014, RZ2021-0029 & SD2021-0017

The Board met today at 10:07 a.m. to conduct a public hearing in the matter of a request by T-O Engineers, representing Idaho Development, LLC, for a comprehensive plan map amendment (OR2021-0014) to change the designation of parcel no. R38127 from Residential and Commercial to Residential. Also requested is a conditional rezone with a development agreement (RZ2021-0029) of approximately 31.11 acres from "R-R" (Rural-Residential) and "C-1" (Neighborhood Commercial) to "R-1" (Residential). Also requested is approval of a preliminary plat (SD2021-0017) for Burris Ranch Estates Subdivision which proposes 30 lots consisting of 27 buildable lots and 3 common lots with an average parcel size of 0.86 acres to be served by individual well and septic. The property is located on the southeast corner of Old Highway 30 and Purple Sage Road. Present were: Commissioners Keri Smith and Pam White, DSD Planner Elizabeth Allen, Colin Ronhaar, Robert Hunt, John Carpenter, interested citizens, and Deputy Clerk Monica Reeves.

Elizabeth Allen gave the oral staff report which covered the staff analysis. The property is currently zoned rural residential and neighborhood commercial. The zoning to the south, west, and east is R-1, R-R, and Agricultural. The property to the north is zoned R-R and Agricultural. The surrounding uses include the Purple Sage Golf Course, several subdivisions, and farmland. The property is located within Middleton's Area of Impact. The site is located within a nitrate priority area and within one mile is a well that sampled at 10 to 49.8 milligrams per liter and according to a letter from the health district the agency found that the proposed subdivision will likely not significantly impact ground water. The groundwater quality downgrade of the subdivision and they approved the nitrate priority study with conditions. Ms. Allen reviewed the agency comments. Keller and Associates has reviewed the plat and confirmed it complies with the County Code and it has

recommended conditions of approval. Citizens provided letters regarding traffic concerns. On February 3, 2022, the P&Z Commission recommended approval of the request. Staff is recommending approval of the requests with recommended conditions. Following her report, Ms. Allen responded to questions from the Board.

Colin Ronhaar, an engineer with T-O Engineers, testified in favor of the request. Burris Ranches is 31 acres with 27 buildable lots. The entire parcel is rural residential but on the far east side there are a few feet that overlap onto the existing property and there is a slight sliver that is commercial and that's why they have to do a rezone. The comprehensive plan shows commercial on the subject property and that's why they are doing a comprehensive plan amendment and are proposing the entire site as residential rather than have commercial on their site. They do not desire to have commercial zoning and are planning for residential. The surrounding areas are R-1 so they are requesting R-1. There is property to the north that is zoned agriculture. The request complements the area nicely and meets the intent of the comprehensive plan. The intent of the landscaping is to complement and match the area around it. Commissioner Smith asked if the applicant will agree to a condition to the development agreement for landscaping requirements and the entryway. Mr. Ronhaar said yes, the intent is to complement and match the area surrounding it. The highway district allows for no curb, gutter, and sidewalk, but they will need to apply for a variance to not do curb, gutter, sidewalk, and streetlights. Commissioner Smith said the Board will have to hold the preliminary plat if it doesn't include that and will talk about the appropriateness at that time. The typical right-to-farm language is proposed, however, with the proximity to the dairy the Board has been asking for stronger language from the developer that puts the homeowners on notice that they cannot complain about odor, flies, etc., since they have chosen to live in the country. Mr. Ronhaar said they will agree to a condition in the development agreement that provides notice to the homeowners. The original plan had shown septic drain fields behind that easement, but Black Canyon Irrigation District doesn't want any pipes crossing the easement so they have been moved to the front and there won't be obstructions the district doesn't allow. There will be an emergency gravel access that will be an easement on a lot. There were additional questions from the Board regarding access, right-of-way dedication, and a pathway for connectivity.

Robert Hunt offered testimony in opposition to the request noting the following concerns: traffic is a serious impact; there have been seven wrecks in the area and four rollovers into his subdivision. Ingress and egress need to be addressed immediately and the roads need to be widened. An oversight committee should be established to address the concerns of development within the community so that developers are given clear concise instructions on how they must address the impacts of their developments such as including sidewalks, curbs, and gutters. Commissioner Smith said the applicant has worked with Canyon Highway District who has said the right-of-way dedication will help them with the cost of improvements to the roads. She agrees that the cumulative effect is significant, but there are not any codes in place that protect any of us besides the normal collecting of property tax and making the required improvements. She suggested Mr. Hunt stay on top of ITD and Canyon Highway District and advocate for policy change. Today's hearing is based on the Idaho Land Use Planning Act and there isn't anything in it references an oversight committee.

Mr. Ronhaar offered rebuttal testimony. He agrees that traffic is bad and said they are doing what they can to adhere the requirements of Canyon Highway District, which is a dedication of right-of-way. They have provided the cross-section on the preliminary plat with no curb, gutter, and sidewalk. Commissioner White agrees with the issues raised by Robert Hunt. She does not like waivers, she prefers a deferral. Elizabeth Allen said curb and gutter are not required within the area of city impact as part of the agreement with the City of Middleton. Commissioner Smith said if the City of Middleton doesn't require them and our ordinance doesn't require them, the application could be changed to be specific on what improvements they are doing and we could allow testimony on those. Mr. Ronhaar said the applicant does state their intention and the cross section shown on the site plan shows no curb, gutter, or sidewalk. Commissioner Smith said she wants to approve the rezone and comprehensive plan map change and ask for comment on the improvements and continue the preliminary plat for a final decision so we can have clarification and work on conditions of approval. Commissioner White wants the pedestrian safety issues addressed. There was discussion regarding having a connection, pathway, or crosswalk from Purple Sage to the golf course. Commissioner Smith said there is enough danger on Purple Sage Road and Old Highway 30, and understanding the connection to Purple Sage to the golf course is very important in how to move people safely. She asked the developer to visit with the golf course and the highway district about a crossing on Purple Sage Road, and reach out to Tyler Hess, the developer of Purple Sage Estates, and see if there is an agreement where an improvement can be made in collaboration for the two to have a joint agreement for crossing. John Carpenter suggested the Board extend the hearing by one week to allow them time to talk with the highway district. He also asked if there are questions with the waiver issue. Commissioner Smith said the Board can consider improvements, and it was assumed through testimony they were going to have an option to do that so if the developer doesn't want subdivision improvements we should have that discussion. Mr. Carpenter said of all the subdivisions south of Purple Sage Road there isn't one sidewalk and they have not proposed sidewalks, curbs or gutters for this project. He said the highway district is not going to come to this location to maintain curb and gutter because they don't have the equipment on any other project in the area. The letter from the highway is very specific in terms of what they are asking for and curb and gutter is not part of that. Mr. Carpenter apologized if something was missed on the checklist, they just didn't see it as a waiver request because nobody's asking for it. He has no problem deferring the case for a week so they can talk with Mr. Hess and the highway district.

Commissioner Smith would like the development agreement conditions to be updated in line with the testimony given today and she suggested Mr. Carpenter provide his recommended conditions to staff. He will provide the proposed landscaping and pathway and said perhaps they could have wider asphalt and striping that would be maintained for a pathway, but he has to check with the highway district to see if they are okay with that. Commissioner Smith said it would improve safety if there was a path on Purple Sage Road that connected to the crosswalk and so Mr. Carpenter should ask the City of Caldwell if they would be willing to do a path along Purple Sage Road and El Paso Road north to the elementary school. Upon the motion of Commissioner White and the second by Commissioner Smith, the Board voted unanimously to continue the hearing April 13, 2022 at 10:30 a.m., for testimony related to improvements which would include the pathways and

the crosswalks, as well as the conditions of approval in the development agreement. The hearing concluded at 11:25 a.m. An audio recording is on file in the Commissioners' Office.

PUBLIC HEARING - REQUEST BY TERRY RICHARDS AND DAVE AND CAMI LARSEN FOR A REZONE FROM AGRICULTURAL TO SINGLE-FAMILY RESIDENTIAL, CASE NO. RZ2021-0036

The Board met today at 1:32 p.m. to conduct a public hearing in the matter of a request by Terry Richards and Dave and Cami Larsen for a rezone from an "A" Agriculture zoning district to an "R-1" single-family residential zoning district on 31.89 acres, Case No. RZ2021-0036. The subject parcels include R37619010, R37619010A, and R37619010B, and are located at 24551 Benhaven Lane and 8771 Purple Sage. Present were: Commissioners Keri Smith and Leslie Van Beek, DSD Planner Kate Dahl, Matt Wilke, April Wilke, Terry Richards, Dave Larsen, and Deputy Clerk Monica Reeves. Today's hearing was tabled from March 2, 2022 in order to address transportation and access issues.

Kate Dahl gave the oral staff report. The request is for a R-1 zoning on 31.89 acres for a 17-lot subdivision off Purple Sage Road. The property has two access points: one is a private road access to Purple Sage to the north and there is also a secondary access through Benhaven Lane to Rustin Road to the south. One of the key concerns at the previous hearing was the timing of the collector road. The highway district has a neighborhood transportation plan and wanted the applicant to abandon the other access once those collector roads were built. The collector roads are shown in the plan but are not shown in any funding plan so the timing of those is based on when properties are developed and once they are built by the developer that's when the highway district wants the applicant to take access off of those. In the meantime, even though the north access does not meet the site distance required by the highway district, they are fine with permitting it now until the collectors are developed. The applicants have legal access and can use the access point to the north. The road is 50 feet wide which the ordinance allows with a frontage reduction which the applicant has applied for. Because they would have to abandon the access once the collectors are built, the applicant has proposed a phasing plan. In phase one they kept it to 9 lots plus the existing house which keeps them under the threshold for having to pave. That part of the subdivision will be built first and they could meet the private road standards. Phase 2 has two lots that will take access from Benhaven Lane and there wouldn't need to be any additional road improvements on that lane. Phase 3 would be built-out once either the collectors are developed, or, if is too far off the applicants would be required to pave the rest of the access to the north to meet the road standards. They have submitted an application for a conditional rezone as well as the fee for the frontage requirement, and it appears they meet all the items that were a concern at the last hearing. The next step is for staff to re-notice the application for a conditional rezone hearing with a new staff report and development agreement. Following her report, Ms. Dahl responded to questions from the Board. Commissioner Smith was pleased to hear there was a reduction to 50 feet so there would be legal access. Also, the phasing plan is a good approach to allow Canyon Highway District time to do their plans and meet the intentions in the application for the conditional rezone. Ms. Dahl was asked to confirm if there is an easement that crosses the property.

Testimony in favor of the request was as follows:

Matt Wilke said the project has a 1.87-acre average lot size based on 17 lots. Dave Larsen's home is on the lot in the SE corner; the corner has a 30-foot easement and with the administrative split that was done in 2010 they have legal access for the secondary lot. Benhaven Lane has its own driveway access and it runs parallel to the driveway to the home to the south. Mr. Wilke spoke about the significant growth that's occurred in the City of Middleton and how applications such as this one are protecting the area from higher density growth. He said Mr. Richards wanted this property because of the long private tree-lined driveway and he has beautiful plans for the development. The highway district's future transportation plan shows a collector road going across the flag lot for this project, and he hopes they adjust it north to give Mr. Richards and Mr. Larsen a longer driveway. According to Mr. Wilke, the highway district said they are not opposing the development and the existing driveway location appears to have adequate intersection site distance and may serve as a temporary private road approach to Purple Sage until public road access becomes available. They will phase the development until the collector comes through but they want to retain the option to pave it if the collector doesn't come through for 10 years. They have an agreement with the City of Middleton to sign a pre-annexation agreement. The city wants to maintain an easement for the water and sewer to run through the property so they can loop through if needed. There will be 14 acres of surface water for a pressurized irrigation system for the development and it will be sourced out of that pond. There is a test well 2 ½ miles to the northwest that was drilled in 1969 and it has been measured 2,561 times between 1969 and 2019. In the beginning it measured 52 feet and in 2008 it was 56 feet to the static water level. In 2018/2019 it was 56 feet to static water level, and in 2021 it was still showing 56 feet. With regard to the wetland, they hired a water engineer and have reached out to the Army Corps of Engineers and hope to have a response soon. They are using the pond for storage capacity for the irrigation use. Commissioner Smith said her point at the last hearing was that R-R (rural residential) is more appropriate in this area than R-1 zoning. There needs to be a development agreement to put the phasing in place for access. The applicants have applied for the frontage reduction and she thinks they also need to do a variance to accommodate the 1.87-acre lot size. Commissioner Van Beek spoke about how this is becoming an area of infill because of the number of people selling their property. Commissioner Smith said Willowbrook Development has a conditional rezone of 1,500 acres that's currently being held for annexation into Star for R-1 zoning. She prefers a conditional rezone for this application, and she wants the applicants to demonstrate there is clear access from Benhaven Lane.

Terry Richards wants to be clear on what needs to be addressed at the next hearing so that more concerns are not raised. He said there is not a wetland on the property, it's just a hole. As far as access, he will give up his driveway as soon as the collector comes in and he will provide photos showing how he has cleaned the property. He will agree to have a landscaped entryway to the property, but he does not want to have sidewalks. Mr. Richards said he intends to put in an asphalt road before phase 3 comes in. Any development on phase 3 will trigger a paving of the internal road.

Commissioner Smith asked Ms. Dahl to obtain confirmation on the private road requirements. Commissioner Van Beek does not want to require the applicants to put in an asphalt road. She said the Board could say it's not going to require improvements understanding there is infrastructure coming given the amount of development that's occurring in the area. Commissioner Smith said by the next hearing we need a clear understanding that the ordinance allows what we are talking about, and the development agreement needs to reference the deferral and bonding. Mr. Richards said he will argue the bond because lots 10-15 cannot be sold or built upon until it is paved. Commissioner Smith said that needs to be outlined in the conditions of approval in the development agreement and the applicant needs to work with staff to be within the confines of the ordinance and have it lined out at the next hearing.

Upon the motion of Commissioner Van Beek and the second by Commissioner Smith, the Board voted unanimously to close public testimony. The applicant's presentation, including the updated site plan which includes the request to modify the application for a conditional rezone and development agreement, was admitted into the record. Commissioner Smith said the request is consistent with the comprehensive plan and the conditional rezone to R-1 is more appropriate than the current zoning district and would allow for growth that would enhance Canyon County's livability. The zoning is compatible with surrounding land uses and the FCO's should be updated to include the conditional rezone noting that it's more of a blend between the rural residential and R-1 zoning to the west. Staff should update the average lot size for the proposed conditional rezone and add language about the wetland being associated with irrigation drainage. Once they have the report from the Army Corps of Engineers, staff can update the findings on whether a wetland exists on the property. As far as legal access to the property, a reduction is still needed so we'll have to have a decision from the DSD Director before the next hearing. Staff was directed to update the FCO's with current information from Canyon Highway District. The applicants need to work with Kate Dahl to incorporate into the development agreement anything that was a sales pitch that will be included to help fit the character of the area. Based on forgoing, Commissioner Smith recommends changing the P&Z Commission's recommendation and allowing the applicant to move forward with an approval for a conditional rezone to R-1 with a development agreement. Commissioner Van Beek made a motion to instruct staff to make the changes to sections B, C, D, E, F, and G, of the FCO's and for the applicant to work with Ms. Dahl to include language regarding the character of the area and move this project forward. The motion was seconded by Commissioner Smith and carried unanimously. The case will be noticed as a new hearing. The hearing concluded at 2:27 p.m. An audio recording is on file in the Commissioners' Office.

MEETING WITH THE DIRECTOR OF INFORMATION TECHNOLOGY TO DISCUSS GENERAL ISSUES, SET POLICY AND GIVE DIRECTION ON CLAIM BATCH APPROVAL AND PURCHASE ORDERS IN ONBASE

The Board met today at 2:37 p.m. with the Director of Information Technology to discuss general issues, set policy and give direction on the claim batch approval and purchase orders in OnBase. Present were: Commissioners Keri Smith, Pam White and Leslie Van Beek, Controller Zach Wagoner, IT Director Greg Rast, Project Manager Shawn Adamson, Program Analyst Ryan Cronrath, Development Manager Rick Fisher and Deputy Clerk Jenen Ross.

Director Rast provided documents and gave an overview of the current financial workflow process and the proposed financial workflow process. For the proposed financial workflow process, they are proposing a web application as OnBase does not allow for electronic signatures. A handout was given to the Board illustrating what the dashboard of the new application would look like and the workflow for purchase orders, claims and employee status change forms. Phase I of this process could take approximately a year to get fully functional. OnBase will not go away it will still remain as the storage application and there will be programming that ties the electronic solution back to OnBase. Controller Wagoner said that Financial Edge is the system that actually processes the checks and spoke about how their process in auditing works. At the time a claim makes it to the Board it has not yet been submitted to Financial Edge where a summary report could be generated from. Commissioner Smith feels that with the small amount of information she is requesting that perhaps each claim could just be entered into a spreadsheet as they come in. Controller Wagoner explained that multiplied by the amount of claims they received it would be a tremendous amount of work to enter each one into a spreadsheet. Commissioner Smith agreed there are a tremendous number of claims but feels that for transparently purposes a summary would be beneficial. Controller Wagoner explained that in the two weeks between check runs they are constantly receiving claims and invoices which they put into batches. Their goal has been to get the information to the Board as quickly as possible. Once they receive the claims they do a quick review then scan it into OnBase to be sent to the Board; at that point there hasn't been any data entry into Financial Edge. Commissioner Smith said she would rather have claims for less time but organized and with a summary. The Board wondered if there could be some amount of responsibility put back on the departments and Offices submitting the claims; perhaps they could be responsible for creating the spreadsheet noting the claims being submitted. Commissioner Van Beek would like to see a more standardized process for submitting claims across all county departments and Offices. Controller Wagoner explained they do have a standardized process and take the responsibly of making sure they are paying legitimate bills very seriously. Controller Wagoner said he is all for efficiently but is also for accuracy and safeguarding the public's money. He realizes this is a very labor-intensive process but they are getting the information with detail to the Board as quickly as they can, he wants to make sure that the Board has sufficient time to review the documentation and detail. Commissioner Van Beek wondered if the process could be modified so that offices and departments would have certain dates they had to turn in claims in order for them to be grouped together. Controller Wagoner explained that to a certain extent that is what is already being done, there are cutoff dates already in place. Commissioner Smith said that if it's important to the Board an administrative position would have to be created to input the data into a spreadsheet to create a summary but she feels like that is a waste of money when there must be another solution. Commissioner White provided an explanation of how she works thru claims and doesn't need the process to change. In response to a question from Commissioner Smith, Controller Wagoner said that each batch is comprised of the random order that claims are received in; they are processing claims as they are received. At the request of Commissioner Smith, Mr. Wagoner said it may be possible to send the summary sheet, after the PDF batches are sent, once the data has been entered in Financial Edge. Commissioner White suggested that limiting the batches may be a better way to go so that they are not as overwhelmingly large.

In response to a question from Commissioner Smith, Controller Wagoner said that his office will continue to use the paper process with an actual physical review of invoices and claim forms in order to ensure that invoices and charges are legitimate. Commissioner Smith still feels that it allows more time for a thorough review when actual paper is not having to be handled. Controller Wagoner clarified that he is supportive of digital purchase orders, of changing the purchase order process. To him the purchase order process is separate from the claim process. The purchase order is when a department or office wants to purchase a capital asset over \$1000, that needs to be approved by the Board. He is supportive of automating that process and making that process more electronic.

Discussion ensued in an effort to clarify the difference between the purchase order process, claim submittal by Offices and departments and batch claim approval by the Board.

Director Rast would like to have some direction from the Board in regard to a standardized purchase order process. He spoke about the digital process he is already using in his department and how well it has worked for him.

Commissioner Van Beek would like more information because there seems to be a lack of clarity on several parts. She doesn't think there is a reasonable argument that can be made against automation given the current culture in finding employees. She feels that standardization is critical because her understanding is that not all offices and departments are processing things in the same way.

Director Rast said that there are a couple programs within the county that he is very cautious about giving access to, Financial Edge is one of them as he doesn't want to interfere with any of the check and balance practices within the auditing department. Director Rast thinks perhaps this needs to be a discussion amongst the EO to determine processes.

Commissioner Smith's request is still to have a summary sheet. Controller Wagoner said they will do a trial run to see what the timing looks like and what kind of reports can be generated.

Commissioner Smith indicated that it sounds like everyone is on board to move forward with digitization of the purchase order workflow. However, there needs to be more information on what the transfer from the purchase order to the claim process looks like. Employees status change forms are okay in digital format.

The meeting concluded at 3:43 p.m. An audio recording is on file in the Commissioners' Office.

THE MINUTES OF THE FISCAL TERM OF MARCH 2022 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 _____, 2022.

CANYON COUNTY BOARD OF COMMISSIONERS

Commissioner Leslie Van Beek

Commissioner Keri K. Smith

Commissioner Pam White

ATTEST: CHRIS YAMAMOTO, CLERK

By: _____, Deputy Clerk