

June 27, 2022

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 27th day of June 2022.

IN THE MATTER OF ROLL CALL)

Debbie Warren, Deputy Clerk, called roll call: Kirk Chandler, present; Lyndon Haines, present; and Nate Marvin, present.

Nate Marvin opened the meeting and led the Pledge of Allegiance. Lyndon Haines gave the invocation.

IN THE MATTER OF CORRESPONDENCE/MEETINGS AND REPORTS)

Correspondence received by the Board was reviewed and disseminated as required.

Haines stated that he would attend the Health Board meeting tomorrow.

Kirk Chandler moved, seconded by Lyndon Haines to approve a demand warrant to Alvarado Jewelers in the amount of \$210.00 for a watch. Motion carried.

Lyndon Haines moved, seconded by Kirk Chandler to approve three demand warrants to the US Postmaster in the amounts of \$290.00, \$1,306.00, and \$370.00 for stamps. Motion carried.

Lyndon Haines moved, seconded by Kirk Chandler to approve a catering permit for Holland's Bites and Brews at Burlap 'N Buds Flower Festival and Makers Market at 1423 Larsen Rd, Weiser on June 25, 2022. Motion carried.

Lyndon Haines moved, seconded by Kirk Chandler to approve a catering permit for The Bubbly Bar at Burlap 'N Buds Flower Festival and Makers Market at 1423 Larsen Rd., Weiser on June 25, 2022. Motion carried.

IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of June 21, 2022 were approved as written.

IN THE MATTER OF CLAIMS)

The claims, audited by the Auditor, were presented and reviewed by the Board.

The Auditor was authorized to issue warrants totaling \$196,720.29 for general expenses by a motion of Nate Marvin, seconded by Kirk Chandler. Chandler stated that a CAT lease payment was \$54,000.00 and fuel bills were higher. Motion carried.

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Chandler questioned the payment of chairs and dolly at the Extension Office. Chandler also stated that window shades would be helpful on the western-facing windows.

The claims for election workers, audited by the Auditor, were presented and reviewed by the Board.

The Auditor was authorized to issue warrants totaling \$686.50 for election workers by a motion of Nate Marvin, seconded by Lyndon Haines. Motion carried.

Gordon Wilkerson joined the meeting.

IN THE MATTER OF ROAD & BRIDGE/SOLID WASTE)

Jerod Odoms, Road and Bridge/Solid Waste Supervisor, met with the Board.

Odoms reported that no bidders came to the Salubria Pit property auction. Odoms later found that the incorrect date had been published for the auction. The Commissioners requested Odoms to re-advertise the auction.

Odoms reported that Chip sealing is scheduled for August. Paving will begin in July especially in shorter areas. Paving will begin on Cove Road in September.

Nate Marvin moved, seconded by Kirk Chandler to go into executive session at 9:01 a.m. in accordance with I.C. 74-206(1) (a & b) to consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office, (b) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student. Motion carried unanimous. Kirk Chandler, Aye; Lyndon Haines, Aye; Nate Marvin, Aye.

Nate Marvin stated they were out of executive session at 9:20 a.m.

The Commissioners directed Odoms to revisit the Solid Waste budget to cover new expenses.

Chandler reported that a sign was down on Long Road. Odoms also stated that he had to replace a stop sign on Saturday at the corner of Day and Ross Roads.

IN THE MATTER OF BOARD OF EQUALIZATION)

Debbie Moxley-Potter, County Assessor, met with the Board. Shyleen Houser, Michelle Tate, Katie Bardan, and Chance Whitaker, Deputy Appraisers, and Larry and Myra Markel were also present.

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Nate Marvin moved, seconded by Kirk Chandler to recess as the Board of Washington County Commissioners and convene as the Washington County Board of Equalization. Motion carried unanimous.

Nate Marvin read the hearing rules. Larry Markel, Myra Markel, and Debbie Moxley-Potter were sworn in by Debbie Warren, Deputy Clerk.

Larry and Myra Markel presented their appeal on Parcel Number RPW25300030090.

Moxley-Potter presented the Assessor evidence for the Markel's assessment.

Commissioner Haines inquired about the Markel's assertion that they do not have a useable three-car garage and how the garage is assessed. Moxley-Potter stated that she could re-assess a section of the garage as a finished tool room if the Commissioners wish. The value could go up higher.

Larry Markel inquired if the Assessor can assess over the market value. Markel stated that the values are dropping.

Myra Markel inquired about how the assessment is affected by being on the golf course and that their house only has two-bedrooms. Moxley-Potter stated that the assessment is based on square footage and the quality of construction. Larry Markel inquired if the lot assessment could be re-evaluated because he believes that backing up to the golf course is actually a detriment to his property value. Moxley-Potter stated that she could do that if the Commissioners request it.

Marvin inquired how much the Markels taxes were reduced to last year. Moxley-Potter stated that the tax bill was reduced about \$1,000.00. Moxley-Potter read the email that she sent to the Markels last June stating that the reduction was for only one year.

Chandler stated that there had been another property like this come before the Board. Chandler stated that the courts stated that because the homeowners were able to purchase the home at a reduced cost that does not reduce its value. Chandler stated that the residential values are rising and the assessments are based on those values. Chandler informed the Markels that he understands how they feel.

Haines stated that the Board of Equalization's responsibility is to be sure that the Assessor is correct in her valuation.

The Commissioners encouraged the Markels to contact their legislators about changes in property tax laws.

Lyndon Haines moved, seconded by Kirk Chandler to sustain the Assessor's value of RPW25300030090 owned by Larry and Myra Markel. Motion carried.

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Nate Marvin stated that the Markels could appeal the Board of Equalization's decision to the State or court. Debbie Warren, Deputy Clerk, informed the Markels that they could obtain the appeal packet from the Clerk's office.

Debbie Moxley-Potter presented an appeal of assessment by Stan Uhl for RP11N06W353030. The homeowners did not appear.

Moxley-Potter presented the Assessor case.

Kirk Chandler moved, seconded by Lyndon Haines to sustain the Assessor's value of RP11N06W353030 owned by Stan Uhl. Motion carried.

Marvin closed the hearing at 10:30 a.m.

Nate Marvin moved, seconded by Kirk Chandler to recess as the Washington County Board of Equalization and reconvene as the Board of Washington County Commissioners. Motion carried unanimous.

Debbie Warren, Deputy Clerk, called roll call: Kirk Chandler, present; Lyndon Haines, present; and Nate Marvin, present.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board. Kay Wyss was also present.

Walker reported that he spoke with Tim Atwood, Weiser Rural Fire Chief about Gentry Lane. Walker informed the Board that Atwood is not sure if the current driveways are wide enough at sixteen (16) feet wide for a single dwelling and twenty (20) for multiple dwellings. Atwood informed Walker that he believed that Lancaster had applied for a permit but he did not know the details. The County does not have jurisdiction. Chandler stated that the amendment of the international fire code indicates that if the lot sizes are five acres or more then the fire code does not apply for access in the County. Chandler stated that he believes that if the landowners want a wider road that the landowners can make improvements to the road. Lancaster had stated that he would rebuild the road when a rezone was under consideration. Because the Commissioners denied the application for a rezone, Lancaster is not under obligation. Walker stated the Commissioners cannot enforce the improvements.

The Commissioners requested that Walker have the commercial appraiser list the separate values for each parcel and issue one report that includes all three parcels.

Walker stated that he will be available by zoom for the meeting on July 5, 2022, but will not be available on July 11, 2022.

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IN THE MATTER OF PLANNING AND ZONING)

Bonnie Brent, Planning and Zoning Administrator, met with the Board. Mitchell Vermeer, Idaho State Department of Agriculture (ISDA); Steve Pierson, Building Inspector; Jim Metzger, City Airport; and Daniel Walker were also present.

Mitchell Vermeer, ISDA, thanked the Commissioners for inviting him to meet with them. Kirk Chandler stated that under the state rules, CAFOs (Confined Animal Feeding Operation) are 1000 head of beef but the County Code requires CAFO's after 500 units. Chandler stated that the State inspects several sites that do not qualify as a CAFO by state rules. Yet growth is limited for 1 ½ miles around the CAFO. Chandler stated that these properties might qualify as an AFO (Animal Feeding Operation), but are inspected as a CAFO. Chandler stated that he knew several owners had applied for the CAFO just to keep people from moving close to them. Chandler inquired why the state inspects these properties if they do not even have a feedlot on them.

Vermeer stated that beef CAFOs are different than Dairy CAFOs. Medium AFOs (under 1000 units) are still inspected by the state. The County delegates the CAFO status. The County does the permitting and the state inspects the facility.

Chandler inquired if the County can re-classify the CAFO permits as medium AFOs instead of CAFOs if the operations are under the requirements of the County. Chandler also inquired if the operations are classified as AFOs, then could they be not under County Code as CAFOs. Vermeer stated that he did not know how the County Codes were written in Washington County.

Walker stated that currently our County Code does not allow for that but the Codes can be changed.

Brent stated that all the current CAFO owners went through a hearing process to obtain the CAFO permit. Walker and Brent agreed that the County could not do away with a CAFO that exists.

Chandler inquired that if a current CAFO is not being used as a CAFO under the County regulations, why are they being treated as a CAFO. If the state is inspecting them as a medium AFO, why are we treating them as CAFOs and restricting growth in the whole area around them.

Walker stated that the County could not take away their right to a CAFO and any other property values. Walker stated that the County could have different levels of CAFO sizes. Walker indicated that the code for medium AFOs could allow closer housing.

Haines inquired of Vermeer what was the benefit to someone who is not currently using their CAFO to still have it inspected by the state. Vermeer stated that generally a CAFO

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permit makes a property more valuable. Walker stated that it is hard to get a CAFO. Once a property owner gets a CAFO, he does not want to lose it. State Code makes it very difficult to take away a CAFO permit.

Vermeer stated that the state rules have nothing to do with changing a property from a CAFO to an AFO. Walker stated that if a property owner intends to keep the property as a CAFO, then it has to remain classified as a CAFO.

Chandler stated that if a CAFO owner wants to expand or improve a CAFO, the County must approve it.

Haines inquired of Vermeer if a property is not currently operating as a CAFO, but the owner wants to be used again, what happens at the state level? Vermeer responded that the state would do an inspection for the owner.

Steve Pierson, Building Inspector, was asked about regulations for residents living in RVs. Marvin stated that Commissioner Chandler had suggested a building permit so that the RV can be inspected for proper septic, electrical and snow load. Marvin stated that there has also been some discussion about tiny homes. Pierson does not believe that a building code applies to RVs. Chandler thought that permits could be issued for septic and wells, etc.

Chandler stated that if a building permit was issued, Southwest District Health would inspect the septic, there would be regulations for proper electrical hookup, and the RV would need to meet some requirements for the snow load. The RV could be required to be placed under a roof. Chandler stated that the Code could state that any habitable structure would require a building permit.

Pierson stated that there is currently a Code that states that a resident can live in their RV while their house is built. Chandler stated that some of the RVs would become permanent. Haines stated that the permit fee could go towards the building permit once the resident builds a house. Marvin stated that there would have to be two sets of regulations, one temporary and one permanent. Chandler stated that the purpose of the Code is for health and safety.

Haines stated that Clerk, Donna Atwood, had found some regulations in Gem County. Haines stated that he would inquire what Canyon County has done as well. Brent stated that the City of Cambridge issues a recreational vehicle permit for anything that is going to be parked for more than two weeks. It expires after 180 days. Brent stated that RVs are not designed to be habitable structures. Pierson stated that it is the reality of the day.

Brent inquired about the requirements of a foundation. Haines inquired how an RV could be anchored. Pierson stated that he would have to investigate the regulations. Chandler stated that if it still has wheels, the owner would pay the motor vehicle fees. If the

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wheels are removed; it is assessed as a structure. Chandler inquired Pierson to check about snow loads.

Brent presented the information about the floodplain variance for the Weiser Airport. Brent stated that the Commissioners could have a hearing. It does not have to go to Planning and Zoning. Marvin inquired for clarification about the need for the variance. Pierson stated that a foundation or walls would need to have vents to allow the floodwaters to flow through and all utilities have to be above floodplain levels. Pierson stated that the flood zone maps are “overly cautious”.

Lyndon Haines moved, seconded by Kirk Chandler to schedule a hearing for a variance in the flood plain for the Weiser Airport. Motion carried.

Brent presented the Daniel Walker for 47 Ranch Holdings LLC Special Use. Brent stated that the decision would be for three non-conforming lots for dwellings. The Planning & Zoning Commission stated that they wanted the building envelopes to come out along Mann Creek Road to preserve AG land.

Haines inquired if the right-of-way are maintained for the irrigation ditch. Brent stated that it was.

Lyndon Haines moved, seconded by Kirk Chandler to approve the Daniel Walker for 47 Ranch Holdings LLC Special Use. Motion carried.

Haines requested that Brent thank the Planning and Zoning Commission for their thorough work on this application.

IN THE MATTER OF AMBULANCE)

Nate Marvin moved, seconded by Kirk Chandler to recess as the Board of Washington County Commissioners and convene as the Board of the Weiser Ambulance District. Motion carried unanimous.

Debbie Warren, Deputy Clerk, called roll call: Kirk Chandler, present; Lyndon Haines, present; and Nate Marvin, present.

Luke Smith, Ambulance District Director, met with the Board. Order No. 22-35 for general expenses in the amount of \$3,653.38 was presented to the Board for review.

Smith reported the Ambulance District had seventeen calls for service last week, which included five transfers and four public assists/refusals for care.

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Smith informed the Board that he had met with ICRMP regarding repairs to the ceiling at the Ambulance Hall. There was discussion about replacing the roof. Smith reported that Kids' Day and the parade was a success.

Smith presented two recommendations for hire to the Board. Zander McElroy as a PRN (as needed) EMT and Larry Griggs as a PRN paramedic.

Marvin inquired if the District is receiving reimbursements for education. Smith recommended that the potential student be required to deposit \$500.00. Smith has applied for an education grant.

Lyndon Haines moved, seconded by Kirk Chandler, to approve Order No. 22-35 for general expenses in the amount of \$3,653.38. Motion carried.

There was discussion about continued funding for the District. Smith stated he is actively searching for grants and will continue to work with legislators.

Nate Marvin moved, seconded by Lyndon Haines to recess as the Board of the Weiser Ambulance District and reconvene as Board of Washington County Commissioners. Motion carried unanimous.

Debbie Warren, Deputy Clerk, called roll call: Kirk Chandler, present; Lyndon Haines, present; and Nate Marvin, present.

Motion by Nate Marvin, seconded by Lyndon Haines and unanimously carried to recess at 11:51 a.m. until July 5, 2022 at 8:45 a.m.

Chairman, Board of County Commissioners

ATTEST:

Clerk

A full audio recording of the Commissioner Meeting is available at the Clerk's Office upon request.