

July 12, 2021

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 12th day of July 2021.

IN THE MATTER OF ROLL CALL)

Donna Atwood, Clerk, called roll call: Kirk Chandler, present; Lyndon Haines, present; and Nate Marvin, absent.

Lyndon Haines opened the meeting and Kirk Chandler 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. The Board reviewed

Kirk Chandler moved, seconded by Lyndon Haines to approve Retail Liquor License No. 17 for the Tobacco Connection doing business at 611 U.S. Highway 95, Weiser, ID. Motion carried unanimous.

Lyndon Haines moved, seconded by Kirk Chandler to approve Retail Alcoholic Beverage License No. 31 for Los Chipenos, LLC doing business at 1255 State Street, Weiser, ID. Motion carried unanimous.

Kirk Chandler moved, seconded by Lyndon Haines to approve a demand warrant payable to Intermountain Gas in the amount of \$9.79. Motion carried unanimous.

Lyndon Haines moved, seconded by Kirk Chandler to approve a demand warrant payable to Wienhoff Drug Testing in the amount of \$75.00. Motion carried unanimous.

Haines discussed the District III meeting to be held on July 14, 2021 via Zoom. Haines also discussed training for the Planning and Zoning Commission on July 14, 2021 at 7:00 p.m. Haines stated that Jerry Mason will participate in the training via Zoom.

Lyndon Haines moved, seconded by Kirk Chandler to approve the purchase of the server in the amount of \$18,637.98 to be paid from the Commissioner Contingency Account. Motion carried unanimous.

Kirk Chandler moved, seconded by Lyndon Haines to allow the Horizon Credit Union to provide employee-banking benefits. Motion carried unanimous.

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IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of July 6, 2021 were approved as amended.

IN THE MATTER OF CLAIMS)

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

The Auditor was authorized to issue warrants totaling \$242,419.29 for general expenses by a motion of Kirk Chandler, seconded by Lyndon Haines. Motion carried.

IN THE MATTER OF JUVENILE PROBATION)

Dahlia Stender, Juvenile Probation Supervisor, met with the Board. Stender discussed the low numbers of community service hours currently scheduled. Stender informed the Board there is currently a low caseload as well. Stender reported there are two juveniles in State custody.

Stender discussed the SUDS (Substance Use Disorder Services) program and expenditures paid from those funds.

Stender reviewed the CBAS (Community Based Alternative Services) program and how the department has utilized those funds.

Stender informed the Board that the Idaho Association of Juvenile Justice Administrators will propose Juvenile Probation Officers to be added to the rule of 80 for PERSI benefits.

IN THE MATTER OF EMERGENCY MANAGEMENT)

Tony Buthman, Emergency Manager, met with the Board. Also present was Idaho Office of Emergency Management Director, Brad Richey and Rob Feely.

Buthman reported the IOEM (Idaho Office of Emergency Management) would host a preparedness Conference October 6 and 7, 2021 in Meridian. Buthman stated one Commissioner can attend at no cost to the County.

Buthman stated the City of Midvale opted to back out of the generator project, so funding from the SHSP grants will be applied to other projects within the County.

Buthman informed the Board of vacation time he will be taking and trainings he plans to attend.

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Director Richey addressed the Board. Richey discussed COVID-19 responses and funding that may be available. Richey discussed the importance of having a Mitigation Plan in place to qualify for the funding.

Richey discussed the Cascadia Rising Training to be held June of 2022, which addresses the aftershocks of earthquakes on the West Coast. Richey thanked the Board for signing a Letter of Intent to participate.

Richey stated he would be assisting in the review of grant applications submitted to the IOEM. Richey encouraged the Board to reach out if there are projects where assistance is needed.

Voice over IP (VOIP) phones was discussed. Richey informed the Board that if the phones are not updated every few years, they are probably outdated. A survey was conducted and most counties no longer use VOIP phones. Richey stated that IOEM has teamed up with Microsoft and ESRI in hopes of improving communications.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board. There was discussion regarding the upcoming murder trial and the need to budget for the expense.

Walker stated he had talked with Chris Meyer with the firm Givins Pursely regarding County Code and the 20-acre splits of property. Walker read an email from Samuel Parry, an associate with the firm Givins Pursley, regarding a moratorium on development, which stated, "I looked into whether Washington County can impose a temporary moratorium on development while it completes review and revision of its Code. LLUPA (Local Land Use Planning Act) provides for emergency moratoriums (I.C. 67-6523) and interim moratoriums (I.C. 67-6524). Both provisions require a finding of an imminent peril to the public health, safety, or welfare. A handful of jurisdictions used these provisions to justify a moratorium on development in response to the Idaho Legislature's recent property tax bill that constrains local government budgets. Generally, these jurisdictions pointed to their decreased ability to fund emergency and essential services (police, fire, EMT, waste management, etc.) as an imminent peril to the public health, safety, and welfare. Washington County will need to justify its moratorium by identifying an imminent peril to the public if development is allowed to continue."

The County should identify growth rates and compare against the anticipated impacts from continued growth—especially in proximity to agricultural operations.

Chandler stated he was proposing to suspend the original parcel part of the code, not stop growth. Chandler discussed the exception and how that has previously been interpreted. Chandler discussed the Woodcock decision that Walker had shared with the Board.

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Chandler indicated that the code needs to be revised so it states what is desired for future development.

Haines inquired on the status of the final interpretation of County Code from the firm Givins Pursley.

Walker stated the county had continued to allow not splits after the Woodcock decision and then there were changes or additions made to County Code in 2012. At that time, a definition for Residential Subdivision was added to County Code. There was also an additional section added to 5-4-1, but neglected to define "Approved lot". Walker stated there are many terms/words within the code that need to be defined. Walker reported that Meyers thinks the code is fine at this time to not allow the unlimited, 20 acre or more, but needs to be further defined as there are still questions as to what is allowed per code.

Haines stated he believed some of the corrections could be handled through zoning changes. Agriculture needs to be protected while allowing development in areas that it makes sense to develop such as the 95 corridor. Haines questioned if the county were to zone with purpose, would it provide some relief to the issues?

Walker agreed and stated it would be especially helpful in the City impact area.

Chandler discussed the type of zoning the cities would support and lot size. Chandler stated the City of Cambridge did not want A2 zones around the City because the lot size is one-acre or larger in A2 zone. Chandler stated it needs to be made so there is a benefit to growth in that zone. Chandler stated there are contradictions in the code as far as what is allowed in the impact areas. Chandler discussed the Lancaster Decision and questioned if the Board would have to go back due to questions that have come forward.

Walker stated they would not go back on the Lancaster ruling, but would revise the code. There would not be an impact on one particular landowner, but the code would be revised to make sure it is clear what is allowed and what is not allowed.

Walker discussed the process to follow beginning with the Planning and Zoning Administrator, the Planning and Zoning Commission, and the County Commissioners.

Haines stated he would be interested in an opinion regarding A1. Haines inquired what the process would be if they wanted to zone the County in greater detail.

Walker stated that spot zoning cannot be done in certain areas, but can be done in the impact areas and along the corridor. Walker indicated to the Board it can gather information (separately) of where they believe would be a good area for growth/development.

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Haines stated he did not want the taxpayer paying for growth. Haines stated he would like the developer to pay for growth.

Chandler stated the developer should pay for infrastructure. The County should not provide the infrastructure. Chandler stated that should be included in the subdivision ordinance.

Haines stated that it should be consistent throughout the County.

The Woodcock Decision was discussed. Walker stated the Board at that time did not agree with the ruling and did not follow the ruling.

IN THE MATTER OF PLANNING AND ZONING)

Bonnie Brent, Planning and Zoning Administrator, met with the Board. Brent presented the current building permit report to the Board.

Haines stated that Jerry Mason had confirmed the Planning and Zoning training date of July 14, 2021 at 7:00 p.m.

Chandler discussed the interpretation of the code regarding a building permit for Ag buildings on A1 agricultural land. Chandler discussed the Stewart property and inquired if the property was required to get a building permit and have the footings engineered.

Brent stated she did not believe the County had required the property owner to hire an engineer. Brent stated the original plan for the subject property did include a living quarters. Brent stated the definition of an Ag building is provided to the owner/applicant. Brent will research the matter.

Haines reviewed the previous conversation with Prosecutor Walker regarding zoning within the County.

Chandler discussed property assessments and stated county zoning does not recognize property assessments. Chandler stated they should be the same.

There was discussion of the subdivision ordinance.

Brent stated there is a technical review committee to review larger subdivisions regarding roads, water, sewer, etc.

IN THE MATTER OF AMBULANCE)

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Lyndon Haines 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.

Donna Atwood, Clerk, called roll call: Kirk Chandler, present; Lyndon Haines, present; and Nate Marvin, absent.

Luke Smith, Ambulance District Director, met with the Board. Order No. 21-32 for general expenses in the amount of \$9,417.85 was presented to the Board for review.

Smith reported the Ambulance District had thirty-seven calls for service last week, which included eight transfers and seven public assists/refusals for care.

Smith informed the Board of a correction to the starting wage for Steven Babb at \$12.36 per hour. The wage will increase to \$13.00 per hour after required training modules are completed.

Smith stated training manikins would have to be purchased at an estimated cost of \$1,500.00. The manikins are a requirement for training and certification for staff.

The group discussed the cost for servers and computers for the District. Smith inquired if he should move forward with the purchase and request reimbursement through ARPA (American Recovery Rescue Plan Act) funds. Smith stated the purchase needs to be done in the near future.

Haines discussed the financial reports and requested they be submitted to the Board by the Friday before the meeting to allow time for review of the reports.

Kirk Chandler moved, seconded by Lyndon Haines to approve Order No. 21-32 for general expenses in the amount of \$9,417.85. Motion carried unanimous.

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

Donna Atwood, Clerk, called roll call: Kirk Chandler, present; Lyndon Haines, present; and Nate Marvin, absent.

IN THE MATTER OF BOARD OF EQUALIZATION)

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

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Donna Atwood, Clerk, called roll call: Kirk Chandler, present; Lyndon Haines, present; and Nate Marvin, absent.

Assessor, Debbie Moxley-Potter, met with the Board. Also present was Niki Houser.

Moxley-Potter explained that House Bill 562 had made changes regarding the Homeowner's Exemption.

Moxley-Potter stated a correction is needed on parcel RP12N05W351450 and a new notice will be sent to the property owner.

Kirk Chandler moved, seconded by Lyndon Haines to approve the correction on parcel RP12N05W351450. Motion carried unanimous.

Kirk Chandler moved, seconded by Lyndon Haines to approve removal of the homeowner's exemption on parcels MH009556, RPW30003305760. Motion carried unanimous.

Kirk Chandler moved, seconded by Lyndon Haines to approve a 50% reduction due to fire to parcels MH009769 and RP11N05W289020. Motion carried unanimous.

Kirk Chandler moved, seconded by Lyndon Haines to add Homeowner's Exemption to the following parcels: MH009405, RPC732000600CC, RPC76000038050, RPW055000100BA, RPW2650023018A, RP11N06W126190, RP12N04W190100, and RPW2650039016A. Motion carried unanimous.

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

Donna Atwood, Clerk, called roll call: Kirk Chandler, present; Lyndon Haines, present; and Nate Marvin, absent.

IN THE MATTER OF ROAD & BRIDGE/SOLID WASTE)

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

Odoms requested rolling over 56 hours of vacation time for an employee until the Goodrich Road Project could be completed.

Kirk Chandler moved, seconded by Lyndon Haines to carry over 56 hour for John Hollis. Motion carried unanimous.

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Odoms discussed open positions within the Solid Waste and Road and Bridge Departments. Odoms reported that the hot asphalt mix will be delivered today and that City Park has been reserved for September 23rd for the employee appreciation BBQ.

Odoms reported there was a minor injury to an employee at Solid Waste. A report has been filed.

Motion by Lyndon Haines, seconded by Kirk Chandler and unanimously carried to recess at 11:49 a.m. until July 19, 2021 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.