

February 27, 2023

The Board of County Commissioners of Washington County, Idaho, does hereby meet this 27th day of February 2023.

IN THE MATTER OF ROLL CALL)

Donna Atwood, Clerk, called roll call: Gordon Wilkerson, present; Lyndon Haines, present; and Nate Marvin, present.

Lyndon Haines opened the meeting and Jennifer Tate led the Pledge of Allegiance. Gordon Wilkerson gave the invocation.

IN THE MATTER OF CORRESPONDENCE/MEETINGS AND REPORTS)

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

Nate Marvin reported that he attended the WICAP and Area Three Agency on Aging meetings last week.

Lyndon Haines stated he will attend the Southwest District Health Board meeting this week.

Gordon Wilkerson stated he will attend the SREDA (Snake River Economic Development Alliance) and Soil & Water Conservation District meetings this week.

Nate Marvin moved, seconded by Gordon Wilkerson to approve the January 2023 Operation in Funds/Statement of Treasurer's Cash in the amount of \$19,062,303.83. Motion carried.

IN THE MATTER OF MINUTES)

The minutes of the Board not heretofore approved of February 13, 2023, 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 \$242,765.01 for general expenses by a motion of Nate Marvin, seconded by Gordon Wilkerson. Motion carried unanimous.

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IN THE MATTER OF ROAD & BRIDGE/SOLID WASTE)

Jerod Odoms, Road and Bridge/Solid Waste Supervisor, met with the Board. Odoms reported graders are out today. Odoms informed the Board that he will be attending training in Boise tomorrow. Odoms stated he is preparing to send out bid invitations for asphalt.

Haines inquired if there were plans still in place to pave the parking lot at the fairgrounds. Odoms confirmed.

Plans for upcoming road work/maintenance was discussed.

IN THE MATTER OF JUVENILE PROBATION)

Dahlia Stender, Juvenile Probation Supervisor, met with the Board. Stender discussed the Weiser High School request for funding in the amount of \$500.00 for the Senior Class Party. Stender also requested funding to be used for a training program with Dr. Powell scheduled for April 12th at CWI (College of Western Idaho) up to \$1,000.00. Funding will come from lottery funds. The Board approved the request.

IN THE MATTER OF MISDEMEANOR PROBATION UPDATE)

Wade Dishion met with the Board. Dishion discussed the Annual Probation Report with the Board. Dishion stated he met with the District Judge regarding meeting with clients. Dishion discussed the current number of cases, both felony and misdemeanor. Dishion discussed Pretrial Services and the cost of supervision with the Board.

IN THE MATTER OF PROSECUTING ATTORNEY)

Delton Walker, Prosecuting Attorney, met with the Board.

Lyndon Haines moved, seconded by Gordon Wilkerson to go into executive session at 10:02 a.m. in accordance with I.C. 74-206(1)(c) to conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency. Motion carried unanimous. Gordon Wilkerson, Aye; Lyndon Haines, Aye; Nate Marvin, Aye.

Lyndon Haines stated they were out of executive session at 10:38 a.m.

IN THE MATTER OF PLANNING AND ZONING)

Bonnie Brent, Planning and Zoning Administrator, met with the Board.

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Wilkerson discussed setbacks. Wilkerson discussed Title 67 Chapter 65 regarding powers granted to the Board and the production of agriculture products. Wilkerson read a portion of the Code on the record. Wilkerson also discussed Title 39-4116 #(5) which reads “Local governments shall exempt agricultural buildings from the requirements of the codes enumerated in this chapter and the rules promulgated by the board. A county may issue permits for farm buildings to assure compliance with road setbacks and utility easements, provided that the cost for such permits shall not exceed the actual cost to the county of issuing the permits”.

Wilkerson stated that the language in 67-65 is pretty strong in stating that the “State shall not hereby empower the Board of County Commissioners to limit use.” Wilkerson stated that “Obviously, somewhere between that code and this code, they have empowered the County Commissioners to put in setbacks.” Wilkerson stated that the language in 39-4116 (5) “does not grant the power, it just says that it is there.” Wilkerson requested a definition of “may”.

Walker stated “may” allows the County to choose. This allows the County to track the placement of buildings related to setbacks and utility easements.

Haines stated that utility easements, outside of water rights, are extremely strong in the State of Idaho. The permit is to ensure that a building is not placed in an area of setback or within a utility easement.

Wilkerson stated, “There are no permits if you are outside of the setback.”

Wilkerson inquired how a person would know if they were outside of the setback? Walker stated, “You know that because you go to the County, and they tell you where the setback is.” “You have a permit that says you have placed it in the right place.”

Haines stated he had no desire to control where people put their Ag building as long as they are not putting it in a setback. That has been a problem in the past.

Walker stated the proposed code added that people cannot live in the Ag building. An Ag building gets an exemption for the normal building permit which has requirements per Code. Walker stated the new code proposal was designed because people are habituating in the farm buildings. It should not be a place of habitation as per State Code.

Haines stated it is important to remember that an Ag building is an exemption in which a home goes through the permitting process. The goal is to make sure a building is not placed in the setback. Haines stated he did not think the version going to public hearing accomplishes the goal. Haines informed the group there will need to be changes to the rough draft.

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Walker stated there is a safety issue and the county can regulate for health and safety on the county level.

IN THE MATTER OF AMBULANCE)

Lyndon Haines moved, seconded by Gordon Wilkerson 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: Gordon Wilkerson, present; Lyndon Haines, present; and Nate Marvin, present.

Christy Maldonado with the Ambulance District met with the Board. Order No. 23-19 for general expenses in the amount of \$1,515.19 and Order No. 23-0011 for payroll expenses in the amount of \$ 23,936.71 was presented to the Board for review.

Maldonado reported the Ambulance District had twenty-four calls for service last week which included seven transfer and five public assists/refusals for care.

Nate Marvin moved, seconded by Gordon Wilkerson to approve Order No. 23-0011 for payroll expenses in the amount of \$ 23,936.71. Motion carried.

Nate Marvin moved, seconded by Gordon Wilkerson to approve Order No. 23-19 for general expenses in the amount of \$ 1,515.19. Motion carried.

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

Donna Atwood, Clerk, called roll call: Gordon Wilkerson, present; Lyndon Haines, present; and Nate Marvin, present.

IN THE MATTER OF AG BUILDINGS)

Frank Schwartz, Cambridge, Idaho, addressed the Board. Schwartz expressed his concerns on the proposed Ag building exceptions. Schwartz stated he opposed additional regulations that impact that ability to control and manage property and operations or that create additional taxpayer burden or add costs to the farm and ranch operations. Schwartz stated he did not want regulations in Washington County that are inconsistent with the desire of the long term residents. Schwartz informed the Board that Ag buildings should be exempt for building codes and permitting requirements per Idaho Statutes.

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Haines stated that the end result is for more clarification. Haines further stated that there have been some agricultural buildings built in the setback of the county road or utilities.

Haines stated he likes the idea of an Ag declaration versus a permit. In talking to farmers and ranchers there has been confusion as to what an ag shop is. Haines stated there needs to be a better definition for Ag versus non-Ag. Haines discussed instances where people living in buildings that were declared as Ag buildings. Haines stated that he sees the end regulation not being any stricter, just better defined. Haines had informed Schwartz that after the hearing, there will need to be changes to the draft proposal. Haines informed the group he has re-worked the draft proposal and stated he believed that better definitions are needed in the County Code. Haines stated that there have also been concerns regarding primary use versus incidental use. Haines stated he wanted to do what is best for the community and not create a problem by trying to solve one.

Schwartz discussed outside counsel assisting with code changes. Schwartz inquired if the Board was aware that changes one code will require changes to other portions of the code.

Haines stated that is the difficulty with any code change. Haines further stated that the proposal is not “in the shape it needs to be in” and there will have to be a second hearing. Substantial changes will be made to the original draft. Haines stated he hopes there will be little effect on other portions of the code.

Schwartz discussed requirements in the proposal. Schwartz suggested cancelling the hearing. Schwartz also discussed IDAPA Rules and stated the definition of “farm” was removed in 2003. Schwartz discussed State Code and International Building Code.

Haines stated the same wording does exist in the HVAC code.

Schwartz stated the County does not have the “staff, expertise or budget necessary to implement and administer the proposed building regulation changes.” He asked if the Commissioners intend to use taxpayer dollars to fund this new program.

Haines asked, “What do you mean, new program?” Haines stated the County does not plan to add a code enforcement officer. Haines stated the County does contract with a building inspector and has an engineering firm on retainer. Haines stated this is designed to be proactive on the frontend, not the backend. All we are trying to accomplish is to make sure an Agricultural building is an Agricultural building, that it is not a residence, and it is not put in a setback.

Marvin stated testimony at the hearing will be limited to three minutes that comments can be submitted in writing at the hearing or prior to.

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Motion by Lyndon Haines, seconded by Gordon Wilkerson and unanimously carried to recess at 12:01 p.m. until March 6, 2023, 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.