

APPLICATION FOR REZONE

NAME: Bonnie Walker Estate by Jon C Walker

PHONE (home): 208-550-5081 (business); Same

ADDRESS: 1460 E 7<sup>th</sup> Welter, ID. 83672

EMAIL: 1460 Wrauch@gmail.com

PROPERTY ADDRESS & LEGAL DESCRIPTION: (attach if necessary):  
Highway 95 & E Lucianhead Rd.

ZONING CLASSIFICATION: Present A-1 Proposed R-3 City

IS A DEVELOPMENT AGREEMENT REQUESTED WITH THE REZONE? Yes No

IS THE INTENT OF THIS REZONE A RESIDENTIAL SUBDIVISION? Yes No

An Application fee of \$100.00 and Deposit of \$500.00 must accompany this completed application.

The Following is required for a Rezone Application:

- 1) **NARRATIVE:** 1. The general compatibility with adjacent and other properties in the district and the relationship of the proposed use to other aspects of the Comprehensive Plan will be discussed. 2. Availability of public facilities such as streets, sewage, water, etc., to support the proposed uses; and compatibility of the proposed uses with the surrounding area.
- 2) **VICINITY SKETCH:** A vicinity map, which is drawn to scale, must be attached showing the location of the property under consideration.
- 3) **PROOF OF OWNESHIP OR VALID OPTION HOLDER;** a copy of your property deed or option agreement should be attached.
- 4) **IF THE CURRENT ZONING IS A-1:** No land zoned A1 may be rezoned to a different use until it can be shown that the land is not prime agricultural land. The county seeks to protect agricultural land. Prime agricultural land shall be defined by:
  - a. Potential crop productivity.
  - b. Availability of irrigation.
  - c. Grazing potential.
- 5) **Environmental factors** such as water quality and availability, septic capacity, soils, flooding potential and other factors affecting development shall be addressed.
- 6) The applicant applying for rezone shall submit a report as designated by the county addressing these conditions for consideration by the county prior to rezoning of the property.

The Administrator reserves the right to not officially accept this application until total review is accomplished and all required information is submitted. The Administrator upon the acceptance of a complete application will establish the date of the public hearing.

Applicant Signature: Jon C Walker

DATE RECEIVED 03/22/2024 RECEIPT NO. \_\_\_\_\_

ACCEPTED BY AKB DATE OF HEARING 04/15/2024



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## WASHINGTON COUNTY Planning and Zoning

January 30, 2024

Re: RP11N05W297350

The Washington County Board of County Commissioners met on January 22, 2024, and moved to remand the Jon C Walker Personal Representative of the Bonnie Walker Estate Rezone request back to the City of Weiser Planning & Zoning. The Board requested that the City of Weiser Planning & Zoning review Title 4 Chapter 1 of Washington County Code that directs the city to look at City of Weiser Code in impact areas and consider a development agreement.

If you have any questions, please do not hesitate to contact the Planning & Zoning office at (208)414-3631.

Thank you,

Bonnie Brent-Dowell  
Planning and Zoning Administrator  
Washington County

256 East Court  
Weiser, ID 83672

PHONE (208) 414-3631  
FAX (208) 414-3925  
E-MAIL [bbrent@co.washington.id.us](mailto:bbrent@co.washington.id.us)  
WEB SITE [www.co.washington.id.us](http://www.co.washington.id.us)

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## Narrative for Washington County Planning & Zoning

### Narrative (1) General Compatibility with adjacent property

Directly West across US 95 is Dino Storage. NW of Property across US 95 is C & T Storage. Also, across E 6<sup>th</sup> St. from Dino Storage is Dishion Storage All zoned Commercial

Property would be accessible from Indianhead Rd. with a prescribed access a letter from Road & Bridge was sent to P & Z for clarification.

Sewage & Water will be determined as septic and well. Dino Storage is service with both. Subject property is the west portion of this lot so soil type would handle a septic and the water would be well.

### Vicinity Sketch)

See attached Plat & Legal

### Proof of Ownership

See Title search requested by Washington County P & Z

### Current Zoning

The Property is zoned A-1 However years ago when property was sold to Agri-Service and the large transport trucks with large tractor crushed the irrigation pipeline that ran along E 6<sup>th</sup> St. The property has not produced any crops for many years however we do keep it cultivated for weed control. I requested a head gate from the Galloway Canal ditch rider; however I was denied a headgate because there was a northern portion along Indianhead road that was above the Galloway water line make part of the property un-irrigatable according to ditch rider. This property has not been under production since Agri-Service was built approximately 1996. This property and the size would make it financially infeasible.

### Environmental Factors

The old Agri-service now Dino Storage property was the west portion of this property before US 95 was rerouted and that property has a septic & well on the property So you would assume the East portion would support a well and septic as well the soil type would be the same.

See E-mail from Anthony Lee SWDH

The only negative Environmental Factor the Water Resource has listed in the flood plain However they have been surveying the area to determine flood plain elevation at this time although in 70 years I've only seen water close to the property and that was because the County failed to remove brush and debris from their culvert at Indianhead & Monroe Creek during high water season. There is no wells or septic on this property. Water and Septic will be address as needed.



Washington

Find address...

Find by Parc...

Find by Ow...

Map Layers

Leg

### Map Layers

Washington County Mask

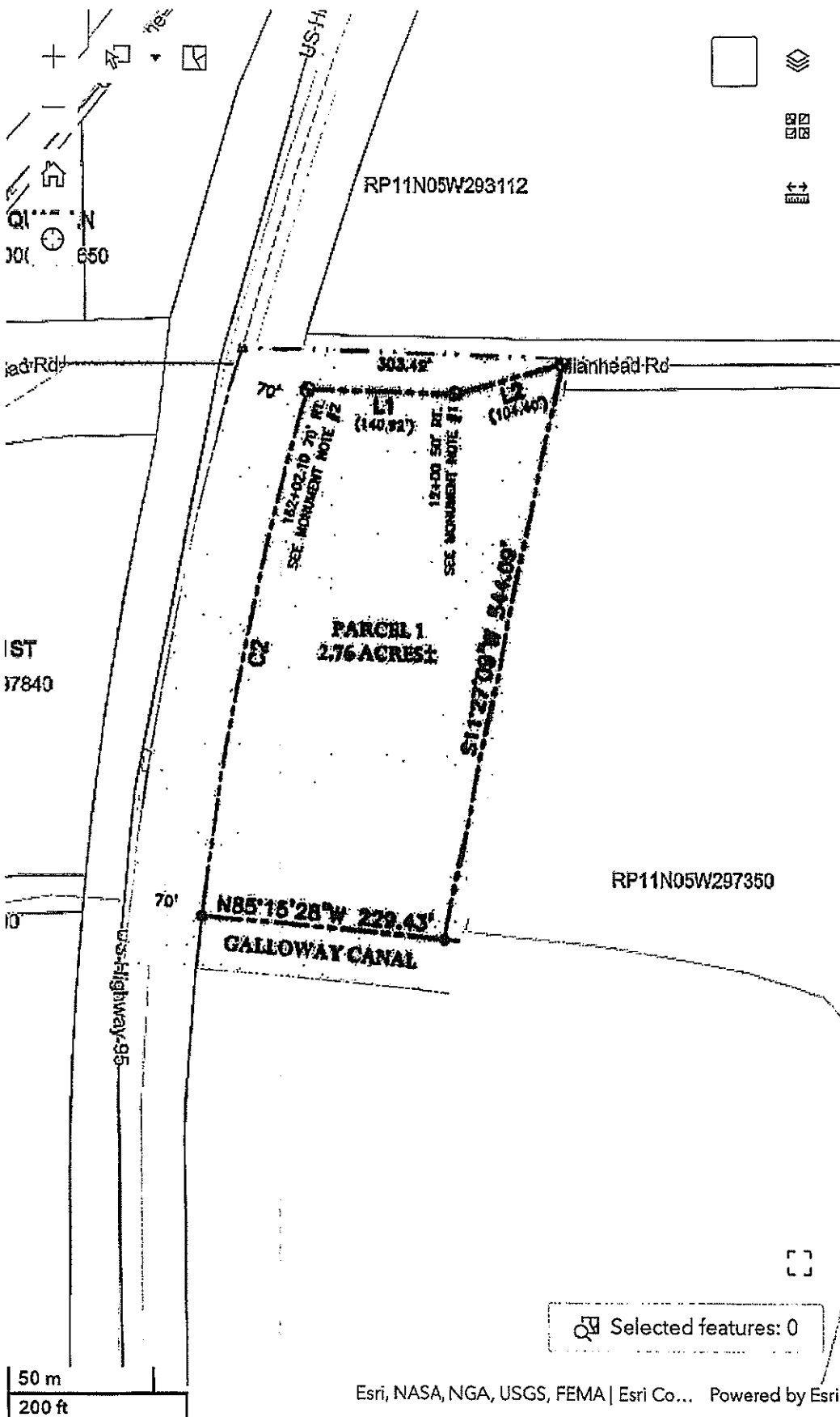
PLS

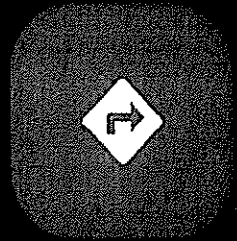
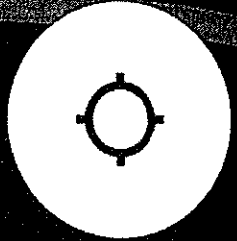
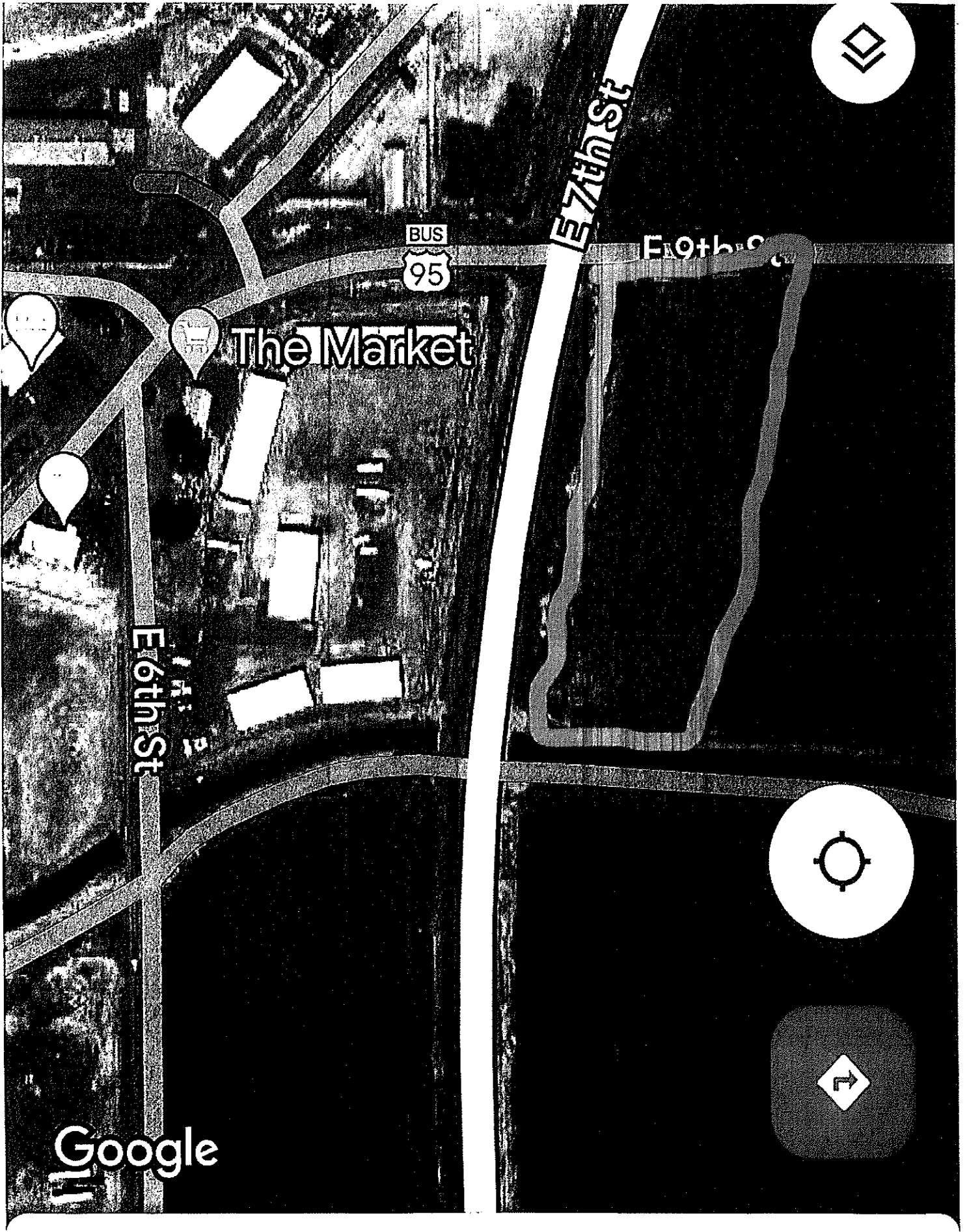
Washington Zoning

Washington Parcels

Washington County Waterways

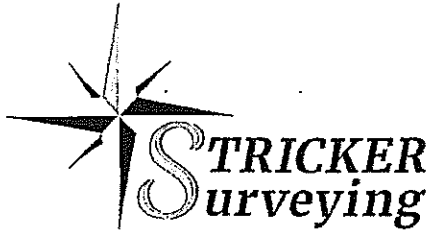
Roads



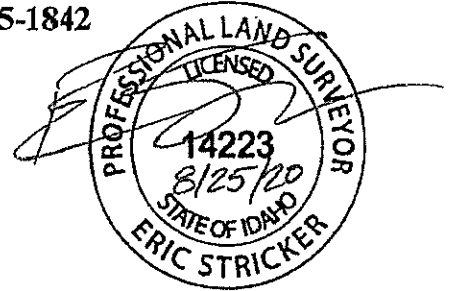


Google





2074 Shelley Dr.  
Payette, ID 83661  
(208) 405-1842



Project: 20058  
Date: August 25, 2020  
Page: 1 of 2

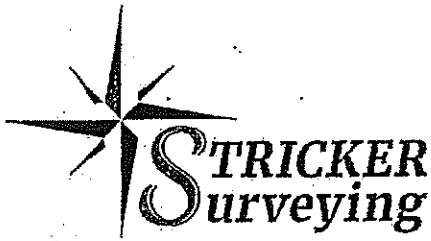
**JON WALKER**  
**ADMINISTRATIVE PARCEL SPLIT**  
**PARCEL 1**

This parcel is situated in a portion of the NE1/4 of the SE1/4 of Section 29, Township 11 North, Range 5 West, Boise Meridian, Washington County, Idaho and is more particularly described as follows:

COMMENCING at the northeast corner of said NE1/4 of the SE1/4, from which the center 1/4 corner of said Section 29 bears N.89°09'35"W., 2642.98 feet; thence along the north boundary of said NE1/4 of the SE1/4,

- A) N.89°09'35"W., 861.80 feet to Station 13+00 (14.08 feet right) of Indianhead Road (U.S. Highway No. 95 Project NH-STP-F-IR-3112(033)); thence,
- B) S.00°36'51"W., 5.92 feet to Station 13+00 (20.00 feet right) of said Indianhead Road and the **POINT OF BEGINNING**; thence,
  - 1) S.11°27'09"W., 544.09 feet to a 1/2 inch iron rod with orange plastic cap marked "STRICKER PLS 14223" on the northerly right-of-way of the Galloway Canal; thence along said northerly right-of-way,
  - 2) N.85°15'28"W., 229.43 feet to a 1/2 inch iron rod with orange plastic cap marked "STRICKER PLS 14223" on the easterly right-of-way of U.S. Highway 95 (Project NH-STP-F-IR-3112(033)); thence along said easterly right-of-way and a non-tangent curve to the right,
  - 3) having an arc length of 496.59 feet, a radius of 3367.75 feet, through a central angle of 08°26'55" and a chord bearing of N.11°05'32"E., 496.14 feet to Station 162+02.10 (70.00 feet right) of said U.S. Highway 95; thence along the southerly right-of-way of said Indianhead Road,
  - 4) S.89°23'09"E., 140.92 feet to Station 12+00 (50.00 feet right) of said Indianhead Road; thence continuing along said southerly right-of-way,





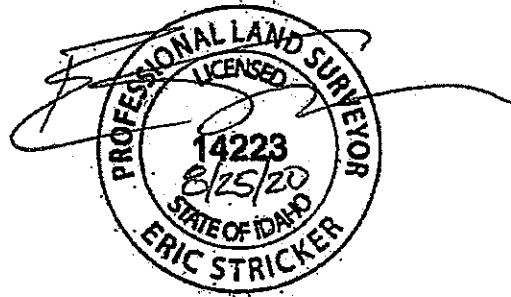
2074 Shelley Dr.  
Payette, ID 83661  
(208) 405-1842

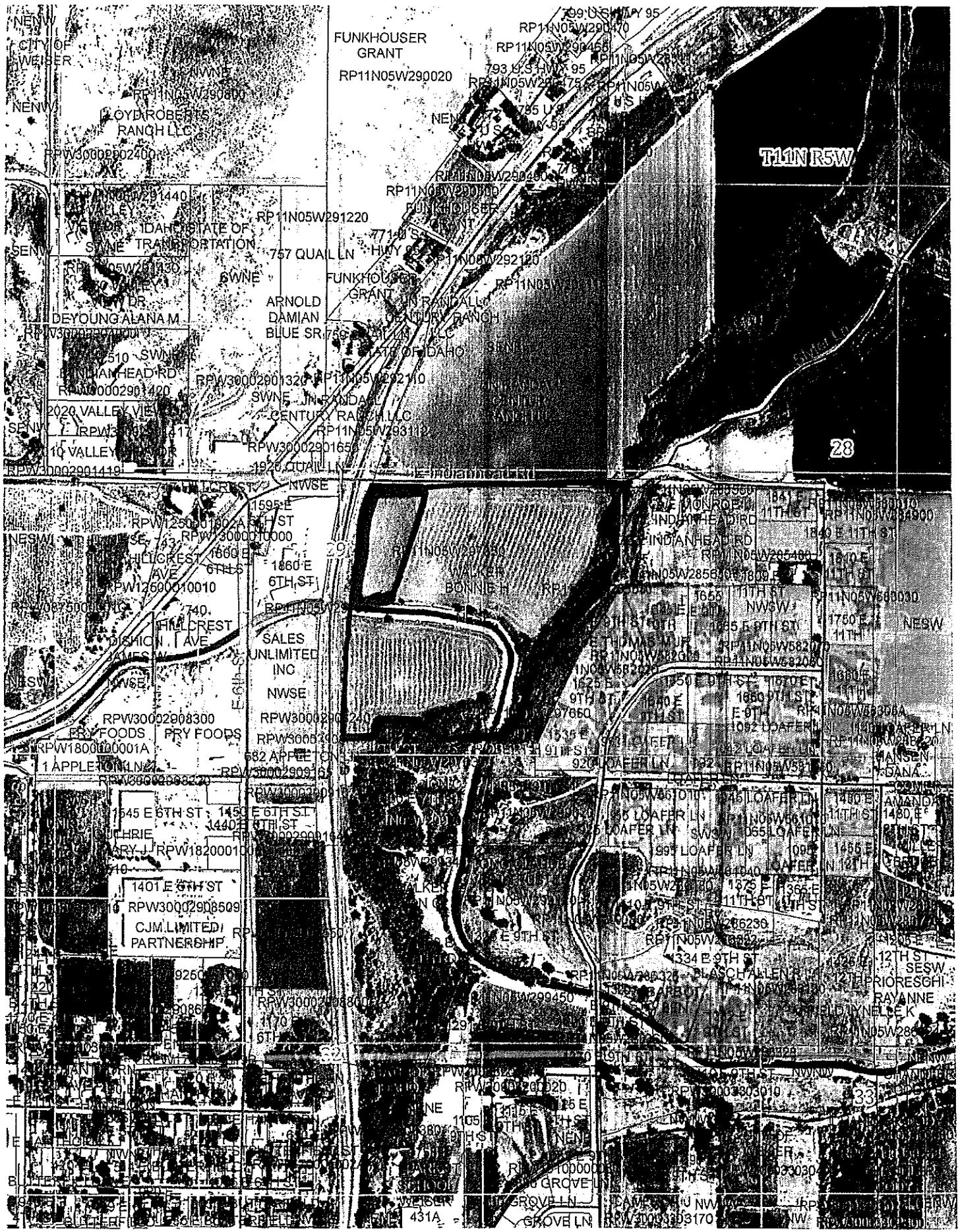
Project: 20058  
Date: August 25, 2020  
Page: 2 of 2

5) N.73°54'54"E., 104.40 feet to the POINT OF BEGINNING.

CONTAINING 2.76 acres, more or less.

SUBJECT TO all Easements, Rights, Rights-of-Way and all other encumbrances of record or implied.





□ Subject Property (L & Regime Portion (approximate))





**PLANNING & ZONING**  
**BONNIE BRENT-DOWELL**  
**ADMINISTRATOR**

October 2, 2023

Search completed for: Walker, Jon  
Property Owner: Walker, Bonnie

I am writing in response to your inquiry about property in Washington County. The property you had inquired about, tax parcel **RP11N05W297350**, is part of an original parcel that also contains parcels **RP11N05W297630**, **RP11N05W297840**, **RP11N05W297860** and part of **RP11N05W299200**. An original parcel can be split into a total of four parts for the purpose of transfer of ownership or development. Our records show that there are currently 5 owners on this original parcel, therefore, there are no splits available for the transfer of ownership or development and one dwelling right available to parcel **RP11N05W297350**.

Lots for dwelling purpose are to be on a one acre or twenty or greater acre basis per Title 5 (ZONING), Chapter 4 (AGRICULTURAL ZONES), Section 5-4-1 of the Washington County code. Any lot size between one and twenty acres is a non-conforming lot size for dwelling purpose and requires a special use permit.

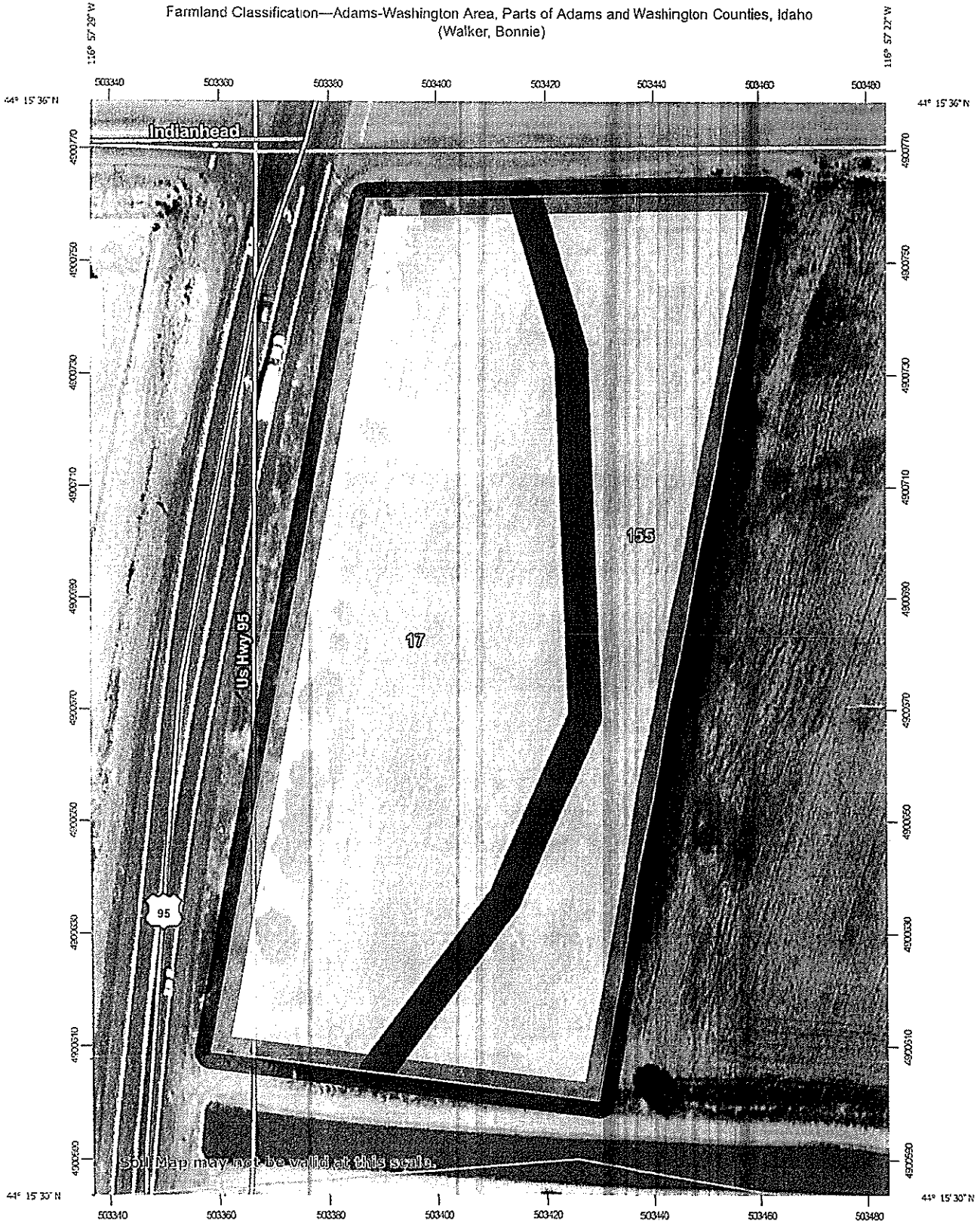
**5-3-4: SETBACK BUILDING LINES:**

- A. In zones A1 and A2, no dwelling or structure or any portion thereof, except steps and uncovered porches less than ten feet (10') in width, shall be erected within fifteen feet (15') of the property boundary lines or within forty feet (40') of the street right of way or within one hundred feet (100') of any state or federal highway. No farm or ranch buildings shall be erected within fifteen feet (15') of the property boundary lines or within forty feet (40') of the county road right of way or within one hundred feet (100') of any state or federal highway.

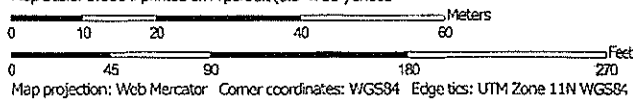
This information is being provided based upon the Washington County ordinances currently in effect. A decision to issue a building permit will be based upon the ordinances in effect when a permit application is received. If you have any questions do not hesitate to contact our office.

Bonnie Brent-Dowell  
Washington County P & Z Administrator

Farmland Classification—Adams-Washington Area, Parts of Adams and Washington Counties, Idaho  
(Walker, Bonnie)



Map Scale: 1:950 if printed on A portrait (8.5" x 11") sheet.



## Farmland Classification

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
17	Bissell loam, 0 to 2 percent slopes	Prime farmland if irrigated	1.8	62.0%
155	Newell clay loam, 0 to 2 percent slopes	Prime farmland if irrigated	1.1	38.0%
Totals for Area of Interest			2.9	100.0%

### Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

### Rating Options

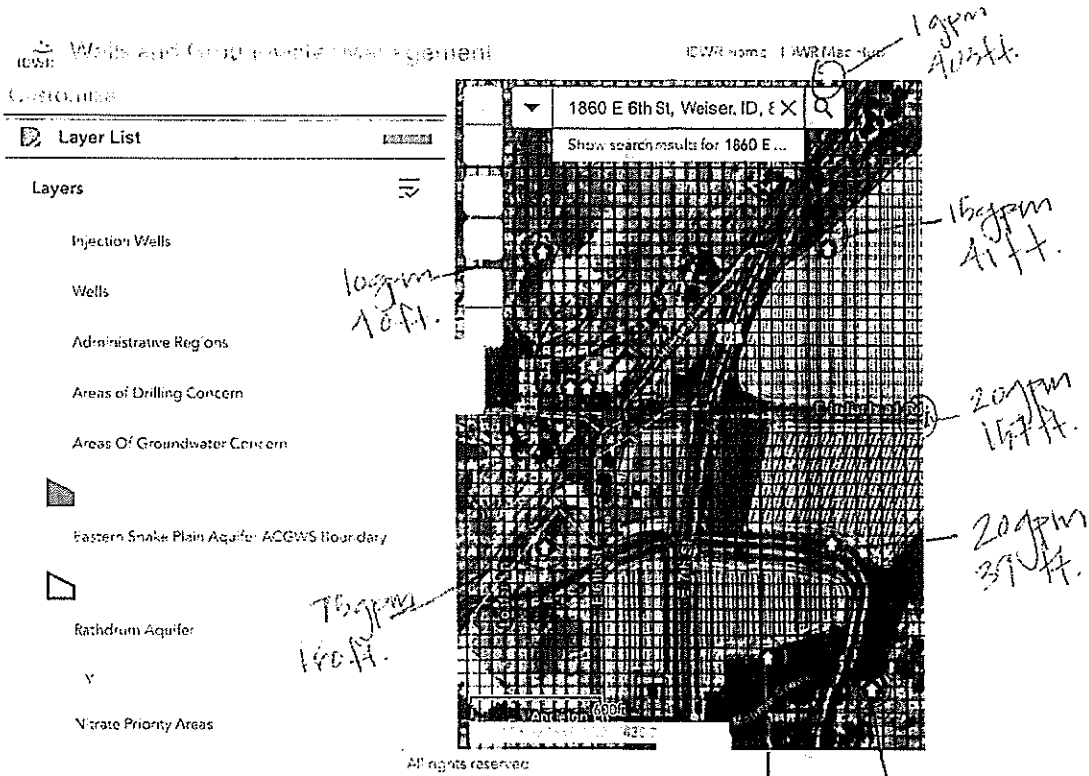
*Aggregation Method:* No Aggregation Necessary

*Tie-break Rule:* Lower

# Find a Well Map

README : At the present time IDWR is not able to provide online access to Well Construction documents via this search application due to a recent server failure at the Office of Information Technology Services' (ITS) Chinden Campus. Please contact your local IDWR Office (<https://idwr.idaho.gov/contact-us/>) if you need water right documents.

Use the map below to view well locations layered with areas of drilling concern in addition to nitrate priority areas, groundwater management areas, and more.



Need a larger map?  
 Click here to view a full-size interactive map of the wells.  
 (<https://maps.idwr.idaho.gov/agol/WellsandGroundwaterManagement/>)

## Bonnie Brent

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**From:** Jerod Odoms  
**Sent:** Wednesday, October 4, 2023 8:59 AM  
**To:** Bonnie Brent  
**Subject:** Mr. John Walker

Good morning,

Mr. John Walker came in yesterday to ask about an access off East Indianhead road for a project he wants to do. I told him he has an access already so no permit from Road & Bridge is needed and if the project requires enlarging the current access, then he can do so without a permit as well.

Jerod

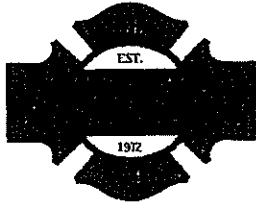


## Bonnie Brent

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**From:** James MacDonald <WARFD1\_MacDonald@outlook.com>  
**Sent:** Tuesday, November 7, 2023 8:44 AM  
**To:** Bonnie Brent  
**Subject:** RE: John Walker Rezone

Bonnie, there are no concerns from Weiser Fire.



**James (Mac) MacDonald**  
Lieutenant/E.M.T.

Phone: 208-414-2379  
Mobile: 208-867-2545  
Email: [warfd1\\_macdonald@outlook.com](mailto:warfd1_macdonald@outlook.com)

167 West Commercial Street  
Weiser, Idaho 83672

**From:** Bonnie Brent <BBrent@washingtontyid.gov>  
**Sent:** Monday, November 6, 2023 4:41 PM  
**To:** James MacDonald <WARFD1\_MacDonald@outlook.com>  
**Subject:** John Walker Rezone

Hi Mac,

Does the fire department have any comments or concerns with a rezone from A1 to C2 commercial on parcel RP11N05W297350? Let me know if you need further information.

Thank you,

Bonnie Brent  
Washington County P & Z Administrator  
208-414-3631



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## Weiser Naz Secretary

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**From:** Anthony Lee <Anthony.Lee@phd3.idaho.gov>  
**Sent:** Monday, October 23, 2023 1:51 PM  
**To:** Weiser Naz Secretary  
**Subject:** RE: Weiser Rezone property From Jon C Walker

Hi John,

Regarding the application for a rezone from A-1 to C-2, SWDH has no concerns. However, the applicant will need to apply for a site evaluation to determine the feasibility of the soil for a septic system.

Let me know if you have any questions.

Thank you,



Check out our new online self-service portal here! [PORTAL](#)

Anthony Lee, BS/REHS | Land Development Senior | Southwest District Health  
13307 Miami Lane | Caldwell ID 83607 | ph: 208.455.5384 | cell: 208.899.1285  
[Anthony.Lee@phd3.idaho.gov](mailto:Anthony.Lee@phd3.idaho.gov) | *Healthier Together* | [www.swdh.org](http://www.swdh.org)



**From:** Weiser Naz Secretary <secretary@weisernaz.org>  
**Sent:** Thursday, October 12, 2023 11:06 AM  
**To:** Anthony Lee <Anthony.Lee@phd3.idaho.gov>  
**Subject:** Weiser Rezone property From Jon C Walker

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**CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.**

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Anthony: Bonnie Brent from the Washington County P & Z wants me to have some kind of statement from Southwest Health about the availability of water and if the property would support a septic system.

I have written what I know about the north part of this property which was sold to Agri-service and now owned as Dino Storage. When US 95 was reconstructed it cut the whole property in half which left me with the East portion of this lot. This is the portion that I am rezoning.

Enclosed is the paperwork for the rezone and a arial view of property and area. Bonnie want the Environmental factors addressed before she will add this rezone to P & Z agenda.

Respectfully,  
Jon C Walker

LEGAL NOTICE IS HEREBY GIVEN that the City of Weiser Planning and Zoning Commission will hold a public hearing on the 15<sup>th</sup> day of April, 2024 at 6:30 p.m. at the City Council Chambers, 55 West Idaho, Weiser, Idaho.

The purpose of this hearing will be to receive additional comment on the following matter.

Jon C Walker Personal Representative of the Bonnie Walker Estate - Rezone Request

The applicant is requesting a rezone of property located off Indianhead Road east of Weiser within the City of Weiser Impact Zone. The applicant wishes to rezone a portion of parcel RP11N05W297350, from the current A1 (agricultural) to C3 (commercial).

All interested persons are invited to attend the hearing and comment or submit written comment prior to or at the hearing. Any person needing special accommodations to participate in noticed meetings should contact the City of Weiser seven (7) days prior to the meeting at 208-414-1965.

**STAFF REPORT**

**Jon Walker**

**Request Zoning change from Ag-1 to C-3 in City Impact Zone**

**HEARING DATE: April 15, 2024 at 6:30 P.M.**

**ADDRESS: Corner of Highway 95 and Indianhead Road**

**PARCEL NUMBER: RP11N05W297350**

**LEGAL DESCRIPTION:**

**APPLICANT: Jon Walker**

**SUMMARY OF THE PROPOSAL**

**The applicant wants to change a portion of the land 2.76 acres from Ag-1 to City C-3**

**APPLICABLE ORDINANCE**

**10-16-6**

**PROJECT DESCRIPTION**

**PROPOSED USE: C-3**

**ACCESS: From Indianhead Road**

**IRRIGATION: ?**

**SEWER AND WATER: Septic System and Well**

**AGENCY RESPONSES:**

**RECOMMENDED FINDINGS OF FACT**

**SITE CHARACTERISTICS**

- 1. Property Size: 2.76 Acres**
- 2. Existing Structures: None**
- 3. Existing Vegetation: was in Crops**
- 4. Soil Information: Na**

5. Slope: Na
6. Irrigation:
7. Access: Indianhead Road

**VICINITY CHARACTERISTICS:**

8. Existing Homes in Area: Single Family Homes East of property
9. Average Lot Size: ½ to 1 acre
10. Platted Subdivisions: Matthews Subdivision to east
11. Comprehensive Plan Designation:
12. Current Land Use: Farming
13. Current Zoning: Ag-1
14. Surrounding Land Use: Farming and Residential
15. Area of City Impact:
16. Area(s) of Concern: In AE Flood Zone
17. Services:

**PROCEDURAL HISTORY:** Public Hearing Notice in Weiser News Paper March 27,2024 and April 3,2024

**RECOMMENDED CONCLUSIONS OF LAW**

**RECOMMENDED ORDER**

The City Staff does not object to a C-3 Zoning . Most of the Commercial properties across the Highway Are Zoned C-1 or C-2 in the City Limits and the staff believes the zonings should be consistent.

**Finding of Fact and Conclusion**  
**Before the City of Weiser**  
**Planning and Zoning Commission**  
**April 15, 2024**

**Reason for Application Request:**

Application submitted by Jon Walker to rezone from AG-1 to C-3.

**Finding of Facts:**

- Purpose of public hearing was to have all interested persons invited to give comment on zone change.
- There was no testimony given in support of, opposed, neutral or written communication.
- Application has been submitted to be approved or declined by City code not County due to the area of impact.
- C3 is Commercial Zoning and the request fits this zone.

**Comments:**

We had much discussion and very difficult at that. We have seen this come before us twice prior and we were voting based off County zoning. Now that we are to vote based off City comp plan and our rules this request does fit within our plan. I was against saying no because we have rules in place for a reason and like it or not, we need to follow what our plan says. Three voted to deny the request and 2 voted for it.

**Conclusion:**

Recommendation was made to deny application. Tony and I were against the denial because the request fits our comp plan.

Heather Dryden

City of Weiser, P&Z Commissioner

April 15, 2024

BEFORE THE CITY OF WEISER PLANNING AND ZONING COMMISSION

OWNER: John Walker

1. REQUESTED ACTION	Rezone Ag-1 to C-3
2. PROPERTY IDENTIFICATION	Part of RP11N05W297350
3. PROPERTY LOCATION	Southeast corner of US Hwy 95 and Indianhead Road
4. ZONING	Ag-1
5. PARCEL SIZE	2.76 acres
6. PARCEL USE	Agricultural field
7. SURROUNDING USE	Ag and Highway
8. ACCESS	Indianhead Road
9. SANITATION REQUIREMENTS	Per Southwest District Health
10. FIRE PROTECTION	Weiser Rural Fire
11. NATURAL HAZARDS	None
12. WATER RIGHTS	Unknown
13. ZONING HISTORY	Always Ag-1

FINDING OF FACT:

1. Parcel was previously rejected for a zone change
2. Parcel is in the Weiser City Impact Zone
3. Parcel boundaries are not contiguous with Weiser City Limits
4. Current code appears to allow unrestricted usage with a C-3 change
5. Board of Washington County Commissioners remanded the application back to Weiser City Planning and Zoning to reevaluate and consider a development agreement.

CONCLUSIONS: The location of this property is literally the “gateway into Weiser” from the north along US Hwy 95. It is certain to be in the path of future development as Weiser continues to grow. There needs to be a development plan created and implemented which will control orderly growth. The current C-3 zoning designation for usage of land that exists today can and will lead to a poor plan lacking coordinated beneficial use of the land. Too often changes are made without using foresight as to how those changes will evolve. Piecemeal zoning changes can lead to poor development.

The requested change could have been approved with a development plan, however I felt it best at this time to deny the change in hopes that a larger overall plan can be developed that will protect the property rights of the land owner and result in a land-use that will truly be an asset to the people of Weiser.

Respectfully submitted  
Clarence Stark

John Walker Rezone Request 04-15-24

Findings of Fact and Conclusions of Law

By Tony Edmondson

Findings:

1. See Findings prepared by City Staff. There have been previous requests for similar uses on this property which have been denied and are outlined below.
2. In June 2021, Brandon Williams applied for a Special Use permit on this property for the purpose of developing a public storage facility which included containers, gravel trucks, delivery trucks and forklifts, as well as campers, trailers, cars, and RV's. It was denied based on multiple factors which are on record.
3. In November 2023, Mr. Walker applied to Weiser Planning and Zoning to rezone this property from County A1 to County C2 commercial for the purpose of constructing a storage facility. Denial was recommended to Weiser City Council on the grounds that County C2 zoning did not permit this use and more importantly, that this parcel failed to meet the standard established for rezoning County A1 designated property.
4. In January 2024, this application was remanded back to Weiser Planning and Zoning with a directive from Washington County Commissioners on recommendation from their prosecuting attorney, that "the City of Weiser Planning & Zoning review Title 4 Chapter 1 of Washington County Code that directs the city to look at City of Weiser Code in impact areas and consider a development agreement".
5. On March 15, 2024, Weiser Planning and Zoning conducted another public hearing for the original application requesting a change from County A1 zoning to County C2 zoning which does not permit the proposed use. Both County Impact Ordinance Title 4 Chapter 1 and City Impact Ordinance Title 10 Chapter 16 were reviewed and considered. Discussion of this matter was on the regular meeting agenda following this hearing. Given the history of zoning requests on this property and the unprecedented request to reconsider it for approval through the application of a Development Agreement, a decision on this matter was tabled until such time as additional clarification of the directive could be provided. As of this date, further action on this request has not occurred and the application is presumed to have been withdrawn.
6. Mr. Walker's current application for rezone of this property seeks to change zoning from County A1 to Weiser City Commercial C3 for the purpose of constructing self-storage units.
7. Weiser City Code 10-10-6 does permit self-service storage facilities by Special Use Permit in C3 zoning and subject to design standards.



8. The City Future Land Use Map adopted in 2018 designates Commercial zoning for the Highway 95 corridor which includes this property, though medium density residential zoning is designated for abutting property directly to the east of this parcel.
9. Presently there is no commercially zoned property east of highway 95. Property across highway 95 and directly west of this parcel, remains in the county and is currently being used as an RV storage facility. Property within city limits and in the highway 95 corridor vicinity of this property, include the Cottages zoned C-3, Ridleys zoned C-1, Bi-Mart, Dollar Store, Walgreens, and O'Reilly's Auto parts zoned C-2, Farm Bureau and property directly north C-3, Appleton and ITD property zoned D Industrial. It should be noted that C-1 is described as "Regulations for Neighborhood Commercial Purposes... to establish distinct zones, regulate or provide local commercial service needs and to restrict incompatible commercial uses", C-2 is described as "Central Business District....the purpose for which is to establish a district zone regulated to fulfill the needs of the city's central business district and to provide for activities conducive to a compact and concentrated urban downtown commercial center. Lands may be classified C-2 if contiguous to existing C-2 designated lands and in accordance with the comprehensive plan". C-3's purpose is to "provide for activities of a service nature which are more intensive in use than those permitted in other commercial zones, and which are semi-industrial in character. Lands designated as C-3 commercial districts shall have businesses located thereon not requiring industrial locations".
10. The first item listed on the Plan Implementation & Prioritized Projects page in the Weiser Comprehensive Plan states: "Encourage the thoughtful development of entryway corridors through the implementation of overlay districts with a particular focus on highlighting downtown Weiser and commercial centers".
11. Under the Land Use chapter of Weiser Comprehensive Plan, Policy 1.B.1.b states: "Concentrate new commercial, mixed use, and multifamily development near the Highway 95 corridor while encouraging the utilization and enhancement of the downtown historic commercial core". Policy 1.B.1.d states: "Identify and implement mechanisms to preserve and encourage agricultural land uses at small and large scales in both urban/suburban areas and create policy that supports agriculturally based activities".
12. Under the Community and Sustainable Design chapter of the Weiser Comprehensive Plan it states: "Promote a gradual transition of land-use types within a given community and between different communities within a city". Objective 3.B.3 states "Encourage aesthetically pleasing elements throughout the city that contribute to livability".
13. Due to the fact this property is not contiguous to Weiser City limits, it cannot be considered for annexation into the City of Weiser at this time or the foreseeable future.

## Conclusions:

While the Weiser Comprehensive Plan future land use map does recommend commercial zoning for this area, use for “self-storage” has potential for conflicting with other values stated in the Plan related to entrance way design, transitional zoning, and preservation of agricultural land. However, the request was for C3 which is what must be considered and is otherwise compatible given the existing commercial uses in the vicinity of this parcel. Storage units could only be developed if approved through a subsequent conditional use application. Consequently, denial of this request could appear to unfairly restrict the applicant’s development rights.

## Findings of Fact

Jon Walker rezone AG-1 to C-3 4/15/2024

The request is similar to request dated 11/29/23 to rezone to C-2. It was denied by this Commission. The Washington County Commissioners remanded back to this P&Z to use Weiser City Code in the impact area and consider a development agreement. The County would be adopting our zoning codes in the impact area.

The property can not be currently annexed due to being east of the highway.

C-3 zoning allows any activity that are under C-1 and C-2.

What image does Weiser have at our Gateway? Walker indicated storage units would be built.

It is unclear that the current County A-1(AG-1) prime agricultural zone can be over ridden by existence in the impact zone? The land is prime agriculture and should be protected.

The Commission voted 3 to 2 to deny the request.

Jay Edwards

P and Z commissioner



**CITY OF WEISER  
PLANNING & ZONING MEETING  
55 WEST IDAHO  
WEISER, IDAHO 83672**

**MONDAY  
APRIL 15, 2024  
6:30pm  
PUBLIC HEARING**

**Roll Call**

- 1. John Walker Rezone Request-Requesting AG-1 to C3**

"Any person needing special accommodations to participate in the above noticed meeting should contact the Weiser City Clerk four(4) days prior to the meeting at Weiser City Hall, 55 West Idaho, Weiser, Idaho 83672."



DRAFT

**CITY OF WEISER  
PLANNING & ZONING MEETING  
CITY COUNCIL CHAMBERS  
55 WEST IDAHO  
WEISER, IDAHO  
PUBLIC HEARING  
April 15, 2024  
6:30pm  
AGENDA**

**Roll call 6:30:49 PM**

**PRESENT:**

John Jensen, Jay Edwards, Heather Dryden, Clarence Stark and Tony Edmondson.

**ABSENT:**

Ken Lukehart and Mark Christensen.

**STAFF:**

Brianna Chaney and Dave Loos.

**1. Jon Walker Rezone Request-Requesting Ag-1 to C3**

**6:31:02 PM** Tony Edmondson explained the procedure of the hearing.

**6:32:02 PM** Jon Walker introduced himself and stated that when he applied the first time around there was miscommunication and they applied based on County zoning regulations. He explained that he is wanting to have the property rezoned to a C3 so that he is able to put storage units on it. He said the property lies within the comprehensive plan as commercial use. That is all he is asking for is a commercial zoning.

**6:33:28 PM** Tony Edmondson stated Jon is requesting C3 zoning which is what they will be considering, he does not need to disclose the use of the property.

**6:34:08 PM** Tony asked if there was any testimony in in favor, neutral or against the application. There was none. He asked Dave Loos if there was any written correspondence. There was none.

**6:35:52 PM** Hearing Closed.



DRAFT



**CITY OF WEISER  
PLANNING & ZONING MEETING  
CITY COUNCIL CHAMBERS  
55 WEST IDAHO  
WEISER, IDAHO  
REGULAR MEETING  
April 15, 2024  
7:00pm  
AGENDA**

**Roll Call 7:00:07 PM**

**PRESENT:**

John Jensen, Jay Edwards, Heather Dryden, Clarence Stark and Tony Edmondson.

**ABSENT:**

Ken Lukehart and Mark Christensen.

**STAFF:**

Brianna Chaney and Dave Loos.

**MINUTES**

Motioned by Heather Dryden and seconded by Jay Edwards to approve the meeting minutes from April 1, 2024.

Motioned by Heather Dryden and seconded by Clarence Stark to approve the regular meeting minutes from March 18, 2024 .

Motioned by Heather Dryden and seconded by Clarence Stark to approve the minutes from the public hearing on March 18, 2024.

**UNFINISHED BUSINESS**

**1. None.**

**NEW BUSINESS**

**1. Jon Walker Rezone Request- Action Item 7:01:40 PM**

**7:02:07 PM** Clarence Stark said last time at their meeting they had delayed a decision until they can get some more clarification from legal. Tony said he believes they are moving forward as is. Dave Loos stated this is a new request.



**7:02:38 PM** Clarence Stark said this land is in the impact area but it is in the county. The city zoning laws are being applied to it. He said the city zoning laws will be applied to it. The city will have no say what happens there once this goes through because it will be in the county.

**7:03:18 PM** Dave Loos stated if they recommend this go through to the county then the county will adopt the city zoning regulations.

**7:04:31 PM** Tony Edmondson said Jon would like to put in storage units, but that will be by conditional use permit. He asked if they will have to come back to the City for that. Dave said yes if this is approved and he decides that is what he wants to do with the land then he will have to come back to them for that conditional use permit.

**7:05:13 PM** John Jensen asked if they City had the power of a development agreement on something like this. Dave said yes, once they come in to develop the property after this. More discussion followed.

**7:08:27 PM** Tony Edmondson said this property cannot be annexed in because it is not contiguous to the city. He said he is thinking once we start getting application for commercial development up that corridor, are they going to ever be able to get to a point where they can annex that stuff in. He said he wonders if this creates an unfair advantage to someone who will have a business here and not have to pay city taxes yet businesses right across the street do. He said he is not sure if that is something they should consider.

**7:10:14 PM** Clarence Stark said he does not like the process for how things like this go through. He having very limited control as to what is going to happen or how Weiser will look in 10-20 years. He said they need to think about what they want people to see when they come into town or what the best use is for that property. More discussion followed.

**7:16:08 PM** Clarence Stark said he can see commercial development through that corridor, that is the natural way that they town is going to go. He said he thinks they need to have a control over that commercial development that will benefit the people of Weiser.

**7:16:56 PM** Jay Edwards he thinks a development agreement is the way they can accomplish that.

**7:18:31 PM** Tony Edmondson for clarification the way that the land use map currently stands, it is ear marked for commercial just up to Indianhead. After that it is mixed use.

**7:22:44 PM** More discussion followed regarding what would be allowed in a C3 zoning.

Motioned by Clarence Stark and seconded by John Jensen to recommend that the City Council make a recommendation to the County to deny this application.

**7:27:05 PM**



DRAFT

AYES: John Jensen, Jay Edwards and Clarence Stark  
NAYES: Heather Dryden and Tony Edmondson  
ABSTAINED: None  
MOTION CARRIED.

**2. Adjournment- Action Item** Motioned by Clarence Stark and seconded by John Jensen to adjourn the meeting

**7:28:18 PM**

AYES: John Jensen, Jay Edwards, Heather Dryden, Clarence Stark and Tony Edmondson  
NAYES: None  
ABSTAINED: None  
MOTION CARRIED.

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Dave Loos, P&Z Administrator

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Bri Chaney, P&Z Secretary



**CITY OF WEISER**  
55 WEST IDAHO STREET  
WEISER, ID 83672  
***Building Department***

Findings of Fact

***Subject: Jon Walker Rezone Request***

***The City of Weiser Planning and Zoning held a public hearing on April 15, 2024 to hear testimony On the Walker rezone request on a parcel of land in the City Impact area. The request was from County Ag-1 to City C-3.***

***The P & Z voted 3-2 against the Zone change'***

***It is the view of the City of Weiser staff that the Request of ag-1 to c-3 be approved with a Development agreement attached to the property.***

Dave Loos  
City of Weiser  
Building Official/Inspector

P & Z Administrator  
55 West Idaho Street  
Weiser, ID 83672  
(208) 414-1965 / (208) 550-1938 cell