

**SEPTEMBER 23, 2024**

**A SPECIAL CITY COUNCIL MEETING** was called to order by Mayor Randall Hibberd at 6:00PM with the following present:

**ROLL CALL:**

**PRESENT:** Herb Haun, Larry Hogg, Sterling Blackwell, Mike Hopkins, Marg Chipman and Katie von Brethorst.

**ABSENT:** None.

**STAFF:** Randall Hibberd, Natasha McDaniel, Mike Campbell, Dave Loos and Sherri Breaux.

**GUESTS:** Theresa Rasmussen, Rod Panike, Michael Henigan, Joseph Vaughn, Bethany Hiebert, Phil Janquart, Kelly Haun, Timbra Long, Jordan Blanchard, Lyndon Haines, Collyn Haines and Kale Buller.

**PUBLIC HEARING FOR BULLER RE-ZONE REQUEST ON EAST 4TH. 6:00:57 PM**

**HEARING OPENED AT: 6:01:06 PM.**

**PRESENTER: 6:01:24 PM**

Kale Buller, 517 Oleander Rd, Ontario OR 97914.

Mr. Buller explained that the piece of property between Ridley's and East 4<sup>th</sup> Street has multiple zoning. There is some C-2, some C-1 and some just B. We would like to have all the zoning on the property the same so we can subdivide it and build some town homes on it.

**COUNCIL QUESTIONS: 6:02:28 PM**

Larry Hogg, is this all one parcel? Kale Buller affirmed. Larry Hogg, can you talk about access. Mr. Buller, one entrance would be at the southwest corner of the Ridley's property and there will be two entrances off E. 4<sup>th</sup> Street, one at the north end and one at the south end of the property. Larry Hogg asked what could go on the property without a variance or conditional use permit. Mr. Buller, possibly six single family homes with entrances on E. 4<sup>th</sup> and Commercial between that and Ridley's. Larry Hogg, what is your understanding of what could go on the property if it was zoned to B-1? Mr. Buller, we could subdivide it into 7200 or 7400 square foot lots, so you could get about 30 homes in there, but that is not our goal.

**6:09:20 PM** – Mike Campbell, right now I believe there is only one building permit for the whole property so Mr. Buller would have to go through the subdivision process no matter what.

**6:09:57 PM** – Herb Haun, you mentioned the possibility of putting in 34 homes, but that's not your plan, correct? Kale Buller, our plan is to put in some higher end Townhouses. Mike Campbell, what goes in there will be addressed during the Subdivision Process. Herb Haun asked about a traffic study. Mike, if Council requires that.

IN FAVOR OF: **6:11:36 PM**

Rod Panike, 1217 County Rd 70, Weiser ID 83672. I'm in favor because I am the Real Estate Agent selling the property, so I get a commission out of it. You have an empty lot that isn't being used for anything so why not put something in there that would be beneficial to the town. It is my personal opinion that this would be beneficial to the town.

**6:13:43 PM** - Jordan Blanchard, 1525 Loafer Ln, Weiser ID 83672. There is some need for housing in our area that I am aware of through my practice, people looking for something nice like that. I think it would be a real asset to our community, it doesn't have to be elderly people, but I could see that as a real benefit there, where you could walk to the pharmacy and the grocery store and watch a game in the park. I think some of the concerns as far as traffic on that road, we could potentially improve with additional access to the park so you don't have to come down 4<sup>th</sup> Street. Our plan is not to pack in low quality housing, we really want to make something nice that's a real asset to our community, we live here and want to see something nice.

UNDECIDED: None. **6:15:02 PM**

AGAINST: **6:15:17 PM**

Timbra Long, 1240 E 4<sup>th</sup>, Weiser ID 83672. The south side of this property would back up against my parent's pasture and our back yards. I am all for housing, but does B-1 Residential include animals? I think it should be residential, either A, which is low density residential or an AL, which is single family residential with a half-acre up to five acres. That would make four, five, maybe six nice homes. I think traffic definitely needs to be addressed.

**6:16:32 PM** – Larry Hogg, is your opposition to B-1 Residential because you can also have animals? Timbra Long, no, I just don't think B-1 Residential is the right format that needs to be assigned to that. I think it needs to be either an A or AL zoning.

**6:17:42 PM** - Kelly Haun, 2240 Valley View Dr, Weiser ID 83672. I don't know if I'm against it as much as I would really like the Council to consider the traffic on 4<sup>th</sup> Street because of the two parks right there. I have been on that road not just for games, but for run/walks, plus the volleyball court that is there. You can not find a parking space along there and it is just busy a lot of the time. You can put parking there, but you have little kids running back and forth on that road and kids are my top priority. To think that this project would endanger any child, that really bothers me. I would ask the Council to please consider a traffic study that would show how we can protect our children in that area, because it is a high traffic area for children.

PRESENTER REBUTAL: **6:19:15 PM**

Kale Buller, we understand that there is the park there, to make something really nice by the park is an appeal. I also understand the part about worrying about traffic, even though I believe the traffic will be eased because of the Ridley's scenario. It is not our intent to have any animals, like Jordan said, our intent is to make something nice that is really nice for the city of Weiser, that is our goal.

**6:20:09 PM** – Mayor Hibberd, the question was that things do happen and if it's zoned some-

thing and the property transfers, then someone else could do something different.

**6:20:29 PM** – Mike Campbell, even if it is changed to B-1 Residential, to build more than one house he would still have to go through the subdivision process. This would give Council a lot of control over what would happen and what would go in there, unless it was just one house with farm animals. The traffic study would be through the subdivision process. Mayor Hibberd, you could probably limit the amount of access from 4<sup>th</sup> Street. Mike Campbell, I don't know about that, I'm just saying that right now with the re-zone you still would address everything besides the re-zoning of the property, in the subdivision process. Clerk McDaniel, as is, with a B-1 Zoning you could only put one house on the property. Mike added that there is no building permit left on the property so it will have to go through the subdivision process to even put one house on the property.

**THIS PUBLIC HEARING WAS CLOSED AT 6:21:41 PM.**

**BULLER RE-ZONE ON EAST 4<sup>TH</sup> – Action Item. 6:21:45 PM**

**6:21:55 PM** – Herb Haun, so the request at this time is to re-zone to B-1? Mayor Hibberd Affirmed. Herb, and that was the request that went in front of P&Z at their hearing.

**6:22:08 PM** – Marg Chipman, I think it's important to mention that P&Z approved this request after their hearing. Clerk McDaniel, it was their recommendation to the city. Sterling Blackwell, with the condition of a traffic study. Marg, yes, but during the subdivision process.

**6:22:39 PM** – Larry Hogg, to me the toughest thing in this request is knowing what we are actually approving. The decision is, is this property better zoned with three different zones in the same lot or is it better zoned B-1 Residential. If we approve it B Residential then whatever is allowed in that zoning you can do. What we are saying by approving this is that we think it's better off as a residential area than a commercial area. I think it's a good idea for it to be B Residential, it conforms to what adjacent properties to the south are zoned and it's a good buffer between the commercial zone and the park on the other side of the street.

**6:25:09 PM** – Sterling Blackwell asked for clarification, does B-1 mean it allows animals or is this a special distinction? Clerk McDaniel, B-1 is B-1 with animals. Discussion about the difference between B and B-1 followed. Dave Loos, B-1 allows animals and in B townhouses aren't allowed. Clerk McDaniel, the only way to have multi family dwellings is B-1. Dave, with a conditional use. Clerk McDaniel, until they go through the subdivision process with the conditional uses, they would not be able to do anything.

**6:28:05 PM** – Herb Haun, the feeling that came from the P&Z hearing was that it should be cleaned up and their recommendation was a B-1 zoning.

**6:28:29 PM** – Sterling Blackwell, I feel that the theme the P&Z and even the Design Review Committee are working towards is looking at cleaning up our zoning across our city as we try to work in our comp plan and understand our historic district that we are trying to apply for, and all

these things.

**Motioned by** Herb Haun and seconded by Larry Hogg to approve the Buller B-1 Residential rezone request on of East 4<sup>th</sup> Street.

ROLL CALL VOTE:

AYES: Marg Chipman, Larry Hogg, Mike Hopkins, Sterling Blackwell, Herb Haun and Katie von Brethorst

NAYES:

ABSTAINED:

MOTION CARRIED.

**PUBLIC HEARING FOR CONDITIONAL USE PERMIT FOR COUNTY. 6:29:46 PM**

HEARING OPENED AT: 6:29:55 PM

PRESENTER: 6:30:03 PM

Lyndon Haines, 1319 W 1<sup>st</sup>, Weiser ID, 83672. We are asking for a conditional use permit for 343 E. Main to house the Washington County Prosecutors Office. We purchased this property because there is no room in the Courthouse to house the new Prosecutor. Commissioner Haines does not think it will be a huge traffic burden to the area as they will create parking in the back for the staff.

COUNCIL QUESTIONS: 6:31:28 PM

Larry Hogg, why was this the choice to put the Prosecutors Office? Lyndon Haines, with the results of the last election, we must provide the new Prosecutor with a space and there is no room in the courthouse. This property is close to the courthouse and would help accommodate the secretaries and the Sherriffs Office staff. We thought because the property had previously been a chiropractor's office there was a good chance of using it in a similar fashion.

6:32:42 PM – Herb Haun, is there adequate room to park three or four cars in the back? Lyndon Haines, I think you could get three cars in there, it's a long narrow lot. Discussion continued concerning the back area, the alley entrance and parking.

6:40:36 PM – Marg Chipman, in the minutes from the P&Z Hearing Tony Edmondson believed that the conditional use permit that was issued to the previous business was not really a permitted use, did staff address this at the meeting? Lyndon Haines, I believe that Nate Marvin said that city zoning didn't allow a law office. Herb Haun, it's not specifically mentioned as an allowed use. I believe the City's attorney believes that we could pass this because it's a like business to the ones that are mentioned.

6:41:45 PM – Clerk McDaniel read the first paragraph of City Code 10-7-1: Uses Permitted in a zone A residence district. It says that you have reside at the location and it cannot be used for the general practice of a profession. As stated, this would disqualify the request. However, in Section 10-7-2: Professions permitted with a Conditional Use Permit; it lists every single one of the professions listed in 10-7-1 as permitted uses, except for a lawyer. Was this an oversight or

do you jump down to N - Other uses deemed similar by the city to the uses above may be considered under a conditional use application. Discussion continued.

IN FAVOR OF: None. **6:44:00 PM**

UNDECIDED: None. **6:44:15 PM**

AGAINST: **6:44:32 PM**

Joseph Vaughn, 377 E. Main, Weiser ID 83672. Mr. Vaughn stated that he and his wife Reyna are strongly opposed to the use of these historic homes as office spaces. Mr. Vaughn expressed their concerns by reading his thoughtfully prepared letter into record. The categories of concern included historic homes and mixed-use challenges. Mr. Vaughn directed Council's attention to Chapter 2, Specific areas and sights on page 24 of the Comp Plan as well as Title 10, Chapter 7, Paragraph 1 of the Weiser Zoning Regulations. Other concerns mentioned were green space reduction and parking. Mr. Vaughn encouraged Washington County to find a property in the C-2 Commercial Zone which is well within walking distance.

**6:50:31 PM** – Larry Hogg asked Mr. Vaughn how long he had owned his house and if 343 E. Main was a business or a residence when he purchased his home. Joseph Vaughn, it was a residence when we purchased our home on December 13, 2021.

PRESENTER REBUTAL: **6:51:55 PM**

Lyndon Haines, addressing the historical concern the County received an Orchid Award for their Renovation on the courthouse. If you want this property to stay historical you are going to want the County to own it.

**6:53:23 PM** – Herb Haun, do you have a Plan B if this doesn't happen and do you have an architectural plan if it does? Lyndon Haines, we plan to make some improvements, like the sewer line. We looked at some properties downtown, but we could not buy anything. We also looked at a few other properties but nothing worked. This was the only one we had traction on.

**THIS PUBLIC HEARING WAS CLOSED AT 6:54:36 PM**

**COUNTY CONDITIONAL USE PERMIT – Action Item. 6:54:40 PM**

**6:54:54 PM** - Larry Hogg, stated that he did not think it was the intention of this zone to allow commercial businesses in there or that it is a good precedence to set. When you buy a piece of property in the city you make a deal with the city that you will abide by the rules of the zoning and the city says we'll make everybody else do the same. To let it go back to be a commercial use is changing the game. Though not the intention of the applicant, it could negatively impact the value of the property.

**6:59:49 PM** - Katie von Brethorst, I agree, the people who are around have property rights and we should be upholding what our zoning codes allow to help protect them. I do not want to go against our own Planning & Zoning's decision.

**7:00:21 PM** - Sterling Blackwell, voiced his concern about zoning consistency and how the back parking area will affect the safety and well-being of those who live along it.

**7:01:41 PM** - Marg Chipman, I am also a strong believer in supporting our Planning & Zoning Commission and their decision. Mike Hopkins, I concur.

**7:02:04 PM** - Herb Haun, I'm in favor of not giving them their conditional use permit.

**Motioned by** Larry Hogg and seconded by Marg Chipman to deny the County's Conditional Use Permit request.

ROLL CALL VOTE:

AYES: Sterling Blackwell, Mike Hopkins, Katie von Brethorst, Herb Haun, Marg Chipman and Larry Hogg.

NAYES:

ABSTAINED:

MOTION CARRIED.

**COUNTY REQUEST TO WAIVE BUILDING PERMIT FEES – Action Item. 7:03:46 PM**

Clerk McDaniel, the County is expanding their Annex Building and has requested that the Building permit fee in the amount of \$7,150.00 be waived. It has been the common practice of the City Council to waive County Building Permit Fees. Mayor Hibberd added that we try to waive fees not only for the County but for all taxing districts.

**Motioned by** Sterling Blackwell and seconded by Herb Haun to approve the County's request to waive \$7,150.00 in Building Permit Fees.

ROLL CALL VOTE:

AYES: Mike Hopkins, Katie von Brethorst, Larry Hogg, Herb Haun, Marg Chipman and Sterling Blackwell.

NAYES:

ABSTAINED:

MOTION CARRIED.

**ADJOURNMENT – Action Item. 7:05:09 PM**

**Motioned by** Sterling Blackwell and seconded by Katie von Brethorst to adjourn.

AYES: Herb Haun, Larry Hogg, Sterling Blackwell, Mike Hopkins, Marg Chipman and Katie von Brethorst.

NAYES:

ABSTAINED:

MOTION CARRIED.

**THIS SPECIAL CITY COUNCIL MEETING WAS ADJOURNED AT 7:05:25 PM**

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**Randall Hibberd, Mayor**

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**Natasha McDaniel, City Clerk**