

JUNE 18, 2024

A SPECIAL CITY COUNCIL MEETING was called to order by Mayor Randall Hibberd at 8:00 AM with the following present:

Note: Time stamp is about 37 minutes ahead of actual meeting time.

ROLL CALL: 8:38:13 AM

CITY COUNCIL: 8:38:23 AM

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

ABSENT: Mike Hopkins.

COUNTY COMMISSIONER'S: 8:38:41 AM

PRESENT: Lyndon Haines - District 1 and Gordon Wilkerson – District 3 .

ABSENT: Nate Marvin

PRESENT: Randall Hibberd – Mayor
Natasha McDaniel – City Clerk
Dave Loos – City P&Z Administrator
Reece Hrizuk – City Attorney
Brianna Chaney – P&Z Secretary

GUESTS: Mark Loveland – Mayor Cambridge
Mark Christensen, Tony Edmondson, Clarence Stark – City P&Z
Bonnie Brent-Dowell – Washington County P&Z Administrator
Delton Walker – Washington County Prosecutor
Jim Harberd – Dist. 2 Commissioner Candidate

WEISER CITY COUNCIL AND WASHINGTON COUNTY COMMISSIONERS MEET TO DISCUSS IMPACT AREA. 8:40:27 AM

Mayor Hibberd, we are meeting to come to an agreement on the rules for zoning in the City Impact Area.

8:40:45 AM – Nate Marvin – District 2 Commissioner entered meeting.

8:41:15 AM Reece Hrizuk, City Attorney suggested starting with what City and County Code currently is, and then talk about changes.

8:42:13 AM Lyndon Haines, our understanding is that there has been some significant legislative changes on how Impact Areas work. After reviewing County code we think the way it is written now is acceptable, but not 100% sure once you work through all these changes from the legislation this last year. With the new code changes from the State it seems like some of the things we were able to do in the past we are not able to do anymore. I looks like we now have to keep jurisdiction, where in the past we could do a combination or hand over jurisdiction to the City. After some research by Bonnie Brent-Dowell, County P&Z Administrator to implement the codes the City wants in the Impact Area we actually need to adopt those codes and put them in our codes, in that code section. Reece Hrizuk agreed.

8:43:58 AM Mayor Hibberd, we would have to agree on what we would want to see there and then have you put it into County Code.

8:44:10 AM Lyndon Haines, we want to make the City of Weiser section of County Code as conducive for the City's growth as possible. We just need to know what standards the City wants so we can add them to our code.

8:45:16 AM Reece Hrizuk, I would suggest we work on a list of things we would like to see in an impact area then we could present that to the Commission and go from there.

8:46:09 AM Lyndon Haines, our intention and desire is to make sure it fits with what the City wants. Unless we see something that is way overboard I don't see any problems from the Commissioner's side.

We understand that the Impact Area is probably going to be in the city limits at some point in the future so needs to meet city building standards.

8:47:48 AM Larry Hogg, could this be as simple as adopting our zoning ordinance into the Impact Area of the County? Reece Hrizuk, I think what we would want to do is look at what the current differences are. I could prepare a list of what those differences are and we could decide what we would like to see in the Impact Area and present that to the County.

8:48:39 AM Larry Hogg, from our seats, if that property at the time it is being annexed is already abiding by the city ordinance that would certainly be the best. Is that basically what happened when you were working with Cambridge?

8:49:21 AM Lyndon Haines affirmed adding that the one difference we found was lot size. I think our Commercial Zoning is a lot different than yours. We just ran into that on some property along the 95 Corridor. The east and west corridor is really the residential side of it, but the north and south is really that commercial part. It comes down to what do you want the entry way into your city to look like.

8:50:32 AM Mayor Hibberd, I think we need to more closely define what we really want to see there, not just the general zoning we have there now.

8:50:55 AM Lyndon Haines, our code is trying to preserve agricultural ground at every opportunity, but when it is in the Impact Area, it's different.

8:51:36 AM – Mayor Hibberd, sounds like the ball is in our court, are there any other questions or comments.

8:51:57 AM Sterling Blackwell, what is the timeline?

8:52:03 AM Bonnie Brent-Dowell, the Commissioner's approved the John Walker rezone to a City C-3, but at this point that's really not possible because we don't have a City C-3 code. We need to get this figured out so John can move forward with his application. At this point it stands to come back to a Development Agreement with the City.

8:52:53 AM Mayor Hibberd, on that particular case we need to come up with what we want to that Development Agreement to look like and then get that to the County Commissioner's. Bonnie Brent-Dowell, but can we approve the C-3 Zone? Delton Walker, we didn't have that in our code. Reece Hrizuk, you need a City Council meeting to approve the changes you want to see.

8:53:43 AM Sterling Blackwell, so in answer to my question, asap. Reece Hrizuk, I would like to call asap, as soon as practical.

8:53:58 AM Natasha McDaniel, if we were able to put something together, the next City Council Meeting is July 15th and then it could go to the Commission.

8:54:13 AM Lyndon Haines, what's our process for the code change? Delton, do we have to have a public hearing. Delton Walker affirmed.

8:55:07 AM Delton Walker, this is not a noticed up hearing on John Walker so we shouldn't discuss it, at length, anyway. I noticed that there was some discussion about that being prime agricultural land or good farm ground, now it's not good farm ground. The new code says, "an area of impact is where growth and development are expected to occur. Areas of impact should be planned for growth and development and should not be used to stop growth and development that confirms applicable plans and ordinances." So I think that's going to have to be a mind set change. Based on the legislative intent of the new statute you are no longer suppose to be trying to preserve farm land in the impact area. The Legislature wants growth to happen in the impact areas of cities and not out in the counties. The Legislature is also trying to preserve prime agricultural land.

8:56:34 AM Herb Haun, with that in mind are we comfortable with the current impact zones, because looking at the map we go way out into agricultural land? With that in mind do we need that big of an impact zone? Delton Walker, it's suppose to be a mile. Dave Loos, is it "shall be" a mile or it "may be" a mile? Delton Walker, from this I do not know, maybe Mr Hrizuk knows.

8:57:13 AM Reece Hrizuk, typically a mile is kind of a default if there is no agreement. For example, the cities of Payette and Fruitland in Payette County don't necessarily go a mile in every direction, they

fit the contours with the rivers and with the drainage canal that goes down. Some directions they go more than a mile and they are going to have to look at some of this. The city of New Plymouth in Payette County could never agree, so it's just a set mile in every direction. You certainly can look at things where it may not make sense to go out a full mile because of geographic or topographical limitations and things like that.

8:58:13 AM Delton Walker, we are just going to have to adapt and adjust and that's going to have to be into prime agricultural land, unfortunately. You can't expect to extend across the river.

8:58:40 AM Bonnie Brent-Dowell, this does say that, "the area of impact shall not exceed the areas that are very likely to be annexed into the city within the next five years, except where otherwise provided in this paragraph. An area of impact shall not extend more than two miles from existing city limits. It shall not divide county recognized parcels of land, if only a portion of a recognized parcel falls within the two mile limit then the boundary may extend beyond two miles on that parcel." Delton Walker, it's parcel based, he then gave an example.

8:59:40 AM Sterling Blackwell, I think the 95 Corridor is our biggest worry. Delton Walker, it is, but we had water problems there, as I recall we had wells that were drilled that were really deep after the County designated it a growth area. The 95 Corridor is a County growth area and if the city expands out two miles, can you provide services for two miles? You are going to have to buy a lot of property and expand services up hill as well. There are some challenges.

9:00:46 AM Nate Marvin, it seems like that last reservoir we put in up on John Walker's property, it seems to me it would service at least up to the camp ground, I can't remember if it went up any farther. If you went up any farther you would have to put in another booster station.

9:01:14 AM Mayor Hibberd, we've considered that developers would bear the brunt of that.

9:01:28 AM Lyndon Haines, it sounds like you guys have some flexibility. For us we just default to the mile. If it doesn't fit for what you want, now is your opportunity to kind of hone in on that map.

9:02:11 AM Mayor Hibberd, are there anymore questions or comments? Sterling Blackwell, I just need to know what my actual job is.

9:02:25 AM Delton Walker, look at your current uses in your impact area and see if that fits the new drafted code with legislative intent and all that goes with that. Look to see if you need to add zones or are there things that need to be taken out. I would also get a map out, there are going to be some people that don't want this, unfortunately they are close enough to the city that that may change. You may get some push back when you have your hearing on where your map is going to be in the future. What you need to consider is where to go and what can happen inside those areas.

9:03:43 AM Reece Hrizuk, we will have to have a public hearing if we are changing the map.

9:03:49 AM Herb Haun, is changing the map part of that? Reece Hrizuk, if that's something you want to do.

9:03:59 AM Larry Hogg, is changing the map prerequisite to presenting to the County the zoning we want or do we do the zoning or do we need to do the map and zoning changes at the same time? Reece Hrizuk, they are not necessarily tied together. If the Council agrees that you like the current impact area we can pursue presenting zoning and design standards, those sort of things. It is a good opportunity if Council feels that they should take a look at the Impact Area and modify that, it makes sense to do that simultaneously.

9:04:53 AM Mayor Hibberd, I think it would be a good idea because since we last looked at the map we have annexed across the river. Going south of the Weiser River was definitely something we did not have in our mind, even though it is mapped out. We need to take a look at that and see what makes sense.

9:05:32 AM Larry Hogg, do we have a current map available to us that has our recent additions to the city? Bonnie Brent-Dowell, I don't know that we have a legal description at the county to update our maps for the newly annexed areas.

9:06:36 AM Delton Walker, "in defining the modified area of impact the criteria set forth shall be considered; anticipated commercial and residential growth, geographic factors, transportation

infrastructure and systems including connectivity, areas where municipal or public sewer and water are expected to be provided within five years and other public service district boundaries.” That is your criteria as you consider expanding or modifying.

9:07:16 AM Sterling Blackwell, we also need to talk to water and sewer and what our plants are able to do and what lift stations are at capacity verses what would need to be upgraded, those things. Mayor Hibberd, that's within the expansion that we take that into consideration. Our Water & Sewer Plants are running at about half capacity right now. Sterling, if Agile were to complete their final phase wouldn't that take us up to 80% or something like that? Mayor Hibberd, it would be more like 55 or 60%.

9:08:28 AM Mayor Hibberd, any more questions or comments? Marg Chipman, does this whole procedure start with Planning & Zoning? Mayor Hibberd affirmed.

9:08:47 AM Lyndon Haines, currently under our section of the weiser city of impact code 4-1-7 Paragraph A (2). “Any amendment proposed to be made to the Weiser subdivision and/or zoning ordinance, which shall have an effect within the area of impact, shall be referred to the county at least forty five (45) days prior to any public hearing on such proposed amendment...” Those types of notifications is what would slow us down, that we would have to do by law. I don't know if that has changed with the new legislation or not, I just wanted to bring it up. Paragraph A (1) says that if the County wants to do anything we have to notify the City 45 days in advance. None of this stuff ever happens quickly.

9:10:04 AM Delton Walker, it may be modified, we need to look at Paragraph 3 in the new, it says thirty (30) days. Lyndon Haines, that might change it, I don't know. Delton, it says you are suppose to reconsider this every five years anyway.

9:11:34 AM Mayor Hibberd, is there anything else? There was none.

THIS SPECIAL CITY COUNCIL MEETING WAS ADJOURNED AT 9:11:40 AM

Randall Hibberd, Mayor

Natasha McDaniel, City Clerk