



MEMO TO CITY COUNCIL

Request to Include Topic on the City Council Workshop Agenda

From: Caleb Hood, Community Development **Meeting Date:** July 26, 2022
Laurelei McVey, Public Works

Presenter: Caleb Hood, Community Development **Estimated Time:** 20 minutes

Topic: Services Without Annexation Discussion

Recommended Council Action:

No official action required. Seeking direction for potential future ordinance change.

Background:

Meridian City Code (MCC) 9-1-16 (Water) and 9-4-26 (Sewer) address connection to City services outside of city limits.

Within each section, there are two processes:

- 1) requests to connect with no change of use or development proposed (typically due to an emergency), and
- 2) requests that are proposed so a property can intensify or redevelop.

In 2019, the above-listed sections of City Code were modified to put forth a process for properties wanting services to develop, but not annex concurrently.

The majority of concerns listed below revolve around requests to intensify or redevelop with City services without annexing into the City.

This process hasn't worked as well as it could and staff would like to propose changes.

Current Process:

In the current process, an applicant submits a written request to the Public Works Department to connect to services. The Public Works City Engineer models the request to determine if services could be provided.

Other City Departments (Fire and Community Development) are informally asked for feedback if the proposed use increases intensity or redevelop. However, review of these projects for compliance with City standards is not comprehensive as it would be if a formal development application were submitted.

The County's Codes are different than the City's and many times the City's development standards aren't proposed by the developer or required by the County. For example, the County's landscaping, pathway, street lighting and design review standards are vastly different from the City's. While some of the need or conditions may be accounted for in a service agreement, City standards usually aren't proposed so reviewing for compliance is difficult if not impossible.

Fiscal Impact:

All of these reviews are currently done without any review fees to cover staff time.

For development projects in the County, the City loses out on Fire, Police and Parks impact fees. Yet with the inter-agency agreements, it is likely that if there is an emergency City resources will be dispatched to the property.

This is a lose-lose-lose for the City – the property owner doesn't pay any property taxes, impact fees or development review fees to the City, yet our Fire and Police will likely be the first to respond.

Proposed Process Change:

There are very few (if any) reasons why providing City services to facilitate development projects in the County is in the best interest of the City.

City staff would like to amend current policy to further clarify that development in the County with City services is highly discouraged, but when appropriate, like in the case of an emergency for an existing use, a clear and concise process to request services is available.

While Staff believes Council should be able to allow connection to City services outside of the annexation process from time-to-time for an "exemplary" project that meets certain criteria, we would like to discourage these requests and make the bar higher to clear.

Therefore, Staff would like to amend the City ordinance process requests for services without annexation after the more traditional pre-application and submittal process that runs through Community Development.

Questions related to this proposal should be directed to:

Caleb Hood, Community Development, chood@meridiancity.org, 208-884-5533

Warren Stewart, Public Works, wstewart@meridiancity.org, 208-888-5500

Kurt Starman, Legal, kstarman@meridiancity.org, 208-898-5506

Attachment:

Sample ordinance changes (MCC) 9-1-16 (Water) and 9-4-26 (Sewer)

CITY OF MERIDIAN ORDINANCE NO. 22-_____

BY THE CITY COUNCIL:

**BERNT, BORTON, CAVENER,
HOAGLUN, PERREAULT, STRADER**

AN ORDINANCE AMENDING MERIDIAN CITY CODE SECTION 9-1-16 CONCERNING CONNECTION TO CITY WATER SYSTEM OUTSIDE CITY LIMITS; AMENDING MERIDIAN CITY CODE SECTION 9-4-26 CONCERNING CONNECTION TO CITY SEWER SYSTEM OUTSIDE CITY LIMITS; ADOPTING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Meridian City Code section 9-1-16 sets forth a process to request city water service for property which is either partially or entirely outside the city limits; and,

WHEREAS, Meridian City Code section 9-4-26 sets forth a process to request city sewer service for property which is either partially or entirely outside the city limits; and,

WHEREAS, the City Council of the City of Meridian has determined that, as a matter of public policy, the City of Meridian shall not extend water service and/or sewer service to property which is partially or entirely outside the city limits unless there is a compelling health or safety concern; and,

WHEREAS, the City Council of the City of Meridian finds that, in order to implement its policy decision, it is necessary to amend the processes set forth in Meridian City Code sections 9-1-16 and 9-4-26;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MERIDIAN, IDAHO:

Section 1. Meridian City Code section 9-1-16 shall be amended as follows:

9-1-16. Connection to city water system outside city limits.

The city shall not grant a request to provide city water system service to a property which is either partially or entirely outside of the corporate city limits unless the requestor demonstrates a compelling health or safety reason to do so, in which case, one (1) of the following processes shall apply:

~~A. Where the request to connect to the city water system is due to exigent circumstances, and no change of use of the property is requested:~~

~~1.A.~~ The owner of such property shall submit to the public works department a written request to connect to the city water system. The written request shall include the name and address of the legal owner(s) of the property to be connected, a legal description of the property, and the circumstances justifying necessitating the requested service.

~~2.B.~~ The Public Works Director or designee shall review the circumstances presented by the request and prepare written findings and a recommendation regarding whether to allow the proposed connection. The Public Works Director or designee shall review the findings and recommendations with the requestor for comment. The Public Works Director shall then submit the property owner's request and comments, and the ~~D~~department's written recommendation, to City Council.

~~3.C.~~ City Council, in the exercise of its discretion, may either grant or deny the request after review of the materials. If City Council grants the request, the property owner shall enter into an agreement with the City of Meridian for the extension of city~~domestic~~ water service outside the city limits, in which the owner shall agree:-

~~a.1.~~ To comply with the city's ordinances, regulations, policies, and fees pertaining to the regulation, control and use of its ~~domestic~~ water system;

~~b.2.~~ To pay all hookup, assessment, and service fees as apply to the connection to and use of the city water system;

~~c.3.~~ To annexation into the city of the parcel(s) connected to the city water system, either immediately or when contiguous to city limits;~~and~~

4. There shall be no change of use or intensification of use of the property prior to annexation; and

~~d.5.~~ To comply with oOther reasonable conditions of granting the request to connect to the city water system.

~~B. Where the request to connect to the city water system is due to a proposed change of use of the property, or due to a proposed expansion or intensification of the current use of the property.~~

~~1. The owner of such property shall submit to the Public Works Department a written request to connect to the city water system. The written request shall include the name and address of the legal owner(s) of the property to be connected, a legal description of the property, and the proposed new, expanded, or intensified use necessitating the requested service.~~

~~2. The Public Works Director or designee shall convene city staff representing the Community Development Department, Fire Department, Police Department, and Parks and Recreation Department to review the circumstances presented by the request. City staff may request additional information or documentation such as that typically required for development or annexation, and may establish conditions of connecting to the city water system. The Public Works Director or designee shall submit to City Council the property owner's request, staff's~~

~~written findings and recommendations regarding whether to allow the proposed connection, and recommended conditions of connection.~~

- ~~3. City Council, in the exercise of its discretion, may either grant or deny the request after review of the materials. If City Council grants the request, the property owner shall enter into an agreement with the city for the extension of domestic water service outside the city limits, in which the owner shall agree.~~
 - ~~a. To comply with the city's ordinances, regulations, policies, and fees pertaining to the regulation, control and use of its domestic water system;~~
 - ~~b. To pay all hookup, assessment, and service fees as apply to the connection to and use of the city water system;~~
 - ~~c. To apply for annexation into the city of the parcel(s) connected to the city water system, either within thirty (30) days of connection to the city water system, if the property is eligible for annexation upon connection, or within thirty (30) days of the property becoming eligible for annexation;~~
 - ~~d. That the city may terminate water service to the property if the property owner does not timely apply for annexation as set forth in this section; and~~
 - ~~e. Other conditions of granting the request to connect to the city water system.~~

Section 2. Meridian City Code section 9-4-26 shall be amended as follows:

9-4-26. Connection to city sewer system outside city limits; sewer inspection fee; septic tank waste dumping fee.

- A. *Connection to city sewer system outside city limits.* The city shall not grant a request to provide city~~In order to obtain municipal sewer system service to a property which is either partially or entirely outside of the corporate city limits unless the requestor demonstrates a compelling health or safety reason to do so, in which case, one (1) of the following process shall apply:~~
 - ~~1. Where the request to connect to the city sewer system is due to exigent circumstances, and no change of use of the property is requested.~~
 - ~~a.1.~~ 1. The owner of such property shall submit to the public works department a written request to connect to the city sewer system. The written request shall include the name and address of the legal owner(s) of the property to be connected, a legal description of the property, and the circumstances justifying~~necessitating~~ the requested service.
 - ~~b.2.~~ 2. The Public Works Director or designee shall review the circumstances presented by the request and prepare written findings and a recommendation regarding whether to allow the

proposed connection. The Public Works Director or designee shall review the findings and recommendations with the requestor for comment. The Public Works Director shall then submit the property owner's request and comments, and the department's written recommendation, to City Council.

~~€.3.~~ City Council, in the exercise of its discretion, may either grant or deny the request after review of the materials. If City Council grants the request, the property owner shall enter into an agreement with the City of Meridian for the extension of city~~domestic~~ sewer service outside the city limits, in which the owner shall agree:-

~~(1)~~a. To comply with the city's ordinances, regulations, policies, and fees pertaining to the regulation, control and use of its ~~domestic~~ sewer system;

~~(2)~~b. To pay all hookup, assessment, and service fees as apply to the connection to and use of the city sewer system;

~~(3)~~c. To annexation into the city of the parcel(s) connected to the city sewer system, either immediately or when contiguous to city limits; ~~and~~

d. There shall be no change of use or intensification of use of the property prior to annexation; and

~~(4)~~e. To comply with ~~Other~~ reasonable conditions of granting the request to connect to the city sewer system.

~~2.—Where the request to connect to the city sewer system is due to a proposed change of use of the property, or due to a proposed expansion or intensification of the current use of the property.~~

~~a.—The owner of such property shall submit to the Public Works Department a written request to connect to the city sewer system. The written request shall include the name and address of the legal owner(s) of the property to be connected, a legal description of the property, and the proposed new, expanded, or intensified use necessitating the requested service.~~

~~b.—The Public Works Director or designee shall convene city staff representing the Community Development Department, Fire Department, Police Department, and Parks and Recreation Department to review the circumstances presented by the request. City staff may request additional information or documentation such as that typically required for development or annexation, and may establish conditions of connecting to the city sewer system. The Public Works Director or designee shall submit to City Council the property owner's request, staff's written findings and recommendations regarding whether to allow the proposed connection, and recommended conditions of connection.~~

~~c. City Council, in the exercise of its discretion, may either grant or deny the request after review of the materials. If City Council grants the request, the property owner shall enter into an agreement with the city for the extension of domestic sewer service outside the city limits, in which the owner shall agree:~~

- ~~(1) To comply with the city's ordinances, regulations, policies, and fees pertaining to the regulation, control and use of its domestic sewer system;~~
- ~~(2) To pay all hookup, assessment, and service fees as apply to the connection to and use of the city sewer system;~~
- ~~(3) To apply for annexation into the city of the parcel(s) connected to the city sewer system, either within thirty (30) days of connection to the city sewer system, if the property is eligible for annexation upon connection, or within thirty (30) days of the property becoming eligible for annexation;~~
- ~~(4) That the city may terminate sewer service to the property if the property owner does not timely apply for annexation as set forth in this section; and~~
- ~~(5) Other conditions of granting the request to connect to the city sewer system.~~

B. *Sewer line and facility inspection fee.* A fee shall be established and charged for inspection of sanitary sewer lines and facilities installed by any entity other than the City of Meridian. The fee shall be approved by the City Council.

C. *Septic tank waste dumping fee.* A fee shall be established and charged for dumping septic waste into the City of Meridian wastewater treatment plant. The fee shall be approved by the City Council.

Section 3. That all ordinances, resolutions, orders, or parts thereof or in conflict with this ordinance are hereby voided.

Section 6. That this ordinance shall be effective immediately upon its passage and publication.

PASSED by the City Council of the City of Meridian, Idaho, this ___ day of ____, 2022.

APPROVED by the Mayor of the City of Meridian, Idaho, this ___ day of ____, 2022.

APPROVED:

ATTEST:

Robert E. Simison, Mayor

Chris Johnson, City Clerk

**STATEMENT OF MERIDIAN CITY ATTORNEY AS TO
ADEQUACY OF SUMMARY OF ORDINANCE NO. 22-_____**

The undersigned, William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Ordinance No. 22-_____ of the City of Meridian, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this _____ day of _____, 2022.

William L.M. Nary, City Attorney

**NOTICE AND PUBLISHED SUMMARY
OF ORDINANCE PURSUANT TO I.C. § 50-901(A)**

CITY OF MERIDIAN ORDINANCE NO. 22-_____

An ordinance amending Meridian City Code section 9-1-16 concerning connection to city water system outside city limits; amending Meridian City Code section 9-4-26 concerning connection to city sewer system outside city limits; adopting a savings clause; and providing an effective date.