



**City of Rigby
Planning and Zoning Meeting
April 10, 2014
7:00 p.m.**

Chairman Williams called the meeting to order at 7:10 pm.

Melodie Halstead conducted roll call. Those present were: Commissioner Berrett, Commissioner Moore, and Chairman Williams. Therefore, a quorum was established and the meeting continued.

Also present was: Melodie Halstead, Planning and Zoning Administrator. Absent were: Commissioner Bennett and Commissioner Warner.

Chairman Williams asked for a motion to amend agenda to swear in Aaron Belk and Heath Treasure as our newest P & Z commissioners. Commissioner Berrett moved to amend the agenda. Commissioner Moore seconded the motion. All in favor. Motion passed.

Mayor Jason Richardson swear in Aaron Belk and Heath Treasure as our newest P & Z commissioners

Old Business

No old business.

New Business

Fybercom Wireless – Public Hearing 3:00 Disk 1 of 2

Project Address: 158 W. Fremont Ave

Application Type: Special Use Permit

Zoning: Residential One (R-1)

Melodie Halstead, Planning and Zoning Administrator presented the staff report. The Commissioners did not have any questions at that time for Mrs. Halstead.

Chairman Williams opened the public hearing at 7:13 pm.

Applicant – Jared Stol 5:50 Disk 1 of 2

Mr. Stol stated that Fybercom will install the same kind of sectors that Verizon and AT&T are currently using on the tower. The Rigby area needed additional broadband, with these additional sectors the area should be adequately covered. These sectors are used to distribute high-speed internet quickly. Fybercom spoke with AT & T and as long as the antennas have at least an 8' separation there should not be any interference with receptions. Fybercom stated that they have also spoken with Verizon and Verizon did not have any objections to this application. <8:27 min-left>

Robin Dunn, city attorney, stated that the Special Use Permit would need to be consistent with City Council's negotiations with AT&T and Verizon's lease contract. Mr. Dunn asked if Fybercom would be okay with a similar stipulation. Mr. Stol stated that they are fine with that stipulation.

Chairman Williams clarified that the antennas will be 8' apart. Mr. Stol verified that the antennas would be 8' apart.

Mr. Stol referred to Exhibit A-3 1 of 3 and Exhibit A-3 2 of 3 these exhibits show where the antennas will be located on the water tower. Fybercom will utilize an extension pole that will allow them to place the antennas 8' above and 8' below the other companies sectors so there will not be any interference. The signal will come in from Idaho Falls and then be redistributed to the west. There will be a total of eight sectors on the tower and two parabolics. Mr. Stol commented that the antennas will be considerably smaller than the existing antennas. There are 27 of these same types of sectors and two back hauls that are currently located on Evans Grainery, and a person can barely see them. <8:27 min left 7:27 left>

Commissioner Treasure stated that he was concerned with the amount of space on the tower. Commissioner Treasure asked if this application would be in violation of what would be allowed to be placed up there and if there is any violation of any of the other leases. Mr. Dunn responded no at this point, there is not a violation of the amount that could be placed on the tower or of any of the leases. Mr. Dunn responded that the City Council is uncertain if the tower will ever be torn down. Commissioner Treasure asked how much more could the tower accommodate? Mr. Dunn stated that was a City Council decision, but there still is additional room available.

Commissioner Moore stated that the antennas that are already located on the tower are not unsightly. Chairman Williams stated that during the last public hearing for Verizon, the Commission did not realize that antennas were already located on the water tower.

Mr. Stole stated that AT&T and Verizon use different frequencies than Fybercom, so the companies use separation to ensure that there is not any interference in the services. If only one company was located on the water the antennas could be closer together and have several additional antennas on the facility, but since multiply companies are sharing the facility separation is required to ensure adequate service to all users.

Support

Gaelynn Hinckley 141 W. 1st N. 17:55 Disk 1 of 2

Mrs. Hinckley stated that she is supportive of this application. Mrs. Hinckley also mentioned that several of the community members did not want to see the tower removed. Therefore Mrs. Hinckley feels that lease the tower for cell services is a good thing for the residences. <4:26 min left>

Neutral - None

Opposition - None

Rebuttal – None Offered

Public Hearing Closed at 7:29 pm

Commissioner Berrett stated that she is in favor of the water tower being used for this type of application.

Commissioner Treasure stated that he had not noticed the antennas that were already. Commissioner Treasure asked for clarification on the application approvals. Mrs. Halstead stated that the special use permit is a final decision by the Planning and Zoning Commission, unless the application is appealed to City Council. The lease agreement would have to be approved by the City Council.

Motion

Commissioner Moore moved to approve the Special Use Permit with the condition that the antennas and lease contract be similar to AT&T and Verizon's current contract. Commissioner Belk seconded the motion. All in favor. Motion passes.

Jefferson County – 21:00 Disk 1 of 2

Project Address: 290 N. 4000 E.

Application Type: Rezone

Zoning: Current "R-1" Requesting "C"

Melodie Halstead, Planning and Zoning Administrator presented the staff report.

Commissioner Treasure asked if this property was within city limits. Mrs. Halstead replied that the property is located within city limits and is owned by Jefferson County and is currently a maintenance shop.

Commissioner Berrett asked how this property has been able to function as a maintenance shop within an R-1 zoning district. Mrs. Halstead replied that the property was already constructed and being utilized as a road and bridge shop when the city realigned their city limits in 2009, which brought this property into city limits.

Commissioner Treasure asked why this property is being considered for a zone change now. Mrs. Halstead stated that the County would like to build additional buildings on this property and are unable to at this time due to its non-compliance status.

Mr. Dunn stated that the County would like to build an additional building for the mosquito abatement district on this property. The property will still be owned by the County, but the mosquito abatement district may store some of their equipment in the building. Mr. Dunn reminded the Commission that this action would be a recommendation to the City Council.

Commissioner Belk asked why the County was not asking for a special use permit instead of a rezone. Mrs. Halstead stated that the current land use would not be permitted within the residential zone. A special use permit is not allowed for this type of land use within the residential zone. This is a non-conforming land use and the use can continue, but it can not be expanded. By requesting a zone change, the use would become conforming. Therefore the only option that the county has is to request a zone change.

Chairman Williams opened the public hearing at 7:38 pm.

Applicant – Devin Hillam (Planner for Jefferson County) 28:15 Disk 1 of 2

Devin Hillam, planner for Jefferson County, stated that there are three reasons that the county is requesting this property be rezoned to a commercial zone. Reason #1 when annexed and zoned R-1 in 2009, the county believes that this parcel should have been zoned commercial as is stated in the comprehensive plan (exhibit S-4). Idaho State Code §67-6511 states that zoning districts shall be in accordance with the policies set forth in the City's Comprehensive Plan. Reason #2 the R-1 zone minimizes the county's ability to use this parcel as future needs while maintaining compliance with the City's zones. With the grandfather use of this property, the county has been informed that no future buildings, additions or modifications will be allowed until the non-conforming status is corrected. Reason # 3 Idaho State Code §67-6511 subsection 2 states that the Planning and Zoning Commission must consider the delivery of service, this zone change will have little to no affect on the delivery of services. Jefferson County believes that the current zoning is in conflict with the current comprehensive plan; this rezone will bring the parcel at 290 N. 4000 E. into compliance with the city's comprehensive plan. <12:32 min left>

Commissioner Treasure asked if this was the county's only option. Mr. Dunn replied that is was. Commissioner Treasure is concerned with the larger equipment that would be used in the area and stored on this parcel. Commissioner Treasure feels that this may be too industrial for the residential area. Commissioner Treasure stated maybe some conditions could be placed upon the county to make the use more compatible with the residential area.

Commissioner Belk is not as concerned with the buildings. Commissioner Belk is more concerned with the zoning. Commissioner Belk asked if there is an additional setback for commercial when adjacent to residential. Several members of the commission responded that commercial has an additional 20' setback when adjacent to residential.

Applicant Devin Hillam stated that the building and the use has been there since the late 1960's. The use is grandfathered since 2009 when the city readjusted their boundaries. Mr. Hillam stated that the mosquito abatement use would be a secondary purpose; the important thing to look at is obtaining the commercial zoning so that the road and bridge department could add on to their building if need be at a later date and brings this use into compliance.

Commissioner Treasure asked if the county would consider a special use permit in this location. Applicant Devin Hillam stated that a special use permit is not permitted according to the city's ordinances for this type of purpose.

Support - None

Neutral

Carl Meng 612 E. 1st S. 39:42 Disk 1 of 2

Carl Meng lives to the east of the property being considered for a zone change. Mr. Meng is not opposed to the property owned by the County being zoned commercial, but doesn't want industrial zoning or lots of other buildings. The neighbors already get a lot of dust, petroleum product, odors, and particulates coming across the property lines and onto their clean laundry. Mr. Meng hasn't seen any environmental controls on the use by the county. Mr. Meng wants to be a good neighbor, but Mr. Meng feels that more could be done to help protect the neighbors. Mr. Meng feels that a higher fence would help with the particulates and the visual impacts of the use. Mr. Meng doesn't support the entire area being converted into commercial. <2:09 min left>

Commissioner Belk asked about the fence around Intermountain Recycling. Devin Hillam stated that the county required the fencing. Commissioner Belk asked if that would also be the case here. Mr. Dunn stated that the Commission could make that recommendation. Commissioner Barrett stated that comprehensive plan policy # 7 & 8 refers to commercial beautification and landscaping screening and decorative fencing ensure compatibility with residential. Mr. Dunn stated that years ago the county constructed a fence along the north boundary. Commissioner Belk asked if a similar fence would be beneficial to the neighbors. Mr. Meng stated that the same size fence would definitely benefit the neighbors to the east. Mr. Dunn stated that the entire compound should probably be fenced.

Carl Meng asked if the property were to be rezoned would there be any benefit to the city? ie taxes. Mr. Dunn responded that taxes should be increased based upon the zoning. Melodie Halstead clarified that the comprehensive plan states that the area could be commercial, but the zoning map has this area identified as Residential One (R-1).

Commissioner Treasure stated that commercial zoning opens this property up to additional development. Commissioner Treasure feels that this use is more compatible with industrial uses. When the county builds a shop, the structure will be large enough to park a road grader in it. When these buildings are built they will be large.

Opposition none

Rebuttal – Applicant Devin Hillam (Planner for Jefferson County) 49:30 Disk 1 of 2

Applicant Devin Hillam stated that this property is only 5 acres. Therefore, there is not a lot of room on this property to build a lot of extra buildings once all the trucks are located on site and still have room to turn around. The neighbor stated that they did not want to see the entire area become commercial. Mr. Hillam stated that is a legislative item with the city and not applicable in this application. The county is dedicated to being a good neighbor; therefore Mr. Hillam is going to present the fence issue and landscape beautification ideas to the county commissioners.
<8:33 min left>

Public Hearing Closed at 8:01 p.m.

Commissioners Discussion

Commissioner Belk supports the application with a fence on all 4 sides.

Commissioner Moore supports the rezone application with beautification and fencing on all 4 sides. Commissioner Moore has some concerns with the mosquito abatement aspect of the discussion.

Commissioner Barrett supports the application with a fence on all 4 sides

Commissioner Treasure stated that long haul trucks are considered industrial. Commissioner Treasure is concerned that the neighbors may be subjected to more industrial style structures. Commissioner Treasure likes the fence idea as a way to protect the neighbors. Commissioner Treasure asked Mr. Carl Meng if the fence approach was acceptable to him. Mr. Meng replied that it was.

Motion

Commissioner Belk moved to recommend approval of the zone change from “R-1” to “C” Commercial for property located at 290 N. 4000 E. currently owned by Jefferson County with the condition of a 6’ privacy perimeter fence around the entire property. Commissioner Treasure seconded the motion. All in favor. Motion passes unanimously.

Minutes – March 13, 2014 Meeting

Commissioner Moore moved to approve the March 13, 2014 minutes as written. Chairman Reed seconded the motion. Motion passed unanimously.

Administrator’s Report

Melodie Halstead reminded the planning and zoning commissioners that the next regularly scheduled meeting will be May 8, 2014. During that meeting Jeff Patlovich, Comprehensive Plan consultant will be working on the land use map.

Meeting Adjournment

Commissioner Moore moved to adjourn the meeting. Commissioner Treasure seconded the motion. Motion passed unanimously. Meeting adjourned at 8:20 pm.

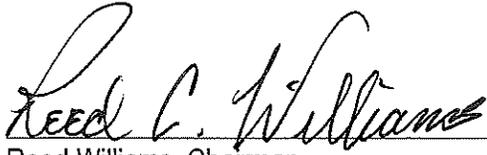
Submitted by:



Melodie Halstead, AICP
P & Z Administrator

May 8, 2014
Date

Approved by:



Reed Williams, Chairman,
Planning & Zoning Commission.

8 May 2014
Date