



City of Rigby

Planning and Zoning Commission

Meeting Minutes

January 14th, 2016

Kevin W. Hathaway- Administrator

Chairman Williams called the meeting to order at 7:02 p.m.

Kevin Hathaway conducted a roll call vote. Those present were Comm. Chairman Williams, Comm. Belk, Commissioner Ellsworth, Commissioner Warner, and Commissioner Bennett (By phone).

Chairman Williams determined that a quorum was present to conduct the business of the commission. The commission Chairman polled the commission members for any conflict of interest or "Ex Parte" communication issues. Comm. Warner mentioned that his firm did environmental remediation and planning services for the county from time to time as needed. Atty. Dunn had been presented with this information by Administrator Hathaway, and deemed there to be no conflict. The commission members also felt there was not a conflict and there were no objections from others in attendance at the meeting.

Absent: Comm. Finlayson, Commissioner Treasure, and Commissioner Moore.

Also present were Dave Walrath, Jefferson County Public Works Administrator, Kerry Romrell, Jefferson County Road and Bridge, and P&Z Administrator Hathaway. There were also several members of the public in attendance.

P & Z Administrator retrieved the sign in sheet for those wishing to provide testimony in the public hearing scheduled, to hear a request for a "Special or Conditional Use" permit request from Jefferson County Road and Bridge to allow the installation of bulk fuel storage tanks, one (1) up to 12,000 gallons, and one (1) up to 6,000 gallons. The permit also requests that the 8,000 gallon, road oil tank already installed in the containment basin be allowed under this special use permit. The county road and bridge complex is located at 290 N. 4000 E. between Hwy. 48 and 235 N., Rigby, ID. 83442.

Chairman Williams began the public hearing at 7:07 p.m.

Beginning at 7:08 p.m., Dave Walrath, Public Works Administrator for Jefferson County, was asked to present the proposal. The purpose for the request is to allow the county to install two new bulk fuel storage tanks, one (1) 12,000-gallon tank for diesel fuel and (1) one 6,000-gallon tank for gasoline. The special permit also requests that the permit allows for the continued use of the 8,000 gallon, road oil tank already installed in the containment basin at the road and bridge complex. The tank size for this permit request was increased to better accommodate full truck load capacity and better pricing options for the county. The permit request is to install the tanks above-ground and vertically. Mr. Walrath also stated the containment area would hold approximately 20,500 gallons of fuel, if a leak occurred. Mr. Walrath also stated that there are three fire hydrants within a third of a mile of the proposed installation site. The county is concerned with the difference in the cost to install the tanks above ground, or underground. They have estimates that the cost difference between underground and above ground would be about \$45,000 more for underground, then above ground. In conclusion, he restated the importance of these tanks and the potential costs savings to the county. *Mr. Walrath concluded his remarks and asked if there were questions, at 7:23 p.m.*

A Community Working Together in Harmony

Comm. Williams: Called for those signed up to testify. No one in attendance had signed in to speak in support of the proposal. There were not any signed to provide testimony, that were neutral. There were two residents signed to speak against the permit.

Marguerite Peterson: 548 E. 1st S., Rigby, ID. 83442

Mrs. Peterson re-iterated her concerns for safety related to fire/explosion, and the distance from homes. She believes there are better places to install them. She supports the potential savings to the county, but is very concerned about the safety.

David Peterson: 548 E. 1st S., Rigby, ID.83442

Agreed with the concerns previously covered by his wife. Asked if there was a better site farther from homes.

Rebuttal from Mr. Walrath:

Most equipment utilizing this facility are assigned to the Rigby complex. It would cost more in time and efficiency.

Comm. Belk asked Mr. Walrath if the county had considered moving the proposed installation site for the tanks, further from the residences.

Mr. Walrath stated that the site could be moved at an estimated cost of \$15,000.

He felt an aboveground installation was more suitable due to issues including corrosion, and liability from leakage.

Chairman Williams clarified that the installation would be vertical and in the containment area.

Confirmed that the area east of the containment pit in the picture, is a road sand material mixing area. Stated he was not sure if the 300 feet distance is from the residence or the property line.

Comm. Belk The minutes from the meeting on 12/10/2015 state it is 300 ft. from the property boundary, per Mr. Dunn. Stated that it looked like there was more than enough room to locate the fuel tank installation 300 feet from the property line, if moved closer to the center of the property.

Mr. Walrath stated he had been advised that the road oil tank had been installed prior to the zone change in 2009.

P & Z Hathaway stated the rezoning in 2009 was before the tank installation in either 2010 or 2011.

Mr. Walrath stated he thought it had been installed in 2010.

Comm. Warner asked about the costs of an underground installation instead of an above ground installation. Why is it more? Mr. Walrath stated a "Veeder Root" monitoring system is needed with an underground installation. The county did not budget \$90,000 or more to do this, so if the requirement is to go underground, the county would just not do the project. He hopes the dura patch road oil tank would be approved for continued use though.

Comm. Williams: The dura-patch oil is not fuel, right? The commissioners agreed it is not a fuel tank, so would not be subject to the 300 feet separation required by a fuel tank.

Comm. Belk: Feels the fuel storage needs to be 300 feet from the residence or line, or installed underground.

Mr. Walrath: Stated that he guessed there are many similar above ground fuel systems currently installed near residences in the city, that are not 300 feet from residences, etc.

Comm. Belk: Asked Mr. Walrath if he knew of addresses, names, or locations?

Mr. Walrath stated he didn't actually know of any locations, but guessed there were some. He thinks there are some in the Menan area, but he was just "shooting from the hip."

Comm. Williams: The road oil tank is already installed in the containment area?

Mr. Walrath: Yes. What is amount of gallons, is bulk fuel considered to be?

Hathaway: The industrial code section says up to 50,000- gallon capacity. I would have to check. Somewhere between 2,000 and 50,000 gallons.

Comm. Belk: Is a containment area required for an above ground fuel system?

Walrath/Romrell: Don't believe it is required, if you have double walled steel tanks, which these would be.

Comm. Warner: You already have fuel tanks in place that you are using?

Mr. Walrath: Yes, above ground. (2) 1,000- gallon diesel tanks, and (1) 1,000 gallon for gasoline.

Comm. Warner: Are they gravity flow?

Mr. Walrath: No, they are on skids and have electric pumps.

Comm. Warner: So you already have electricity where the current tanks are?

Mr. Walrath: Yes. We could put the new tanks there, but they would be more in the way. It wouldn't be as convenient.

Comm. Belk: What is your current capacity, and what would the new tanks increase that to?

Mr. Walrath: 3000 gal. total capacity now. (2000 gal. diesel, 1000 gal. gas) New tanks would give us about 18,000 total, but you can only fill the tanks up to 90% capacity, so about 16,200 total. (10,800 diesel, 5,400 gas.)

Comm. Belk: You use your current supply in a week?

Mr. Romrell: We can use it all in two days if we're plowing or hauling a lot.

Mr. Walrath: We currently fill our tanks 40-50 times a year. The new system capacity would reduce that to approximately 15-20 deliveries per year.

Comm. Belk: Do they charge you by load?

Mr. Walrath: The cost of fuel is more per gallon in smaller quantities. The more you can take each time reduces your costs, especially if you can take an entire truck load each time. We can keep the mag chloride tanks full, to help increase the fire safety.

Comm. Warner: The mag chloride tanks are between the houses and the proposed fuel tank installation site?

Mr. Walrath: Yes, they are.

Comm. Belk: What is your estimate for the cost of a new containment structure?

Mr. Walrath/Romrell: Approximately \$15,000 if the currently installed patch tank does not have to be moved.

Comm. Belk: Is that feasible for you to do?

Mr. Walrath: It would exceed our current budget for 2016.

Comm. Williams: Where would you be fueling? (referencing the pictures included with the application)

Mr. Walrath: On the east side of the current containment area. The sign shop is on the west side of the containment basin.

Comm. Warner: Do you paint signs there?

Mr. Walrath: No, we just store signs and equipment there, along with tools and traffic control devices.

Rebuttal complete at 7:51 p.m.

Comm. Williams: Called for a break to change the tape.

Meeting reconvened at about 8:01 p.m.

Comm. Warner: Is the county applying for a conditional use permit because, #1- the site is currently zoned "Commercial" and #2- the required setback/distance from residences is less than the 300 feet required?

Comm. Williams: That's correct

Adm. Hathaway: Bulk fuel storage is not allowed in a "commercial" zone.

Comm. Warner: The permit request is to also allow the county to continue to use the road oil, "dura-patch" tank that is already installed in the containment area?

Comm. Williams: Yes, they are trying to get into compliance with the road oil tank already installed and in use.

Comm. Warner: Suggests the commission consider the issues separately. Deal with the road oil tank already installed. Is it a fuel tank?

Adm. Hathaway: It is not a fuel tank. The oil stored in it is much less refined than the fuels to be stored. While it is flammable, and an oil product, the "flash" or ignition point for it should be much higher than the fuel oils, making it less hazardous or potentially less explosive.

Comm. Bennett: Asked about whether the use requested meets the specifications or standards for the EPA. Also had a question about if the fuels could come into contact with ignition sources.

Is there a chance that the adjacent land/home owners could build closer, on their land, to the proposed installation site for the storage tanks? What about additional storage tanks in the future?

Comm. Warner: That is an excellent question Comm. Bennett.

Comm. Williams: Yes, any new structures would be closer to the proposed storage tanks. (*Asked Mr. Peterson to come and review the pictures, and identify the homes nearest the proposed site for the new tanks*) He was asked if they (Petersons) expected to build anything on their lot. Mr. Peterson said he thought either they or their children would probably build there at some point. Any new or higher capacity tanks would have to have another hearing and permit to be installed.

Comm. Bennett: We want the decision to be a good long term decision now and for the future.

Comm. Warner: This is an important decision. It is important to support the county in its effort to increase savings and efficiency, but the use must conform to the code requirements and address safety for all concerned. There are three sides where this could be installed and meet the distance requirement of 300 feet. The main reason the county wants to install it in the containment basin is for their convenience, because its already there. The surrounding property owners/residents, are concerned about fire, and other safety issues, as well as possible contamination and the devaluation of their properties. Those are real and justified concerns. We cannot just discount the neighbors' concerns, as if they didn't matter. Any future expansion will increase the safety concerns and other related issues.

Comm. Belk: Installing the tanks further away than the proposed location, seems to be the best option. Burying the tanks at the proposed location would also be acceptable, other than it increases costs.

Comm. Ellsworth: Can the questions in the permit be considered separately? To allow the dura-patch oil tank already installed, remain in its current location, and move the permitted site to install the new fuel tanks?

Comm. Warner: Yes.

Ms. Peterson wanted to comment.

Comm. Williams told Ms. Peterson the public comment period had closed, but she could make a statement at the meetings conclusion if she still wanted to then.

Comm. Ellsworth: If possible, we need to determine if the county should be permitted to keep the road oil tank already installed, in the containment basin.

Comm. Warner: Yes, but he still is concerned about the distance of the fuel tanks from the neighboring residents.

Comm. Williams: Is it possible to finance the project in two budget years for the county? Half in each 2016 and 2017?

Comm. Belk: We can approve the permit with stipulations, within the code, but the county will have to deal with the restrictions and their budget. What is the process to consider the permit?

Adm. Hathaway: The considerations and special conditions have to conform to code requirements first of all. Similar to the last time this request was considered, you have at least four choices/options.

- 1) Approve the permit as submitted
- 2) Approve the permit with acceptable changes or conditions, in conformance to the code.
- 3) Table the consideration for a later date.
- 4) Deny the requested permit.

Comm. Belk: So if we approve the installation of the tanks no closer than 300 feet from the residential zone, that would be acceptable?

Adm. Hathaway: That is an acceptable option. You can also allow the tanks to be buried, at the requested location, etc.

Comm. Warner: Isn't that amending their permit request on their behalf?

Comm. Williams/ Adm. Hathaway: No. The "special use" permit allows modification of the requested use, under the conditions placed upon it.

Comm. Belk: So the size, location, type of installation, etc., can be conditions of the "special use" permit? The uses and conditions just have to meet the code and safety requirements?

Comm. Williams: Yes, that is correct.

Comm. Belk: Feels the request is acceptable with the proper restrictions and restrictions on the future additional permitting.

Comm. Williams: Yes, if allowed, the county would need an additional permit to increase capacity in the future.

Comm. Warner: The "special use" is needed because the current commercial zoning does not allow the requested use? Is that correct?

Comm. Williams: Yes.

Comm. Warner: So if you make a motion, you need to include that clarification. "Special Use" would be to allow bulk fuel storage tanks to be installed in the commercial zone at the county road and bridge facility, subject to setback restrictions or installed underground. Also, to continue to allow the use of the bulk road oil storage tank already installed at the containment basin in the road and bridge facility. This permit, if allowed, would only be to allow the bulk fuel storage tanks, and the road oil storage tank, to be installed. It would only apply to this location, right? It has to happen because it's not permitted in the zone now?

Adm. Hathaway: That is correct.

Comm. Warner: Comm. Belk, are you making the motion to approve the permit with the conditions that, 1) They be installed no closer than 300 feet from the residential zone, if installed above ground, and 2) the capacity allowed not exceed 12,000 gal. for one tank and 6,000 gal. for the other tank, and only two total tanks be permitted.

Comm. Belk: Would like to make a motion.

Comm. Bennett: A question before the motion: Is the area proposed for this installation zoned commercial currently?

Comm. Williams: Yes.

Comm. Bennett: Any chance of changing the zoning to industrial?

Comm. Williams/Warner: That was considered and denied at the last meeting.

Comm. Belk: Does the vote have to be unanimous?

Comm. Williams: No, just a majority of the quorum.

Comm. Bennett: How close is it to the nearest canal?

Comm. Williams/Warner- Mr. Walrath: estimated at between a ¼ mile and 2000 feet.

Comm. Belk: Motion to allow the “special use” permit with the following conditions:

- 1) Bulk fuel storage tanks are installed no closer than 300 feet from the residential zone.
- 2) A total of two tanks may be installed. (1) not to exceed 12,000-gallon capacity, and (1) not to exceed 6,000 gallons’ capacity.

Amended the motion to include the continued use of the 8,000- gallon bulk road oil storage tank currently installed in the containment basin. **Seconded by Comm. Bennett.**

Comm. Williams: Called for a roll call vote:

(two parts) #1) Allow installation of the bulk fuel storage tanks?

Comm. Ellsworth- Yes; Bennett-Yes; Belk-Yes; Warner-No. Williams-Yes. *Motion passes with a majority.*

#2) Allow the 8,000- gallon road oil tank to continue as installed currently:

Comm. Belk-Yes; Comm. Bennett-Yes; Comm. Ellsworth-Yes; Comm. Warner-Yes;
Comm. Williams-Yes. *Motion passes unanimous.*

Some discussion between Mr. Walrath and commission related to capacity and location.

Commissioners felt it was best to clarify the specific definition of setback distances. Capacity allowed with the “special use” permit, is as stated and passed in the motion.

Mr. Walrath: Why does the capacity matter, if the bulk storage capacity allowed is up to 50,000 gallons in the industrial zone?

Adm. Hathaway: Because this is a special or conditional use permit in a zone that would not normally allow any bulk fuel storage. Any bulk fuel storage is an accommodation, and only allowed by special or conditional use.

Marguerite Peterson: What is the setback? 300 feet?

Mr. Walrath: Is that from the line or the house?

Mr. Williams: Probably best to clarify that with the city Attorney Mr. Dunn. Probably best to talk with him before any construction should start.

Comm. Belk: Yes, please do not begin construction until the setback issue is resolved.

Comm. Williams: The public hearing is concluded at 8:16 hrs.

Adm. Hathaway:

The commission needs to elect a new chairman and vice-chairman tonight.

Commissioners discussed several options and potential nominees. Comm. Warner attempted to contact Comm. Finlayson by cell phone. No answer. After more discussion, Comm. Warner noted that usually the Vice-Chair moves up to Chairman. Comm. Williams asked who is Vice-Chair. It was noted that Comm. Warner is currently Vice Chair. Comm. Warner said to forget what he had just said. After more discussion, it was decided that Comm. Finlayson would be nominated as Chairman and Comm. Belk nominated as Vice-Chairman. Quorum vote was unanimous. Comm. Williams will give Chairman-Elect Finlayson the good news.

Approval of meeting minutes: A motion was made by **Comm. Warner** to approve the meeting minutes for the Dec. 10th, 2015 meeting. **Comm. Belk** seconded. *Vote was unanimous.*

Comm. Williams: Invited Mr. John Anderson to review the airport draft ordinance. Comm. Williams said it looked to be complete and well written. He feels comfortable to refer it for action, to the city council.

Comm. Warner: Had some concerns with some typographical errors and felt we needed more clarification on some terms in the draft ordinance. Is the airport currently rated at 12,500? Is that the same as before?

Mr. Anderson: Yes, that's the same. It would only change if the runway were extended to 4200 feet or more. It is the standard for a general aviation airport, which our airport is. Is the airport in an industrial zone? Would that allow aeronautical businesses? They have a potential tenant that would like to install a 12,000- gallon fuel storage tank for Jet "A" fuel. That has already been approved by the county. We need this ordinance to protect our interests. This will prevent regulation by outside agencies.

Comm. Warner: On page 2 and page 9, under effect, it has the term "avigation". This needs to be clarified and understood.

Mr. Anderson: Will make corrections and insert the definition for aviation.

Comm. Bennett: Will the airport need a permit for the proposed fuel storage tank?

Mr. Anderson: The county has already approved it.

Comm. Williams: Made a motion to refer the airport draft ordinance, subject to typos and definitions being corrected and clarified, to the city council for their review and action, with a "do pass" recommendation. Motion was unanimous.

Staff report: Adm. Hathaway:

No staff report for this meeting. I felt there were plenty of agenda items and we would be here long enough tonight, but I would like input from the commissioners as to what information they would like me to bring to them.

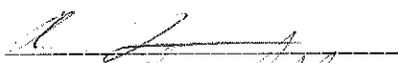
There are a couple of things that need review by the commission regarding the Area of Impact study, and the South Interchange project that has temporarily stalled, seemingly. I will provide information to the commission for review at the upcoming meetings. I appreciate the support and commitment of the commissioners.

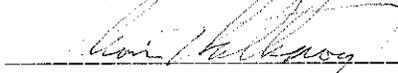
Comm. Warner expressed interest in the possibility of obtaining identification cards of some kind to identify the members of the commission. This may be a benefit to them while traveling by allowing them to obtain a government discount on rooms. I will check with the Mayor to see if that is possible and report back to the commission. I also provided my contact numbers to the commissioners.

Comm. Williams set the next meeting for February 11th, 2016 @ 7 p.m.

Having no further business, **Comm. Warner** made a motion to adjourn. Meeting adjourned at 8:54 p.m.

Minutes approved 2/11/2016 by unanimous vote of commission.


----- ^{VICE -} - Comm. Chairman - AARON BELK


----- - Attest Kevin Hathaway; P&Z Administrator

Dated- 2-12-16