

1 PLANNING & ZONING
2 COMMISSION MEETING

3 July 13th, 2017

4 7:00 p.m.

5 Meeting Minutes

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7 **Call to order:** Chairman Finlayson at 7:06 p.m.

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9 **Chairman Finlayson** called the meeting to order at approximately 7:06 p.m. **Adm.**

10 **Hathaway** was asked to conduct a roll call of the commissioner's present, and it was
11 determined that there was a quorum present to conduct the business of the commission.

12 **New Commission member Dan Stowell** was welcomed to the commission by the
13 **chairman. Commissioner Aaron Belk** was thanked for his service to the commission.
14 He has moved and left the commission.

15 **Roll call: Adm. Hathaway**

16 **Comm. Bennett- Present**

Comm. Stowell- Present

17 **Comm. Ellsworth- Absent**

Comm. Treasure- Absent

18 **Comm. Chairman Finlayson- Present**

Comm. Warner- Present

19 **Comm. Moore - Present**

Comm. Wilder- Absent

20 **Chrm. Finlayson** then directed the commission members to review the meeting minutes
21 from the May 11th, 2017 Planning and Zoning meeting. After reading the minutes,

22 **Comm. Bennett** made a motion for the approval of the meeting minutes, as written.

23 **Comm. Moore** seconded the motion. The vote was unanimous in the affirmative, to
24 adopt the meeting minutes from the May 11th, 2017 Planning and Zoning Commission
25 meeting, as written.

26 **Chrm. Finlayson** then instructed the commission members and the public in attendance
27 for the Public Hearings scheduled for this meeting. Those wishing to give testimony must
28 sign the roster before the hearing begins. General instructions were given, then the first
29 public hearing began.

30 **Public Hearing #1-** An application to change the zoning from C-1 (Commercial) to I-1
31 (Industrial) on a property adjacent to the industrial zone, east of the railroad tracks, north
32 of Hwy. 48. **The applicant is Idaho Sunfresh LLC, Boyd Foster.** This property is near
33 150 North Railroad Avenue, Rigby, ID. 83442. **Chairman Finlayson** asked the applicant
34 to begin his presentation of the request.

35 Kevin Thompson of Thompson Engineering, began by showing the expanded map of the
36 property being considered for the zone change. He explained the layout in conjunction
37 with the surrounding area, and that it made sense to square the property up.

38 Boyd Foster then spoke and outlined the importance of the change. It would allow him to
39 add storage capacity close to the point of processing that is not allowed in the current
40 zoning for the property. This is important so that product inventory is available on site,
41 when there is extreme cold, or bad roads. This allows processing to continue steadily. If
42 product is not available to process, then workers are disrupted by not having work, and
43 contracts are unfilled until processing is able to resume. Mr. Foster also stated that he
44 wants to continue to grow in the city and area, and do their part with positive change and
45 job retention. The facilities proposed will be very appealing. They are long white metal
46 structures that will include landscape buffering with berms and fencing. There is nothing

47 currently in the area proposed for this zone change, except for the current buildings used
48 in their processing operation.

49 **Chrm. Finlayson** then reviewed the roster for those signed to provide testimony at this
50 hearing. Bryan Call of 3525 Nathan Place, Idaho Falls, ID. was signed up to testify in
51 support of the request. He is the property owner of the land proposed for the zone change,
52 and will be selling to Mr. Foster if the request is approved. Mr. Call explained that his
53 support for the proposal was because the use proposed would fit well in the design/
54 development plan for the rest of the property they owned. He also felt the use was
55 appropriate and would enhance the general appearance of the development area. Mr.
56 Call's testimony concluded the testimony in support of the request.

57 **Chairman Finlayson** then noted there was no one signed to provide testimony in
58 opposition or neutral. Public testimony was concluded. The commission began
59 discussions related to the application.

60 **Comm. Warner** asked why commercial did not allow the use proposed by the applicant.

61 **Adm. Hathaway/Kevin Thompson** stated that the use was not allowed in the
62 commercial code. **Comm. Bennett** asked about access to the railroad from the property.
63 Mr. Foster stated that his operation already had the necessary railroad access, but that the
64 Call family had retained an easement to the railroad on the north end of this property for
65 future potential development. **Atty. Dunn** clarified the ownership on the north of this
66 property was the Hurley property, and that it was industrial already. Mr. Call clarified
67 that it was. After some additional discussion by the commission members, **Comm.**

68 **Warner** made a motion to recommend approval of the Zone Change request by the
69 applicant. **Comm. Moore** seconded the motion. Voting was unanimous in the
70 affirmative. **Atty. Dunn** explained that an additional motion from the commission was
71 needed, if the Commission intended to expedite the hearing of this request and get it
72 before the city council. A waiver of the formal adoption of the meeting minutes and
73 approval of the draft meeting minutes of the commission, would be needed, so the
74 minutes and action of the commission could be submitted to the city council for their
75 consideration as soon as possible. After discussion by the commission members, **Comm.**

76 **Warner** made a motion to waive the formal approval of the Planning and Zoning
77 Commission meeting minutes for the public hearing on a Zone Change request by Idaho
78 Sunfresh LLC, Boyd Foster applicant, held on 7-13-17, and to allow the commission
79 action and recommendations to be heard by the city council as soon as possible. **Comm.**
80 **Moore** seconded. The commission voted unanimous in the affirmative. The public
81 hearing concluded at approximately 7:39 p.m.

82

83 **Public Hearing #2-** An application for Annexation and Zone Designation request by
84 applicant Todd Stowell, for land located adjacent to Hwy. 48, 300 N., at 3863 E. 300 N.,
85 Rigby, ID. This parcel is approximately 5.95 acres. Mr. Stowell is requesting that the
86 parcel be designated as commercial (C-1) upon annexation. **Comm. Stowell** declared a
87 potential conflict in this hearing and recused himself. After attempting to contact other
88 commissioners by telephone, it was determined by **Atty. Dunn** that a quorum was still in
89 place and the hearing could move forward.

90 **Chairman Finlayson** asked the applicant to present their request. Kevin Thompson from
91 Thompson Engineering presented the layout of the parcel and its orientation to Hwy. 48.

92 Applicant Todd Stowell then presented the request by stating it was his belief that this
93 was a natural and necessary progression of the continuing development of the city. He
94 continued that he felt a commercial designation was also appropriate since it was on a
95 high traffic roadway. After the applicant completed his presentation, **Chairman**
96 **Finlayson** reviewed the sign in sheet for public testimony. There were two people signed
97 up to provide testimony in support of the request, and no one signed up to provide
98 testimony in opposition or neutral. **Comm. Finlayson** asked that Trent McGarry of 3833
99 E. 446 N., Rigby, Id. provide his testimony. Mr. McGarry stated that he supported the
100 request, and that he intended to purchase the property and build a business on this parcel.
101 Mr. McGarry also stated that he assumed the hookups were close to the property.
102 Applicant Todd Stowell also reiterated his support from earlier in the presentation.
103 Public testimony was concluded and the commission began discussions and deliberations
104 on the request. There was some discussion on the land north of this parcel still being in
105 the county, infrastructure, approach issues with ITD onto Hwy. 48, etc. After several
106 minutes of discussions, **Comm. Warner** made a motion to recommend approval of the
107 request for Annexation and Zone Designation and forward the P & Z Commission action
108 to the city council for action, with a “do pass” recommendation, and that the request to
109 designate zoning for the parcel to be “C-1” Commercial” also be recommended as “do
110 pass”. **Comm. Bennett** seconded the motion. Voting was unanimous in the affirmative by
111 the commission, with **Comm. Stowell** abstaining from voting. **Comm. Warner** made a
112 motion to waive the formal approval of the P & Z Commission meeting minutes and
113 action by the commission, regarding this hearing request held on July 13th, 2017,
114 requesting Annexation and Zone Designation of property owned by Todd Stowell, and
115 that the recommendation of the commission to approve the request for annexation and
116 zone designation and that the property be annexed C1 Commercial, upon annexation, be
117 submitted as soon as possible to the city council for their review and action. **Comm.**
118 **Bennett** seconded. Voting was unanimous in the affirmative, with **Comm. Stowell**
119 abstaining. The public hearing concluded at approximately 8:05 p.m.

120
121 **Chairman Finlayson** then moved to the business of appointment of a Vice-Chairman of
122 the Planning and Zoning Commission. **Comm. Bennett** nominated **Comm. Warner** for
123 appointment to the position of Vice-Chairman for the Commission. **Comm. Moore**
124 seconded. Voting was unanimous in the affirmative. **Comm. Warner** was appointed as
125 Vice-Chairman of the Planning and Zoning Commission.
126 Discussion on calendaring items and the time for the next meeting were discussed. The
127 commission would like to move forward to continue The Area of Impact Agreement with
128 Jefferson County. **Adm. Hathaway** will attempt to arrange a meeting for 7-19-17 and
129 will contact the commissioners with a date and time if able to schedule with the county.
130 The meeting date for **the next regular Planning and Zoning Commission meeting will**
131 **be Aug. 10th, 2017 at 7 p.m.** Having no further business, the meeting adjourned at
132 approximately 8:20 p.m.

133 Connie Moore - Chairman **Finlayson** *Moore*
134 Kevin Hathaway - Attest, Kevin Hathaway- P&Z Administrator

135
136 Dated- 8/10/2017
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