

PLANNING & ZONING  
COMMISSION MEETING

June 9<sup>th</sup>, 2016

7:00 p.m.

Meeting Minutes

**Call to order:** Vice Chairman Belk

**Roll call:** P&Z Administrator Hathaway

Comm. Belk- Present

Comm.- Moore- Present/ by phone

Comm. Bennett- Present

Comm.- Treasure- Absent

Comm. Ellsworth- Present

Comm. Warner- Present

Comm. Chairman Finlayson- Absent

Comm. Williams-Absent

**Vice Chairman:** Vice Chairman Belk called the meeting to order at about 7:12 p.m.

**Determination of Quorum-** Following the roll call, Vice- Chairman Belk declared there was a quorum present and there were no “ex parte” or conflicts with the commission.

In addition to the commission members in attendance, Jefferson County P & Z Administrator, Naysha Foster, City Attorney Robin Dunn, and P & Z Administrator Hathaway attended the meeting.

**Approval/amendment of the minutes from the April 14<sup>th</sup>, 2016 meeting.**

**Comm. Moore** made a motion to approve the meeting minutes, as written, from the April 14<sup>th</sup>, 2016 Planning and Zoning Meeting. **Comm. Bennett** seconded. Vote was unanimous in the affirmative.

**Commissioner Belk:** There was a request to add an administrative action item related to a sign request for the new O’Reilly’s building located at 414 Farnsworth Way, Rigby, ID. The Commissioners agreed to hear that during the “Other Business” section noted on the agenda.

Jefferson County **P & Z Administrator Foster** was introduced and welcomed to the meeting by the commission.

**Administrator Hathaway** began by welcoming Adm. Foster and thanking her for coming to the meeting. The commission members were given an update related to the proposed Area of Impact map and the letter Adm. Foster had submitted related to the Area of Impact map proposed by the city. Adm. Foster was asked to comment on the proposal and reasoning behind her letter and accompanying proposed Area of Impact zone map.

**Adm. Foster** began by explaining some of the issues she had encountered while trying to work within the current AOCI zone map. She explained that she felt it was equally

important to develop mutually supported ordinances to go along with the proposed AOCI map. Part of the challenge has been trying to enforce the impact zone with the current county ordinances. The inconsistencies are difficult to work with. The current agreement consists only with an AOCI map, and no more specific ordinances that more closely conform to the city requirements and codes. Without specific ordinances, the county is required to enforce their development code and ordinances. This becomes problematic when development occurs in the impact zone, for both the city and the county. It seems that there is not necessarily animosity and resistance between the city and the county, but more of a breakdown in communication.

There was discussion about general ideas and how best to proceed. It was also noted that it is very important to get this issue resolved prior to new development in the proposed AOCI zone.

It also was pointed out by **Comm. Bennett** that there is a general misconception related to Area of Impact Zones. He felt it would be very beneficial to help the residents to become more informed, so they see that being in the impact zone merely identifies an area for “future” expansion as growth occurs. It protects all residents by providing orderly well planned growth, and gives everyone a voice in the planned growth. No one’s tax rate will change if they are in an impact zone, and they will not automatically be annexed into the city.

**Adm. Foster** continued by saying that the county supports the city in their growth into the impact zone. She discussed the things that would be helpful to have in impact zone ordinances such as what should the road design and size be, are there sidewalks, curb and gutters, trunk lines for sewer and water, etc.

**Comm. Warner** discussed the evolutionary process taking place with state water and sewer issues. Developers may face the administrative prohibitions on the availability and permitting of individual wells. This is why new development may only be permitted if they are on city water and sewer.

**Adm. Foster** feels there will be support with the county planning and zoning commission as long as they have an idea of what the goals and objectives of the impact zone are, and that they have the support to enforce the ordinances in that zone. The goal is to have a realistic plan for the size and administration of the impact zone.

**Comm. Warner and Bennett** expressed the concern that the city have a meaningful voice in the development of the zone and administration and ordinances. **Adm. Foster** agreed and expressed confidence that the city’s involvement would be welcomed by the county.

It was agreed by all that it is important to resolve this and implement it as soon as possible. It is much easier to be proactive than it is to be reactive and trying to catch up to the growth. It is also less likely to meet resistance, if the information is shared and the public has an opportunity to have input.

**Comm. Warner** also expressed concern that any plan should give consideration to personal property rights. All agreed that was very important, and would be a primary concern moving forward as the plan is developed.

**Comm. Warner** expressed the reasoning that the purpose of expanding the zone aggressively, was to allow input from the city, since realistically the county residents in the impact zone, and the development that occurs there, do have a substantial impact on the city infrastructure. We don't really know how aggressively growth will occur, but it is important to plan well ahead of it to avoid poorly planned or unplanned development.

**Adm. Hathaway** said that the public should understand that the city will not force current subdivisions and development that is outside city limits, but inside the impact zone, to immediately upgrade their existing homes.

**Comm. Ellsworth** also agreed that growth should be planned better to avoid some of the past issues that have arisen, between the city, county, and/or developers. It would be helpful for the developer to understand what the requirements are prior to developing.

**Adm. Foster** stated it was important that the developers need to include the utilities and other infrastructure, prior to the recording of the plat and before lots can be sold.

**Atty. Dunn** stated that it was more reasonable for the developer to include those improvements prior to selling the lot. That keeps the cost to the developer and purchaser of the property, who will directly benefit from the improvements, and not spread the costs over the entire population. It will probably make the initial cost of lots higher, but will be more equitable. You will never satisfy everyone.

**Comm. Warner:** All subdivisions and development needs to be equitable for everyone. With the upcoming water and sewer issues, it will be very difficult to get any new lots approved to be platted. It seems the recommendation by Adm. Foster and Hathaway is to create a committee to develop joint ordinances for the impact zone area of the county.

**Comm. Bennett** also feels that it would be beneficial to work together. There is no reason the county and city cannot do that. We're not competing interests, we all just want well planned development.

**Comm. Ellsworth** mentioned that the areas south of Rigby are probably going to develop first and we need to have these ordinances in place as soon as possible.

**Comm. Warner** feels a need to address the current owners concerns and plans for the future use of their land. Do we need to make a motion to move forward to name a committee comprised of city/county p & z, commissioners, and city council/ mayor?

**Comm. Warner made a motion** to form a committee to develop ordinances to govern development in the area of impact between the City of Rigby and Jefferson County.

Comm. Moore seconded the motion. Roll call vote was unanimous in the affirmative to form a commission to work with the county to develop an impact zone map and ordinances.

Discussion was held by the commission and Administrators Foster and Hathaway about timing for a follow up meeting. We will contact everyone when a time is set.

The Commission thanked Adm. Foster from the county for attending and look forward to moving ahead with this as soon as possible. Adm. Foster thanked the commission and left the meeting.

Other Business: Staff report: Adm. Hathaway

A request has been made by the O' Reilly's representatives to be allowed to install an identical façade sign on the rear of the building fronting Hwy. 20. This sign would conform to the city sign code requirements and is identical to the sign approved for the front facade. The issue is with city code Chap. 12: Sec. 10-12-6 C, that allows for only one such sign to be installed.

In discussion with Benjamin Burke, ITD Dist. 6 Engineer responsible for signs, he states the state would not have any opposition to placement of the additional sign on the rear or east side of the building facing Hwy. 20, and it would create no additional hazards.

The other request from O' Reilly's is that they be allowed to install a thirty-foot tall sign, instead of a twenty-foot tall sign, allowed in city code. In a physical review of the area it was found that many signs along Farnsworth Way, are at or above the 20' (feet) level already including the property directly to the south. All other code requirements are met by the proposed sign, except for the extra height requested. The code governing this is City Code Chap. 12: Sec. 10-12-6 E.

These are ongoing issues along Farnsworth Way relating to signs. I believe it will continue to be an issue on Farnsworth Way and Rigby Lake Drive and other commercial or industrial zones. As this area/zone continues to grow this will continue to be a problem. I would suggest amending the code requirements at least for these areas of commercial/ industrial zoning, to be more representative of today's best use. This would prevent the need for lengthy and costly variance hearings, that would likely be approved, since it would be inequitable to allow one business more signs or a higher installed height, than another.

The City of Rigby code Chap. 10-12-6 allows "Signs exceeding the following requirements will not be allowed without specific approval of the Planning and Zoning Commission via variance or OTHER ADMINISTRATIVE ACTION."

I am proposing that the commission use their administrative authority to recommend allowing the requests from O' Reilly's to install an additional façade sign on the rear or east side of their building facing Hwy. 20, and that they also be allowed to install an on-

premises free standing sign up to 30 feet in height, instead of twenty feet in height, allowed by code. All other sign code requirements will be required.

After discussion with the commission members and City Atty. Dunn, the commission decided to make the following motions.

**Comm. Warner** made a motion to have Administrator Hathaway and City Atty. Dunn, redraft the ordinances related to the sign restrictions, to more clearly reflect the current design and installation standards, and bring them for consideration to the Planning and Zoning Commission for review and possible adoption, as soon as possible. Vice **Chairman Belk** seconded. Vote by the commission was unanimous in the affirmative.

**Comm. Warner** made a motion to use the administrative action and authority of the planning and zoning commission, to allow the request by O'Reilly's Auto Parts, to install an additional façade sign on the rear or east of their new building that faces Hwy. 20, and to also allow a free standing on-premises sign to be 30' total height instead of 20' total height permitted in the code. Motion was seconded by **Comm. Bennett**. Vote was called for by Vice-Chairman Belk. Vote was unanimous in the affirmative.

**Comm. Warner** reiterated that we should pursue amendment of this ordinance as soon as possible to prevent this issue from arising again.

**Vice Chairman Belk** noted there was no other business and set the next meeting for July 14<sup>th</sup>, 2016 at 7 p.m. Motion to adjourn by **Comm. Belk**, seconded by **Comm. Bennett**. Meeting adjourned at about 8:23 p.m.

**The proposed date for the next meeting will be July 14<sup>th</sup>, 2016 at 7 p.m.**

  
 \_\_\_\_\_ - Comm. Chairman or Vice-Chairman.

  
 \_\_\_\_\_ - Attest Kevin Hathaway- P&Z Administrator

Dated- 7-8-16