

MINUTES
RIGBY PLANNING AND ZONING COMMISSION
06 MARCH 2003
7:00 PM

Members Present: Wayne Clark, Acting Chairman, Bill Millet, Craig Bates, Larry Finn, Kelly McKamey, Ron Hedelius, Karen Durst, Doug Nelson, Rigby Public Works Director and Rigby City Attorney, Stephen J. Clark.

Wayne Clark, Acting Chairman, opened the meeting at 7:01 PM. Ron Hedelius was sworn in as a new P & Z member by Wayne Clark, Acting Chairman.

1. Dennis Ashbocker, Zone Change/Annexation Request – Highway 48, West of Rigby. Kyle Ashbocker was present and presented his proposal and plat (Exhibit 1) for eight (8) 4-plexes on 9.6 acres. He discussed his R-2 property in the proposed plat. They would like to have the whole piece of property annexed in but would only use a section approximately 395 x 402 to put eight (8) 4-plexes on. These 4-plexes will all be single level, approximately 946 square feet with a one-car garage. They plan to sell the back piece of land. Steve Clark then said the annexation is a function of the City Council and talked about preliminary plats. There is a series of holdings and the plats are not appealable because they are just intentions but the plat itself is subject to public hearing. There has been sufficient notice given and it would be subject to finalization at a later date. He also said that P & Z could not accept his plat as the final project at this time but could make recommendation to City Council. Craig Henneger, of 410 Annis Highway, #24, Rigby, Idaho, made comment on the Rigby sewer system and feels that before there is an annexation, the Rigby sewer system has to be cleaned up. Jim Mullen, an engineer for Keller and Associates in Pocatello, then commented on the Rigby sewer system. He is here to answer questions for the public and feels that there are several problems with aeration systems at the lagoons which are causing excessive odors. In the first two cells of the lagoons, the waste isn't getting decomposed properly. He said there was a comment made about the possibility of a potato manufacturer dumping their waste into the lagoon and that hasn't been proven. He also said that, right now, current flows at the lagoon during non-high water time are approximately 300,000 gallons per day. This is what we would expect for the population of the City of Rigby. During summer months when the ground water is high, there is over a million gallons per day, which is an excess of 700,000 gallons coming in for infiltration. This causes an overloading of the lagoons and the City is underway to upgrade the system or at least study it to see what needs to be done to minimize the infiltration, as well as improve the treatment capacity of the lagoons themselves. Also, the lagoons are able to meet the discharge permits. There have been some very strong odors coming from the lagoons and Mr. Mullen thinks this is because they are being under-aerated. The City has ordered some sampling equipment, which will allow them to see if there is enough oxygen in the lagoons. They will probably require some modifications to the lagoons. Mr. Mullen said that right now the lagoons are not functioning properly, but that there is some capacity to handle, especially during the winter time flows. He did not know about the piping itself. He knows there was camera work done in the past and there was a lot of deposition of rock, silt and debris that caused

the piping to fill up. He then asked Doug Nelson, Public Works Director, questions on manholes and surge chargers. Doug mentioned that they were waiting on parts for one part of the chlorination systems. A gentleman was present from the Department of Environmental Quality in Idaho Falls and talked about the aeration system. P & Z then asked questions about the sewer and water and how an increase of people would affect both. Also, sewer lines were discussed. The annexation hearing was closed on the Ashbocker property at 7:39 PM.

2. Pioneer Land Development Company, Zone Change/Annexation Request. The annexation hearing for Pioneer Development opened at 7:40 PM. Kevin Thompson, of Thompson Engineering, presented the plat (Exhibit 1) and explained the details of the plat to the P & Z Commission and to the people present who are opposing the subdivision. Mrs. Joyce Green, residing at 495 N 3rd W, Rigby, Idaho stated that the back part of her property has not been annexed and would not be annexed until she gave permission. Kevin Thompson then explained that the white “fingers” drawn on this plat that are beyond the City limit line are not requesting annexation. Wayne Clark then said that this P & Z Commission needs to make a recommendation to the City Council whether to leave those properties as such or recommend to annex them in. Attorney Steve Clark then commented that the annexation law has been amended and there are three different classifications of annexation now. This annexation is deemed a class “A” annexation with the information they have had. In order for it to be an “A” annexation, there has to be unanimous approval of the entities or land owners who are part and parcel of the annexations. The part that causes everybody concern is what they are saying now is that, if you have City services, you are deemed to have consented to the annexation. The other exception is that if you are “enclaved in,” which means if you are surrounded by the City again, it is basically deemed to be a situation where consent isn’t necessarily given, but under those circumstances, it can be taken in, the plat consent and the enclave exception. The City Council has the last say in the above. John Epperson, residing at 435 N 3rd W, Rigby, ID, was present and was concerned there would be increased traffic and talked about the schools being overloaded and the fact that the City has problems with sewer and water and he is opposed to this subdivision annexation. Dee Epperson, residing at 435 N 3rd W, Rigby, ID, was present and presented statistics from the Idaho Transportation Department (Exhibit II) which was a detailed accident listing for the different streets in Rigby. This report was dated January 1, 1989, to December 31, 2002. Mrs. Epperson’s main concern is the increased traffic this subdivision will bring in, with the volume and speed of traffic. She stated there have been twenty-seven (27) traffic accidents on their street and wondered if a barrier could be put up. Kyle Babbit, residing at 445 N 3rd W, Rigby, Idaho, is concerned with this 72 acre subdivision coming in. She is against new development coming into the City of Rigby. Development should occur but she has concerns on the increase of population in Rigby, (25% to 30%), concerns on the sewer system, piping to the lagoons, outflow to the drybed and the aeration system. She feels there should be a moratorium on building and annexations until the sewer study is completed. Doug James, residing at 3726 E 190 N, Rigby, Idaho, was present and was concerned about the animal rights for the property owners. Wayne Clark answered this question for Doug James. Attorney Steve Clark talked about non-conforming use. Helen Crank, residing at 359 N 3rd W, Rigby, Idaho, was present and is concerned with all three of the annexations. She has interviewed all of the schools and the superintendents. The

Avery Subdivision would bring in 40 people, the Ashbocker Subdivision would bring in 32 residences and Pioneer would bring in 165 residences. A superintendent told Mrs. Crank that if there is an influx of school children, the options would be to change the boundaries, which means that some of the children would have to be bussed out to Roberts and Midway elementary schools. That would only be a temporary measure and ultimately, it is a school bond issue. Judy Patton, residing at 537 N 3rd W, Rigby, Idaho, was present and is opposed to the uncontrolled growth and is worried about her property being landlocked and is also concerned about the animal rights if this subdivision is annexed. She thinks P & Z should take a look at what is happening here by not having an option—whether the property owners would like to purchase this property or just give them an access so they could develop the land themselves. Bob Reece, president of the Pioneer Land Development Company, residing at 4192 E 460 N, Rigby, Idaho, was present and talked about developing land. P & Z Commission members then asked questions. P & Z questions: P & Z would like a copy of the report for ITD on the 27 traffic accidents—would Bob Reece be willing to give access to the landlocked land—P & Z members talked about septic tanks affecting the ground water and well head protection—they talked about the central well for the City—Wayne Clark brought up the fact that the cost of development will be paid for by the developer—the traffic problem and the school issues should be addressed to the City—P & Z talked about residential growth, taxes and increased business. The annexation hearing on Pioneer Land Development Company was closed at 8:35 PM.

3. Jeff Avery, Zone Change/Annexation Request. The annexation hearing for the Jeff Avery Development opened at 8:36 PM. Chris Archibald was present and explained the proposal. He presented a plat (Exhibit I). This property is surrounded by annexed property and is currently proposed to be zoned for mobile homes. Mr. Avery is planning to build 4-plexes on the property and come in as R-2. There will be a fence along the irrigation ditch and there will not be a 2-plex or 4-plex built close to the Bigelow's trees. Some of the trees on Mr. Avery's property will be removed. Mr. Lloyd Bigelow, residing at 349 S 3rd W, Rigby, Idaho, was present and is opposing this development. He presented a statement of opposition against the annexation (Exhibit II). Wayne Clark made a comment that residential growth does not increase tax base. He commented that it is his thought that when you bring jobs to a city, it brings families and when new families move to the city, it will increase business. After much discussion, the annexation hearing on the Jeff Avery Development was closed at 8:52 PM.
4. Attorney Steve Clark made comments on some of the factors that the Supreme Court has approved in making decisions. P & Z can make additional factors. A motion was made by Kelly McKamey that the P & Z make a recommendation to the City Council that the Ashbocker property be annexed into the City of Rigby. Larry Finn seconded the motion. All voted unanimously.
5. Bill Millet made a motion to recommend to the City Council that the Pioneer Land and Development Company be annexed into the City of Rigby with the upper portion being zone R-1 and the lower portion being zoned R-2, with the understanding the expansion of utilities would have to be addressed. Kelly McKamey seconded the motion. All voted unanimously.
6. Bill Millet made a motion to recommend to the City Council that the Jeff Avery Development be annexed into the City of Rigby. Karen Durst seconded the motion. P &

Z could not make a decision because of the density issue and that the number of 4-plexes needed to be adjusted. Three P & Z members voted “yes” and three members voted “no.” After more discussion, Karen Durst made a motion to recommend to the City Council that the Jeff Avery Development be annexed into the City of Rigby with stipulations: that the number of 4-plexes be decreased to seven as the density issue is a problem and that it is be zoned R-2. Bill Millet commented that the overall density of the total area is too high. Ron Hedelius seconded the motion. Four of the P & Z members voted “yes” and two P & Z members voted “no.” Motion carried.

7. Doug Nelson, Public Works Director, introduced Linda Radford as the new P & Z secretary. She works from 8:00 to 12:00 every day at the City building and will be available to answer P & Z questions.
8. Brett Olaveson – Subdivision in Impact Zone. Kevin Thompson explained that this area is in the impact zone and that Brett needs a letter from P & Z. After discussion, Karen Durst made a motion that P & Z write a letter stating that the City of Rigby P & Z has no objections for Brett Olaveson’s proposed subdivision and that the new proposed subdivision in the impact area shall be required to attach to Rigby city water and sewer as soon as it is available. Larry Finn seconded the motion. All voted unanimously.
9. Kendall Shippen Development – Subdivision in Impact Zone. Kevin Thompson presented the plat for this proposed subdivision and explained that this area is in the impact zone and that Kendall needs a letter from P & Z. After discussion, Kelly McKamey made a motion that P & Z write a letter stating that the City of Rigby P & Z has no objections for Kendall Shippen’s proposed subdivision and that the new proposed subdivision in the impact area shall be required to attach to Rigby city water and sewer as soon as it is available. Craig Bates seconded the motion. All voted unanimously.
10. Larry Finn was voted in as the new P & Z chairman with Craig Bates as the alternate chairman.

Karen Durst made a motion to adjourn the meeting and Larry Finn seconded the motion. The meeting was adjourned at 10:00 PM.