

**Rigby Planning & Zoning
December 8, 2005**

Members present: Gerd Zimmermann, Lawrence Blackburn, and Travis Poole. Tamara Rochette was absent. Also present was P&Z Secretary Linda Radford.

Acting Chairman Lawrence Blackburn opened the meeting at 7:15 P.M.

The hearing for a special use permit to build three public storage units in addition to a retail complex on a commercially zoned lot opened at 7:16 P.M.

Jeremiah Bigelow spoke as proponent. He said Utah Power & Light lines cross his property and limit building options.

David Bigelow got up and spoke about how the language in the ordinances that cover additional, conditional and special uses is unclear. He felt he did not need a special permit, either for the use or the number of buildings.

The floor was opened for those in favor of, against or neutral on the permit to speak. No one rose to speak.

The floor was closed to public comment and the commission discussed the application.

Lawrence Blackburn read the letter sent to the Bigelows by City Attorney Steve Clark (Exhibit A) concerning the expiration of the building permits for the retail building in progress & the three proposed storage units and the use in a commercial zone. Travis Poole felt that the retail building in progress was the main building and all other structures would be secondary to the business and not for public use. The Bigelows did not agree and cited the existing D&L Cleaners storage buildings. Travis Poole explained the "grandfathering" of existing uses and that all new construction had to adhere to current ordinances. There was discussion of the fax sent by the Idaho Transportation Department (Exhibit B) that claims there is an encroachment on their easements by the structure in progress. The ITD has not submitted further paperwork to substantiate their claim. The board tried to see where encroachment might be but, since the map submitted by the Bigelows was not detailed enough and did not show measurements in the critical areas, they could not make a decision based on the evidence submitted.

Travis Poole moved to table the decision until further information was submitted by the Bigelows. The date of January 12th 2006 was set, pending timely submission of a detailed plat map. Gerd Zimmermann seconded, all voted aye and the motion passed. Hearing closed at 7:51 P.M.

The hearing for an amended plat for H&S Development in Hunter Creek was opened at 7:52 P.M. Paul Hepworth spoke as the proponent. H&S Development wishes to change five lots into four along North 5th West in their subdivision. The lots are #19-23 of Block 4 of the Hunter Creek Estates, Division 1, Subdivision. A party wishes to build a larger home than can be accommodated on lot #23 using current city ordinances for setbacks. Mr. Hepworth pointed out that this would decrease the density in the area.

The floor was opened for the public to comment for the proposed amendment. Ken Smith of 480 North 3rd West, Rigby, submitted a one page document (Exhibit A) and read from it. In short, it said he was for the change but he felt the roadway to the

proposed units was not on the plat, the waterline supplying the homes is outside the purposed (sic) City of Rigby limits, the utility systems have not been turned over to the city and any modifications will require retesting.

The floor was opened to those who felt neutral or were against the amendment but no one present wished to speak.

Paul Hepworth addressed Mr. Smith's concerns and stated that the infrastructure has been completed and has been submitted to Keller & Associates, the city engineers, for approval.

The floor was closed to public comment and the board discussed the proposal. Gerd Zimmermann moved to approve the amended plat. Travis Poole seconded, all voted aye, and the motion passed. Hearing closed at 8:02 P.M.

The hearing for the Final Plat of Pioneer Park Estates, Division 2, opened at 8:03 P.M. This plat would extend Caribou Street as outlined in the preliminary plat previously approved. Curt Roland of Sheiss & Associates, an architectural firm in Idaho Falls, presented the plat on behalf of the Hibbards. Lawrence Blackburn asked if the traffic study that had been previously requested was finished. Mr. Roland said he did not feel one was necessary and had not started one. Donna Hibbard stated she was not aware a traffic study was required. She was shown documents from the hearing of the final plat of the first division that had recommended one be done (Findings and Conclusions of P&Z and City Council, and letter from Keller & Associates).

The proponents believed this final plat could be approved with stipulations right away. The P&Z board felt that had been allowed previously and did not work out so they did not feel comfortable approving with stipulations.

The floor was opened for those in favor and neutral but no one approached. The floor was then opened for those who were against.

Ken Smith of 480 North 3rd West, Rigby, submitted a one page letter (Exhibit A) and read from it. His concerns were increased traffic and the need for a third access when taking the Hunter Creek subdivision into account. He believes that traffic will increase by 25% because a day care center was approved near the entrance of Pioneer Park on 3rd West at the last meeting. He feels traffic would increase too much on 3rd West if the proposed final plat were approved and felt phase 2 should not be approved without an additional access.

Paul Hepworth of 511 Aspen Drive, Rigby, states that he is more neutral than against but felt the third access could be through Hunter Creek Estates once the bridge connecting the two subdivisions on North 4th West was built. He submitted into evidence the letter written by the Hibbards during his concurrent hearings for a final plat for Hunter Creek, Division 2 and rezone of several lots in that division of April 14, 2005 (Exhibit B). He asked that the same standards apply to Pioneer Park as applied to Hunter Creek when density is considered. He feels his property values went down because they back onto the high density lots on Caribou and no one wants to buy the lots.

Glade Prestwich of 6945 East Val Verde, Idaho Falls, spoke in rebuttal and said that the letter mentioned by Mr. Hepworth was written as if the entire subdivision was completed.

Donna Hibbard states that the lots are already zoned as R-2, multi-family homes, in the preliminary plat already approved and that is what they are asking for now.

Glade Prestwich wanted to point out that the Pioneer Park lots were approved before Hunter Creek came along.

The floor was closed to public comment and the board discussed the proposal. Travis Poole discussed the letter submitted by Ken Smith and felt that paragraph #4 that discusses the increased traffic the newly approved day care would cause, could be easily taken care of by a traffic study.

Travis Poole moved to table the decision on the hearing until a traffic study could be performed. Gerd Zimmermann 2nd, all voted aye and the motion passed. The hearing closed at 8:44 P.M.

A letter from City of Rigby P&Z to Jefferson County P&Z regarding the extension of North 4th West by Doug James to build a road and two homes on his mother's property was discussed and revised. This proposal came before the board on June 9, 2005. The letter will be retyped as revised by the board and sent to the current chairman, Tamara Rochette, for signature.

The minutes of June 9 & 23rd, September 8th, 22nd, and 29th, and November 10th were discussed and approved. The findings and conclusions of the November 10th hearing for the Magera Day Care were also amended and approved. The revised version will be sent to Tamara Rochette for signature.

Travis Poole moved to adjourn, Gerd Zimmermann seconded and all voted aye. Meeting adjourned at 9:01 P.M.