

**City of Rigby  
Planning and Zoning Meeting  
January 12, 2012  
7:00 p.m.**

Those present were: Chairperson Orme, Commissioner Brown (came late), Commissioner Richardson, Commissioner Taylor and Commissioner Warner. Those absent: Commissioner Bennett.

Chairperson Orme called the meeting to order at 7:10 p.m.

Chairperson Orme stated the first item on the agenda was the approval of the November 10, 2011 meeting minutes and asked if everyone had a chance to read them. Commissioner Richardson moved to approve the minutes as written. Commissioner Taylor seconded. All were in favor.

Chairperson Orme stated the next item on the agenda was regarding airport legislation changes and turned the time over to John Anderson, Airport Board President, for his presentation.

John Anderson, 385 N State, stated he is currently the President of the Airport Board and explained he was present this evening to offer some insight to issues pertaining to the airport. Mr. Anderson stated there are some proposed legislation changes being presented at the next legislative session. Mr. Anderson explained some of these changes would pertain to the land use surrounding airports. Mr. Anderson stated there are some airports that are pretty locked in by commercial and residential entities alike and explained that Rigby's airport is one of them. Mr. Anderson stated that he had talked with Mayor Smith about these changes due to Mayor Smith attending a meeting with AIC and this issue being discussed. Mr. Anderson stated that when this item came up last year he presented some information to the County Planning and Zoning in an attempt to get them on board with the upcoming changes. Mr. Anderson explained he did this due to the fact that the airport lies in the county and not within city limits. Mr. Anderson stated that shortly after this he received notice from the County Administrator that they would be presenting this to the County Commissioners for their input and approval. Mr. Anderson referred to a document in the commissioner's packets and explained it was the county's ordinance. Commissioner Warner asked if this was a proposed ordinance and Mr. Anderson stated that it was a current and adopted ordinance. Mr. Anderson explained the county told him to review this ordinance and see if there needed to be any updates or corrections due to the fact they are currently performing a review of all ordinances.

Mr. Anderson stated that for the past 40 years the airport has been known as the Rigby/Jefferson County Airport but explained that in 2006 the county chose to abandon their interests in the airport. Mr. Anderson stated that to date he has been unable to ascertain why the county chose to do this. Mr. Anderson stated the airport is funded mainly due to the hangar leases but explained the county has given \$3,500 per year. Mr. Anderson stated this amount is precarious at present because the county wants to discontinue all involvement with the airport. Mr. Anderson stated the city has given \$4,000 in the past and explained they are looking to increase this amount to \$6,000 for the next year. Mr. Anderson stated that any improvements done to the airport is done by obtaining grants from the Department of Aeronautics and explained this has been on a 75-25 ratio.

Mr. Anderson stated that in 2010 the airport funded a revision to their master plan. Mr. Anderson displayed a plat map of the airport and gave a brief explanation of the layout. Mr. Anderson referred to the North part of the airport and explained they are extremely limited what they can do in this area and that it is also the oldest part of the airport. Mr. Anderson pointed to an area on the map and explained they have built hangars on the West side of the airport which is closest to the Old Yellowstone Highway. Mr. Anderson explained they have extended their taxi-way this past year approximately 500 feet. Mr. Anderson referred to the hangars and explained that a new hangar will bring in between \$800 and \$1,000 of revenue each year.

Mr. Anderson stated the areas to the North and South are the take-off and landing areas and explained these areas need to be protected when considering adjacent land use. Mr. Anderson referred to the county ordinance and explained that it makes great reference to the ends of the runway. Mr. Anderson gave a brief explanation of conical zones and how they are measured in terms of the runway. Mr. Anderson stated these measurements need to be taken into consideration when proposing future land use on the adjacent properties.

Mr. Anderson stated that he felt the city needed to revise the county's ordinance somewhat and make it a city ordinance. Mr. Anderson stated the county could then make the city ordinance part of their ordinance by reference. Chairperson Orme asked if the county was getting away from their involvement with the airport would they still be required to have an ordinance. Mr. Anderson stated more than likely due to the fact they still have the airport in Mudlake. Mr. Anderson stated this airport is still within the county even though the owner is the city. Mr. Anderson stated the city being the owner was the reason he felt the city should have an ordinance of his own and explained there really was no reason to deviate much from the one the county has put together. Mr. Anderson asked Mrs. Sessions if the commissioners had received a copy of the proposed legislation and Mrs. Sessions asked if that was contained in the email and Mr. Anderson stated that was correct. Mrs. Sessions explained that she had forwarded that email to each of the commissioners. Commissioner Richardson asked if it was 21-501 and Mr. Anderson stated that was part of it. Mr. Anderson referred to this document and stated that it indicates for every governing board with an airport or having influence over an airport shall create an ordinance. Mr. Anderson explained the City of Rigby is the governing board. Mr. Anderson stated it would be in the best interest of the city to develop an ordinance because there is a provision in the legislation that indicates if the governing board does not create one of its own then the state will write it for them. Mr. Anderson stated he was asking the commission to consider putting together the city's ordinance depending directly upon what happens with the proposed legislation. Mr. Anderson stated that by waiting the city could write the ordinance and refer to state statute.

Mr. Anderson stated the Rigby Airport may not look like much but explained that it creates \$18.1 million in economic impact for the area. Mr. Anderson stated that as far as general aviation airports are rated Rigby Airport is considered one of the best in the state. Mr. Anderson explained that due to this fact they have been able to receive grants from the state where other airports have not. Mr. Anderson stated that some of this can be attributed to the Airport Board being proactive and looking down the road at things that need to be done.

Chairperson Orme asked if there was any indication as to when the state legislation would be passed rather than just be in draft and Mr. Anderson stated there would be a meeting in Boise next weekend to discuss this issue. Mr. Anderson explained that even if passed in January it would take at least until June or July for the cities to actually see it passed. Chairperson Orme stated that he

understood state and local rules to be that cities could be more restrictive but not less than the state and Mr. Anderson stated that was correct. Commissioner Warner asked what the purpose of the proposed changes was and Mr. Anderson stated that he felt the driving force behind this was the Coeur d'Alene Airport and their need for expansion and limitation of residential uses in their area. Mr. Anderson stated that if they were unable to expand or control what happens in the immediate area then the airport will be limited on what kind of aircrafts can land or utilize their airport. Mr. Anderson stated the airports were not concerned with the commercial developments as much as they were the residential ones because of the take off and landing areas and restrictions involved. Commissioner Warner asked if the general feel from the airport board was to support the proposed changes in legislation and Mr. Anderson stated his recommendation would be to support this legislation. Mr. Anderson stated that he would like to see the Planning and Zoning Commission draft a letter to the City Council expressing their support of this legislation.

Mr. Anderson stated the airport had been very fortunate in working with the county in the past to protect the South end of the airport. Mr. Anderson stated they would one day like to be able to extend the runway out some in this direction and explained this would allow for somewhat larger aircraft to utilize their airport. Chairperson Orme asked if the residential area began at the intersection of the roads just to the North and Mr. Anderson stated that he believed there to be approximately one-half (1/2) mile in between the end of runway and nearest home in that direction. Mr. Anderson stated their concerns over residential issues are closer to 100 North. There was a brief discussion regarding impact areas and annexation possibilities. Commissioner Brown asked if there were any drawbacks and Mr. Anderson stated that he did not feel the proposed legislation would affect Rigby's Airport. Mr. Anderson stated that if the State legislation did not pass he would be upset due to the lack of protection for local aviation airports. Commissioner Richardson stated that he did not see a reason not to work on an ordinance due to the fact that if this legislation was approved the City would be required to do one anyway. Commissioner Warner asked if the city had anything in place right now and was told they did not. Commissioner Warner asked about the ordinance they were looking at and Commissioner Richardson stated this was what the county had in place. There was a brief discussion regarding who currently governed the operations at the airport. Mr. Anderson explained the airport used to be jointly under the city and the county but recently the county had opted out from any jurisdiction or responsibility. Commissioner Warner stated there needed to be some kind of framework in place for the airport to follow and Mr. Anderson stated that was what their Master Plan was and explained it was very similar in purpose to the City's Comprehensive Plan. Commissioner Warner asked if there was a reason for the City to do an ordinance and explained they could act under the county ordinance since the airport is actually in county jurisdiction. Mr. Anderson stated the city could always have the county ordinance and use it by reference. There was a brief discussion on the process of obtaining building permits for hangars. Commissioner Richardson referred to a section of the proposed legislation where it states that every governing board having an airport or airport influence within its jurisdiction shall create an ordinance and stated he did not feel this applied to the city due to the fact that the airport is not within city jurisdiction. Commissioner Richardson stated the way he read this legislation meant the county would maintain the ordinance and zoning regulations for the area around the airport. Commissioner Warner stated his concern is over who really has jurisdiction over the airport. There was a brief discussion regarding where city boundaries end and the city's building department roles as pertaining to structures built on the airport. There was a brief discussion regarding the airport being city property but not contained within the corporate limits. Commissioner Warner stated that he did not see a problem if the city adopted an ordinance and

the county approve it by reference. Commissioner Richardson stated that if the county adopted the city's ordinance by reference then it would give the same control and restrictions to the airport in Mudlake that it does the one in Rigby. There was a brief discussion regarding this concern and whether or not Mudlake should have their own ordinance as well. Chairperson Orme referred to the policing and enforcement and asked if the city could enforce the rules if they continued under the county ordinance. There was a brief discussion regarding having a city ordinance and then the county default to the city's and then policing and enforcement would be easier. Commissioner Warner asked what the airport board wanted and Mr. Anderson stated the airport board is rather disgusted with the county and explained they did not want anyone to inherit a mess due to the question of who does own and operate the airport. Mr. Anderson stated the airport board would like to see it operated under city guidelines. There was a brief discussion regarding the revenue received from taxes, lease rentals and where this money went. Mr. Anderson stated that if the airport board applies for a grant the monies generated from that go to the city. Commissioner Warner asked if this was a recent thing and Mr. Anderson stated that it always has been that way. Commissioner Warner stated that he was concerned if the reason the county wanted to walk away from the airport was because it is a liability. Commissioner Warner stated that he knew of someone that leased on Fanning Field and explained they indicated there is no more space to be had. Commissioner Warner stated there would be people looking towards Rigby to fill that need and felt there needed to be room for expansion. Commissioner Warner gave some examples of aircraft use that could benefit from additional hangar spaces available for lease. Mr. Anderson stated that he felt the county was walking away purely because they no longer wanted to deal with the headache but explained this was merely his opinion. Mr. Anderson stated there had been a company from Seattle out to the airport in October and performed a pavement monitoring session and although he has not seen the results yet he was pretty confident the pavement was in good condition. Mr. Anderson stated that one of the projects they are looking to do this year is to perform crack sealing to help extend the life of the pavement. Mr. Anderson stated the city does a lot of that during the summer and their plan was to piggyback with the city. Commissioner Warner asked how this would be financed and Mr. Anderson explained it would be paid by the airport board with monies generate from leases and things like that. Commissioner Warner asked who has the liability for the airport and Mr. Anderson stated the city carries the policy on the airport. Commissioner Richardson stated they were not discussing the city taking more responsibility and the county taking less and Mr. Anderson stated that was correct. Commissioner Richardson stated the city has already accepted responsibility for the airport and explained the issue they were discussing tonight is whether to recommend an ordinance. There was a brief discussion regarding the enforcement of city regulations out in county jurisdiction. Mr. Anderson stated that by default the airport board is the enforcement agency for the airport and explained they would take care of problems with tenants and things of that nature. Mr. Anderson stated the City Police Department does patrol out at the airport. Chairperson Orme stated that when he worked as a police officer for another city they were allowed to patrol certain areas within the impact area and feels that may be the case with the airport. Chairperson Orme referred to the airport board and asked what it was since it was not a city or county entity or private industry. Commissioner Richardson stated they are a board of volunteers serving at the discretion of the city to act on matters involving the airport. There was a brief discussion regarding the differences between the proposed legislation and the county ordinance. There was a brief discussion regarding the duties and responsibilities of the airport board. Mr. Anderson stated that after the commission has a chance to discuss this he would like to see a letter of recommendation forwarded to the city council supporting the proposed legislation. Mr. Anderson stated that he would also like to see measures taken to write and adopt an ordinance

similar to the one the county had written. Commissioner Richardson referred to the county ordinance where it indicates a map attachment and asked Mr. Anderson if he has seen this map. Mr. Anderson stated that he had talked with the County Administrator and she indicated there were no maps. There was a brief discussion regarding making sure there were conical zoning and land use zoning maps included with any city ordinance. Mr. Anderson stated this concluded his presentation.

Chairperson Orme stated with that this would conclude the open portion of the meeting unless the commission chose to have further discussions. Chairperson Orme explained that since the thirteen (13) page state document had not been approved yet there was no rush to approve anything and suggested having the commission take the next month to read through the state document and the county ordinance and be prepared to discuss and possibly make a decision at next month's meeting. Commissioner Warner stated that he was still not clear on the issue and felt they needed something from the airport board stating they wanted it and also needed something from the county explaining their reason for pulling away from the airport but still advocating an ordinance. Commissioner Warner went on to explain that the city and county were still married under this venture and stated that he would like to speak with legal counsel regarding this issue. Chairperson Orme asked Mrs. Sessions if she had forwarded this information to legal counsel as well and Mrs. Sessions stated that she had sent him the same email and documents that she had sent each of the commissioners. There was a brief discussion to clarify what the commission felt was being asked of them by Mr. Anderson. There was a brief discussion regarding concerns over reasons the county was walking away from the airport. There was a brief discussion regarding reasons the airport board would be in favor of this legislation. There was a brief discussion over residential uses and their proximity to the airport. Commissioner Warner referred to a commercial development in the area and explained they were arranging their development in a way so it did not interfere with the approach to the airport. Commissioner Taylor stated that in many cases the people who build houses near existing airports are generally people with planes and therefore are pro aviation.

Commissioner Warner suggested the commission take the time to read through the information and come back next month ready to make a formal decision. Commissioner Richardson asked if the motion was to table and study until next month and Commissioner Warner stated that was correct. There was a brief discussion regarding either having members of the airport board present at their next meeting or at least a letter confirming their approval of a city ordinance. Commissioner Richardson stated he seconded the motion to table and study until next month. Chairperson Orme stated that he could proceed with a vote but explained there really was nothing proposed to vote on and explained it was more of an informal presentation.

Commissioner Richardson moved to adjourn the meeting. Commissioner Warner seconded. All were in favor. The meeting was adjourned at 8:40 p.m.

No work session was conducted.