

**City of Rigby**  
**Planning and Zoning Meeting**  
**March 8, 2012**  
**7:00 p.m.**

Those present were: Chairperson Orme, Commissioner Richardson, Commissioner Taylor and Commissioner Warner. Those absent: Commissioner Bennett and Commissioner Brown (both excused). Robin Dunn, City Attorney, was also present.

Chairperson Orme called the meeting to order at 7:20 p.m.

Chairperson Orme stated the first item on the agenda was the approval of the January 12, 2012 meeting minutes and asked if everyone had a chance to read them. Commissioner Warner moved to approve the minutes as written. Commissioner Taylor seconded. All were in favor.

Chairperson Orme stated the next item on the agenda was the discussion on the proposed airport legislation carried over from their last meeting. Chairperson Orme reminded the commission that they had discussed the county ordinance regarding the airport and were asked to consider having the city adopt one as well. Paula Sessions, Planning and Zoning Administrator, stated that she was unsure of whether John Anderson, President of the Airport Board, would be present this evening or not but explained they could carry on the discussion if that was their decision. Mrs. Sessions stated there had been a lot of conversation during the last meeting regarding the airport and explained that this may not be the case due to a deed transfer to the airport. Mrs. Sessions also stated the airport was not in city limits and was not adjacent to or contiguous with current city boundaries. Robin Dunn, City Attorney, stated the city used to own the property but believes they transferred the deed to the airport as a private entity but explained that he would like to do some checking to make sure. Mr. Dunn explained that historically the county and the city owned the airport jointly and the somehow the county backed out and left it solely to the city. Mr. Dunn explained that later on the airport asked for the property to be deeded to them and their board and believes the city has done that. Mr. Dunn explained they have their own bylaws, minutes and independent audit. Mr. Dunn stated the only thing the city has done is be the sponsor for the grant money the airport receives. There was a brief discussion on the monetary procedures between the city and the airport.

Chairperson Orme referred to the airport not being in city limits or being city property and asked if it was at least in the impact zone. Mrs. Sessions stated the way the impact area is currently the airport it not but explained she was working with Naysha Foster, County Administrator, to update the impact area. Commissioner Richardson asked what the reasons for the county wanting to give up the airport and Mr. Dunn stated the liability and insurance costs. Chairperson Orme referred to the last meeting and asked if the city covered the airport under their insurance and liability and Mr. Dunn stated the airport was considered a rider under ICRMP and explained the city sponsors the airport coverage. Commissioner Richardson asked if the city paid the premiums or if the airport did and Mr. Dunn stated he believed it was covered under the city's premium but was not completely certain. Commissioner Warner asked Mr. Dunn if he felt this commission should wait to verify ownership prior to making any decision on this ordinance. Commissioner Warner stated he felt the city would be spending a lot of time and money unnecessarily if they did not have an interest in the

airport. Mr. Dunn stated the city has an interest by virtue of co-sponsoring and insurance and explained the county had no interest in the airport at all. Mr. Dunn stated he believed the reason the airport was asking what they were was because they were applying for some federal money. Mr. Dunn referred to Mrs. Sessions question regarding city authority to adopt an ordinance over the airport and stated this request was legitimate. Mr. Dunn stated he was certain the county did not want anything to do with the airport. Commissioner Warner referred to the other airport in Jefferson County located in Mudlake and asked how they are governed. Mr. Dunn stated that airport is a municipal airport and is ran by the city but explained they still come to the county and asked for money to assist in their budget.

Commissioner Warner referred to the previous meetings minutes and stated there is discussion regarding infrastructure fees, hangar rental fees and asked who received that money and Mrs. Sessions stated the airport board did. Mr. Dunn stated this money is placed in their account but explained they prepare an audit and present it to the city for review. Mr. Dunn explained it would be no different that like a library district or cemetery district where the budget is submitted to the governing board and a copy submitted to the city for review. Chairperson Orme stated since there was no city ownership, the property is not within city limits or the impact area he felt there really was not a foot to stand on in enforcement of this ordinance. Commissioner Warner stated that he felt the determination of authority is ambiguous and felt it was presumptuous to discuss this item without this knowledge. Mr. Dunn suggested speaking with the Aviation Commission to see what their governing rules indicate. Mr. Dunn stated the airport really should write into their bylaws or minutes what they do or do not want done and explained this was due to them being self governing. Commissioner Warner stated he understood that it has been convenient for the city to be the co-sponsor for grant money but question why the airport could not register as a non-profit organization. There was a brief discussion regarding their meetings and minutes and legal representation.

Chairperson Orme referred to the last meeting when Mr. Anderson was presenting what he wanted and stated that he thought Mr. Anderson was presenting the proposed state aviation legislation and how it would affect any ordinances the city had in place. Chairperson Orme referred to the meeting agenda and asked if they were really being asked to write a letter indicating approval for those aviation changes to take place or if they wanted to address the city versus county issue first. Chairperson Orme stated he felt there were two different topics being discussed here tonight. Mrs. Sessions stated she believed that Mr. Anderson was asking the commission to write a letter of recommendation to the city council to approve an ordinance for the city to govern the airport before the state legislation takes effect. Mrs. Sessions stated that she believed Mr. Anderson was saying that when this legislation passes and the governing body does not have an ordinance then the state would write one for you. Mrs. Session explained that Mr. Anderson was requesting the city write an ordinance prior to the state having a chance to write one for them. Mr. Dunn stated he felt the state would have more studies performed than this commission would. Mr. Dunn suggested waiting until the state actually passed their legislation because then it would allow cities and counties to have more freedoms with what their ordinance could contain. Commissioner Richardson referred to the House Bill 509 they were given for review at the last meeting has been stuck in review for over a month. There was a brief discussion regarding the possibility of the legislation not being passed at all. Mrs. Sessions stated that even if passed now this legislation would not take affect until July at the earliest and Mr. Dunn indicated that was correct. Mr. Dunn stated he was unclear that this bill would affect funding and explained they generally do not.

Chairperson Orme stated he was open to motions on how to address this issue. Commissioner Warner stated that clearly this commission does not have the authority and felt that was ambiguous at this time. Commissioner Warner went on to say it appears that regardless of who has authority the airport board is going to want to keep the relationship they have with the city. Commissioner Warner motioned to table this item until Mr. Dunn could ascertain what authority this commission bases the decision upon. Commissioner Richardson seconded. All were in favor.

Commissioner Taylor moved to adjourn the meeting. Commissioner Richardson seconded. All were in favor. The meeting was adjourned at 7:41 p.m.

## WORK SESSION

### R-2 Requirements

Chairperson Orme stated they would now go into the work session regarding the R-2 requirements. Chairperson Orme stated that he thought this had been completed during the last work session. Mrs. Sessions explained there had been a couple of items that needed to be changed in order to complete the request. Mrs. Sessions explained that she would go over each item and if there were further questions they could discuss each on in turn.

Mrs. Sessions referred to page 2 and stated that she had removed the item that read "building coverage: the maximum building coverage shall be fifty percent of the lot area" and also removed the item that read "minimum living area: no dwelling unit shall contain less than nine hundred square feet of living area".

Mrs. Sessions referred to page 3, under the heading pedestrian circulation, item number 3, she explained they had added that the offset from the curb should be ten (10) feet. Mrs. Sessions explained that prior to that there had been no distance determined. Commissioner Warner asked if this meant there needed to be a minimum distance of ten feet between the curb and where the sidewalk should be and Mrs. Sessions stated that was correct. Commissioner Richardson asked if these regulations would become retroactive and Mrs. Sessions stated they would not and explained this would be for future developments. Commissioner Richardson referred to the front setback of twenty (20) feet and asked where that started and Mrs. Sessions explained it would be measured from back of curb. There was a brief discussion regarding sidewalks and their issues throughout town and the need to have a reestablished pathway starting from the schools and working outwards. Commissioner Richardson referred to the front setback and then the placement of this sidewalk and explained that would make the sidewalk about five (5) feet from the front of the building. There was a brief discussion regarding the separation distances on other sidewalk areas around town. There was a brief discussion regarding the main purposes for having this separation. Commissioner Richardson asked how many feet the various utility companies needed and it was determined it was approximately three (3) to five (5) feet. Mrs. Sessions stated the water and sewer would not be placed in this easement because they are generally offset in the roadway. Commissioner Warner asked if the utilities could share in this easement and Mrs. Sessions explained they do now. There was a brief discussion regarding areas throughout town that do not currently have sidewalk and if they were to be developed there would be a problem with having the sidewalk meander through various properties. Commissioner Warner stated he would like to address that issue now. There was a brief discussion regarding special use permits versus having

that clause added to the requirements. Mrs. Sessions stated that under the pedestrian circulation heading she could add an item number 4 which will say something about if developing in areas where sidewalks currently exist the new sidewalk needs to be congruent with adjacent lots. Commissioner Warner stated it needed to conform to adjacent uses.

Mrs. Sessions referred to page 4, under the heading off street parking, she explained that she had deleted where it read "within an R-2 development. Off street parking and maneuvering areas shall be paved with asphalt or concrete" and that she had added "having a width less than forty-eight (48) feet from back of curb to back of curb". Mrs. Sessions explained the reason this was decided upon was if the street was narrower there would be no parking on street. Commissioner Richardson asked for some clarification on why the 48 was chosen. Mrs. Sessions explained that current code stated twenty-one point five (21.5) feet per lane which equals forty-three (43) feet and then there would be the two and one-half (2 1/2) feet of curb and gutter on both sides which totals the forty-eight (48) feet. Commissioner Richardson asked if this meant they still had two (2) parking spaces and could not count the street unless it was a wider street and Mrs. Sessions stated that was correct.

Mrs. Sessions referred to page 5 and stated she was unclear as to why this was in red because the wording was already there and had not been changed. Mrs. Sessions explained it was regarding the individual connections per unit and the requirements for apartment complexes versus individually sold townhomes. Mrs. Sessions stated that if the building started out as apartments and then was changed to townhomes they had added the clause that there would need to be individual connections added at that time.

The commission agreed to just make the two discussed changes and then present for final approval at their next meeting scheduled for April 12, 2012.

Work session was concluded at 8:35 p.m.

Submitted by:

Deceased prior to minute Approval  
Paula Sessions, P & Z Administrator \_\_\_\_\_ Date \_\_\_\_\_

Approved by:

Val R. Orme  
Val Orme, Chairman,  
Planning & Zoning Commission. \_\_\_\_\_ Date 1-10-13