

Minutes of the City of Rigby Planning and Zoning Meeting

February 13, 2019

Rigby City Council Chambers

Present: Commissioners Dan Stowell, Rogers Warner, Rex Sutherland and Chairman Ellsworth, City Planner Sharon Parry, and three interested citizens.

Absent: Commissioners Glen Bennett and Mike Wilder

Chairman Ellsworth opened the meeting at 7:08 p.m.

The agenda was approved.

Minutes from the January 10, 2019, P&Z Commission meeting were mailed to commissioners previously, and were discussed. Changes were recommended by Commissioner Warner. Motion made by Commissioner Stowell to approve the minutes as corrected; seconded by Sutherland. Motion passed.

The 2019 calendar of meetings was discussed. There will be a special meeting of the joint Planning and Zoning Commissions, both County and City of Rigby, on February 28th. It will incorporate an open house style hearing for the public to comment on the proposed Area of Impact Agreement including the map.

There was a discussion regarding the need to have a special meeting because of the County Planning and Zoning Commission's changes to the initial proposed Area of Impact draft at their February meeting. There were three areas added by the County Planning and Zoning Commission—the southwest corner addition, the south-central alcove, and the northeast corner. Because of these changes to the map, it was recommended to the City Planning and Zoning Commission that there would not be a vote on the Area of Impact agreement at tonight's meeting because the map published for this hearing is now outdated. Planner Sharon Parry also recommended that there be a future date scheduled for the City Planning and Zoning to meet. Two possible dates arose: March 7th at 5:30 p.m. or secondarily March 14th at the regularly scheduled City Planning and Zoning Commission meeting.

Commissioner Warner asked if there was a reason why the Area of Impact Agreement is needing to move along quite fast. Planner Parry explained that the Building Moratorium agreed upon by the County and City on an eastern area of the City within the current Area of Impact will expire on May 1st. The City would like to know that the new Area of Impact Agreement is in place as soon as possible to allow for any pending developments and building to be conducted under the new Agreement.

Planner Parry explained that tonight's hearing could still be conducted, the public could testify, and limited deliberations could occur, although there was to be no deliberation toward a decision or a vote would occur tonight. Chair Brent Ellsworth opened the public hearing at 7:47 p.m.

Planner Parry presented the concept of an R-Ranch zone that is being formulated. This zone would be particularly written and designed due to the larger residential parcels that have been developed and built in the proposed Area of Impact. Parry said that the nature of these parcels is a country setting with hobby farms and other ag-related uses such as chickens, goats, etc. These parcels would be welcomed into the City upon annexation with what Parry called the 95/5 Perspective—that is, the City would

effectively adapt ordinances 95% in this new zone while the new residents would adapt effectively 5%. This new ordinance, Parry said, would welcome these new residents who still want to have larger parcels and a country/rural feel.

There was a discussion on this proposed R-Ranch zone. There was a discussion on the ramifications of parcels being annexed into a city, and the purpose of an Area of Impact. Planner pointed out that the City of Rigby has not been aggressive with past Area of Impact agreements. No forced annexations have occurred. She further stated, the State of Idaho mandates that there be area of impact agreements established between cities and counties to allow for adoption of city zoning and subdivision standards.

Mr. Terrance McKay, 239 N. 4037 East, Rigby. Mr. McKay asked when the last Area of Impact was established. How has growth occurred since the establishment of the last Area of Impact? Would standards be applied to existing parcels that are newly annexed into the City? For example, when properties are annexed in, when would curb, gutter and sidewalk need to be upgraded to City standards?

Commissioner Warner responded that the City would not overtly go out and force lands into the City. Residents of a subdivision might come together and jointly join the City.

Planner Parry responded that the City would not enforce upgrades. Those upgrades would be driven by the residents on those streets and in those neighborhoods on their timeline. Such improvements would be self-selected.

Chairman Ellsworth added that failing or contaminated wells is another example of when there may be an application for annexation of property.

Mr. Ray Ketchum,, 152 N. 3700 East, Rigby. Mr. Ketchum owns a 27.5 acre farm in the proposed Area of Impact. How will this way of life change if they are in the Area of Impact or if they are annexed? They own horses, and, for example, after annexation will they not be able to continue baling hay given the City's noise and dust ordinances?

Commissioner Warner responded that times are changing and there are more small farms. Area of Impact won't change the use of their land.

Mr. Ketchum and Warner had brief discussion that the City should not wait 10 years to revisit the Area of Impact Agreement. Mr. Ketchum works for BMC, and he predicts there will be an immense amount of growth coming, and the Agreement should be visited more frequently.

Planner Parry responded that this is where the R-Ranch zone would come into play—the City would, for the most part, adapt to these rural parcels rather than the parcels needing to adapt to all City ordinances as in the past.

Parry responded to the issues raised about farm odors and baling hay by indicating that such areas are not unique, and that is one reason why larger parcels serve the hobby farm residential need with the hope that similar neighboring properties would more easily coexist.

Mrs. Teresa Ketchum, 152 N. 3700 East, Rigby. Mrs. Ketchum expressed concern whether the City's wastewater management plan and capacity is sufficient for the expected growth in the Area of Impact.

Chairman Ellsworth, Commissioner Warner, and Planner Parry responded to Mrs. Ketchum's concerns.

Planner Parry then went over a document of information given to her by Jefferson County Planner Kevin Hathaway:

Area of Impact Narrative

Summary of Suggested Changes from Jefferson County Planning Office

February 13, 2019

1. County P&Z Membership: Two members of P&Z, or Two in Area of Impact vote on Rigby Area of Impact issues only, and if both vote against the application then the application automatically goes to commissioners.
2. How to Best Notify City: Sharon recommended a full set of plat plans to City Planning Office for review. Kevin asked for Sharon to develop a clause regarding how to facilitate the development process; how to keep the City in the loop.
3. Fire/EMS: Dual access required. If not a second access on the plat, there should be a temporary access.
4. Manufactured Home Ordinance: current City ordinance conflicts with the State.
5. Reverse Frontage: City should consider adding. Example of 3 homes side by side originally from one original parcel.
6. Service: What should services look like if City cannot serve yet? How long is reasonable time to wait? One home a longer distance from services—how served and what time span is expected?
7. Service: "Any development of 2 or more adjacent homes—community well or city water if available."
8. Service: Waiver of double fees if in Area of Impact?
9. High Density: should these developments be addressed in the Agreement?
10. Levels of Annexation: look over these A, B, C well.

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Planner Parry asked for this document to be entered into the record of the hearing.

Parry suggested that she will sit down with the City Attorney, AIC model ordinances and best practices, and to also compare with other cities with similar issues and scope to review, edit, and draft a document to this effect.

Mr. Terrance McKay, 239 N. 4037 East, Rigby. Mr. McKay asked if the proposed plan and map apply to existing structures and subdivisions. Commissioner Warner pointed to the A, B, and C points in the ideas, with the basic answer to Mr. McKay's question being "no." Mr. McKay's home is in a Level C status, and your partially finished basement would be considered developed. Mr. McKay finds the three points to be ambiguous, and there was a discussion that these need to be very clear. Commissioner Warner and Eldredge both weighed in on the importance of there being clear definitions.

There was a discussion about city standards and county standards in subdivisions regarding sub-sized lines that new developments cannot connect into (such as the Highway 48 school-built sewer lines that is boxing in City development and in Pioneer Park Phase 1 with subsequent build being limited 10 years later because of new and higher standards in the interim years).

Chairman Ellsworth mentioned the importance of expiring dates for preliminary plats and final plats due to the higher infrastructure standards that can be instituted in the interim.

There was a discussion about water rights, and how the City needs to acquire water rights when land is annexed into the City. The Planning and Zoning Commission would like to have an update regarding the status of water in Rigby. Commissioner Warner, given his long career with water resources, said that the Idaho Water Resources is waiting for Rigby to do something.

Regarding septic and sewers, there was a discussion about when septic fail. Rules and regulations fall under Eastern Idaho Public Health. Commissioner Warner said that when septic fail and if the secondary site is no longer available for replacement there is not another choice for someone

Mr. McKay brought up Section 1.3 which states that both sides of a road that serves as a boundary line for the Area of Impact. Commissioners Warner, Ellsworth and Stowell all weighed in on the discussion, saying that it would be important to have both sides of the road included so that the infrastructure is not only sized for developments on one side of the road. This scenario would effectively cut off development on the opposite side of the road if the service lines were under-sized.

The word "contingent" in Section 1.3 should be changed to the word "contiguous."

There was a discussion about how far from the road should this clause be applied. Commissioner drew a visual on the board to diagram the dilemma. Properties on both sides of the road would be in the Area of Impact, but there needs to be some measure of how far from the road would this clause apply. Commissioner stated he wasn't sure how this should be answered, but a hard and fast line will definitely not work. When city boundaries are extended there will still be the same issues with sub-standard infrastructure if there is not clarity in the Area of Impact agreement.

There was a discussion about the extension of services a longer distance when asked by a developer. Commissioner Sutherland discussed a situation he is familiar with, that of Aurora, Colorado. When a larger subdivision is built in the Aurora area, perhaps the developer should come forward with proposals of how that development would be served with water, for example. Should the developer be required to bring water to the development, such as purchasing water rights that would allow the development of a City well.


Chairman Ellsworth asked about the future expansion of sewer capacity. There was a discussion about that being the role of the Public Works and engineers. Water wells are spread out according to need to meet sufficient water pressure, and the same strategy applies to sewer: as capacity is needed, expansion will be increased, and location is based on efficiency.

There was no vote on the Area of Impact taken at this meeting.

Chairman Ellsworth closed the hearing at 9:32 p.m.

Planner Parry stated that she feels like she understands her next work assignments. She asked for the best method of keeping in touch with the Commissioners, and they responded that email would be the best way to communicate.

The meeting adjourned at 9:35 p.m.

Minutes approved: , Chair Brent Ellsworth; Date: 5-9-19

Attest: , Sharon Parry, City Planner; Date: 5-9-19