

Rigby Planning and Zoning Commission

Minutes of the Meeting

November 10, 2021

Chairman Stowell called the meeting to order at 7:05 p.m.

The chair asked for roll call:

Commissioner Stowell- Present

Commissioner Sutherland- Present

Commissioner Cowley- Present

Commissioner Wilder- Present

Commissioner Belk- Absent

P&Z Administrator- Present

Attorney Dunn- Absent

The pledge of allegiance was led by Commissioner Stowell.

Commissioner Wilder: Motion to approve the minutes.

Commissioner Crowley: Seconded the motion.

Motion Carries.

Public Hearing:

Annexation and Zone Designation/ Exclusive Properties/ Address East 244 North Yellowstone Hwy./ Proposing Commercial.

Annexation and Zone Designation/ State of Idaho (Idaho Transportation Department)/ Address 206 North Yellowstone Hwy./ Proposing Commercial.

Annexation and Zone Designation /Lemhi Enterprises/ Address 198 N Yellowstone Hwy. /Proposing Commercial, R-3 and R-2.

James Boone presented on behalf of Exclusive Property, State of Idaho, and Lemhi Enterprises. All the parcels are part of the same annexation. Exclusive Properties (Jim Barnard) is zone commercial and asking to annex into the city as commercial. State of Idaho is also zoned commercial and is asking to annex into the city as commercial. The Lemhi Enterprises owns two parcels, the one-acre parcel is zone commercial, and is asking to annex in as commercial. The six-acre parcel is zoned commercial but would like to be rezoned R-2 and R-3. There will be a R-2 buffer to the east and south next to the R-1 zone and the remainder of the property will be R-3. We would like to put multifamily in the center of the parcel. I came in and talk with City Council a few months ago. There are city services to the corner of 200 north, directly across the street from Lemhi Enterprise. The sewer would come from the elementary school to east of the property. There will be a lift station put in for the sewer. Any question?

Commissioner Sutherland: Point to his map, this area?

James Boone: Yes sir.

Commissioner Stowell: R-2 buffer next to the single-family dwellings?

James Boone: Yes sir.

Commissioner Stowell: Are you representing all the applicates?

James Boone: Yes sir.

Commissioner Stowell: Is there an island with the commercial park?

Planning and Zoning: Yes, but it is not considered an island.

Commissioner Sutherland: There was some concerns about some different property owner Exclusive Property.

Planning and Zone Ione Hansen: There is two (2) lots, one is owned by Bagley Martial Trust. They are aware of the annexation and Seth Bagley gave me a verbal ok with the annexation. The other by Celeste Richey and they are here.

Commissioner Cowley: In the Comprehensive Plan what are these parcels zoned?

Commissioner Wilder: I know there is commercial in there.

James Boone: It is currently zoned Commercial.

Commissioner Stowell: Exclusive Properties, and State of Idaho is commercial, and annexing in as commercial. The changes are just on the Lemhi Enterprises. They are wanting Commercial, R-2, and R-3.

Commissioner Wilder: A buffer of R-2 zoning to the south, and along the east and R-3 zoning in the center.

Commissioner Cowley: What are the two parcels to the west?

Commissioner Stowell: They are commercial.

Commissioner Stowell: Any more question for Mr. Boone?

James Boone: Thank you.

Commissioner Stowell: We will start with Lemhi Enterprises.

Anyone signed up to speak: Lemhi Enterprises

In favor: none

Neutral: none

Opposed:

Craig Hart: I own and represent Rocky Mountain produce. We are concerned that most of this area is zoned commercial and industrial. Adding home into the mix does not seem to be in every one's best interest. There is already a lot of traffic. The biggest concern is residential with commercial and industrial.

Terry Ray: I have a commercial business and we work a lot at night. I can see the hand righting on the wall when you mix commercial and residential. I don't want to have complaints about noise. We have been in business twenty-nine years. I have a problem when you want to build apartments next to commercial and what about all the extra traffic.

Todd Porta: I'm not opposed to the annexation, but this area is zone commercial and industrial. Adding residential to this area is what I do have a problem with.

Cindy Gilson: We have a home to the west of this property. How much of the waste is going to be cleaned up before they allow homes? Will there be test on the soil? How many apartments? What about the roads? Who responsible to clean up the property, the county, or the city? It's just too much for this area. It going to be a mess. I don't like it. I'm truly opposed.

Commissioner Wilder: It is the property owner responsibility.

Dennis Gilson: I live next to the wrecking yard. First, I want to say that I've never been around a harder working family then the Boone. The wrecking yard has been a battery from day one. The front two (2) acres was commercial and the back five was residential. When did the zone change? Then all the sudden there was a wrecking yard. What about the cleanup, tires, oil spilt, and all the cleanup? Will this need scrape and back filled before building on? Adding this many more apartment, townhome and commercial. Are these apartments low income, I've already had problem with the trailer park. I know DEQ has been there. Has stuff been covered up? What about the county inspection? I don't like it.

Commissioner Wilder: I would be surprised if it was R-1. Maybe there was a zone change.

Anyone signed up to speak: Exclusive Properties

In favor: none

Neutral: none

Apposed:

John Rush: We own the home to the north of this development. Jim deeded my wife lot four (4) in Exclusive Properties. One thing Jim Barnard never told us when we purchased the home is that a water line that watered an apple orchard and septic tank drain fill that's on Exclusive Properties land. The drain fill should be on lot 4 that he deeded to us, but I'm not sure. Jim Barnard said he would have someone come out and cap off the sprinkler lines. What about a privacy fence between the residential zone and commercial? I'm truly opposed. I have called several time and Jim Barnard won't return are call. I would like this matter taken care before this land is developed.

Anyone signed up to speak: State of Idaho (ITD)

In favor: None.

Neutral: None.

Opposed: None.

Rebuttal:

James Boone as far as the Exclusive Properties these are question for Jim Bernard. I would think the issues could be addressed before there would be a building permit issued on those lots and should not hold up the annexation. The Lemhi Enterprises would like to address some of your concern. There will be a fence on the west and south side of the property that butts up to the R-1. I want to make sure that I am an excellent neighbor, and their interest are protected. I don't know what needs to be done but I will reach out to them. As far as the Gilson, a lot of things happen on that land before I owned it. Yes, DEQ has been there and some of the dirt remove. The county comes and inspects the salvage yard every year before the Salvage Yard permit is renewed. Department of Environment Quality (DEQ) has been to the salvage yard, and yes there has been some digging done. We have done everything they have required or asked. We also had an environmental stage one study done about fourteen (14) months ago. We will be removing the salvage yard and I understand there will need to be another environmental study done before any building would be allowed. There were concerns about the access, the accesses will be off of 200 North. The change is here, and the growth is coming. This is for change in the zone, and I think commercial on the corner lot and R-2 and R-3 would be a good fit. Thank you!

Closed hearing:

Commissioner Wilder: They don't have ownership representing Exclusive Properties. Idaho Transportation Department (ITD) is fine. The issue is if the one to the north is not annexed then we have island.

Planning and Zoning: This was applied for as one application. They all need to be annexed in or none.

Commissioner Cowley: Just one application.

Commissioner Sutherland: I am concerned with the oil and waste in the salvage yard. I would like to hear form Mitch Bradley.

Mitch Bradley Public works: My concern is extending the water line and city services. I reached out to Department of Environment Quality (DEQ) and what the city would require is a level one environmental study before any city services would be allowed. The city would hire someone to do the level one environmental study. The city would pay for the study and the Boone would need to reimburse the city. This way there no conflict of interest. Mr. Boone is correct he is about twenty-two hundred feet away from city sewer. The sewer is not the problem that bothered us, it is putting our water service in the ground that could possibly contaminate the system. I know these studies are not cheap, but a level one environmental study would be required.

Commissioner Sutherland: The ground must be leveled off and replaced with new soil. Am I correct say that the ground must settle for so many years before it can be built on?

Mitch Bradley Public works: That is correct.

Commissioner Wilder: Can they run this study before any annexation is approved?

Mitch Bradley Public works: I would ask Mr. Boone if he was willing to do the study. I would not spend the city money for the study until there was an agreement between the City and Mr. Boone for the study.

Commissioner Stowell: This is a county road. That always a concern.

Mitch Bradley Public works: It no big secret, there talk about a new school going in down the road. The growth is coming. Whether we like it or not. I have talk with Idaho Transportation Department (ITD) to get a new over pass on 200. It not on the radar for the next seven years.

Commissioner Cowley: The comprehensive plan does not have this as residential. I don't think it a good fit for residential. Because of the road and traffic and addition schools.

Commissioner Wiler: I would like the commercial.

Commissioner Stowell: I would like to take the commercial and hold off on the R-2 and R-3.

Commissioner Wilder: We already have commercial and industrial in this area.

Commissioner Sutherland: I'm very uncomfortable with R-2 and R-3.

Commissioner Cowley: What about commercial next to R-1 in the county?

Commissioner Wilder: The comprehensive plan said it ok.

Commissioner Stowell: It already zoned commercial in the county.

Commissioner Cowley: Like the commercial zones.

Commissioner Sutherland: Unfortunately, it's one application.

Commissioner Wilder: I don't think we can decide.

Commissioner Sutherland: Agreed.

Commissioner Wilder: Motion to deny.

Reason for denying is we need a representative from all applicates.

Commissioner Sutherland: Second the motion.

Commissioner Stowell- Yes

Commissioner Sutherland- Yes

Commissioner Cowley- Yes

Commissioner Wilder- Yes

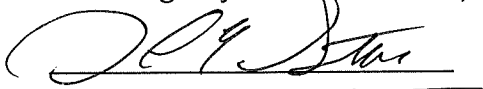
Motion Carries.

Commissioner Cowley: Motion to adjourn.

Commissioner Wilder: Second the motion.

All in favor: Motion Carries.

Meeting adjourned at 8:17 p.m.



Dan Stowell, Chair

ATTEST:



Jone Hansen, Planning Zoning