

Planning & Zoning Joint Meeting Minutes

April 30, 2009

7:00 PM – Rexburg City Council Chambers

Madison County ▪ Rexburg ▪ Sugar City ▪ Teton ▪ Newdale

Winston Dyer, Chairman of the Rexburg Planning & Zoning Commission, opened the meeting at 7:05 pm. He welcomed everyone and asked those present to help update the email list of Commissioners. Please e-mail **Elaine McFerrin** (elainem@rexburg.org) with any corrections, updates, etc. An updated list will then be sent out to the Commissioners.

County and City Planning & Zoning Commissioners and staff members in attendance:

Winston Dyer, Brian Hawkes, Ed Williams, Mike Richey, Thaine Robinson, Randall Porter, Dan Hanna, Gil Shirley, Shauna Ringel, Brent McFadden, Millie Andrus, Joy Ball, Bradley Petersen, Mike Phillips, Jess Brown, Ray Barney, Renee Christensen, Ninette Galbraith, Elaine McFerrin

Commission Reports:

Sugar City:

Brian Hawkes reported for Sugar City. Last year they were very busy working on new subdivisions, the Sugar City business park, and updating some of their ordinances. Currently, they have had more time to continue working on their ordinances, as the subdivisions and business park have passed by the wayside.

The Commission is working on a wind turbine ordinance. He said that they appreciate Madison County having provided them with a copy of their ordinance, which has been very helpful. They have also looked at other cities' wind turbine ordinances.

Possible traffic studies and issues with the water system are being examined.

Teton:

Mike Richey reported for Teton. In the past few months, Teton has been dealing with the very important issue of gravel pits. There was major miscommunication about this issue due to legal advice and legal laws. Even though Teton is in Fremont County, many people from Madison County attended the public hearing. Everyone must be careful to communicate within the city governments and with the public, to make sure the public understands what is being proposed. At this public hearing, the citizens of the city of Teton were for the gravel pit expansion. Many people outside the city came to the hearing to voice opposition because there was a misunderstanding of what the hearing was actually addressing. The proposal was denied by City Council. **Mr. Richey** stated he is anxious to hear from Madison County and other areas on how they are progressing on gravel pit ordinances.

Madison County:

Ed Williams reported for Madison County. He stated the County is working on several ordinances, one of them being a gravel pit ordinance. He deferred to **Brad Petersen**, chairman of the committee working on this ordinance, who briefly stated they have been meeting for several weeks, with the premise that they are not going to eliminate gravel pits. The purpose is to come up with a plan that is workable for both the residents and the contractors. They are making good progress.

Ed Williams said they have also been working on a cell tower ordinance. **Brent McFadden** said this ordinance is on hold, as the County is in the process of getting their zoning ordinance rewritten to match their new comprehensive plan.

Mr. Williams said that lots of interest has been expressed in regard to wind turbines and wind farms, including small and very large (300 feet tall towers) operations. People are waiting for a wind turbine ordinance to be in place. People from all over Idaho and across the country have called Madison County expressing interest; they want more information. Wind turbines appear to be an economically positive, green way to go.

Newdale:

There was not a representative present to report for the Newdale Planning & Zoning Commission.

Rexburg:

Winston Dyer reported for Rexburg. He provided everyone with Rexburg's Public Works Director John Millar's report on transportation in the city of Rexburg. The City has built a bridge across the canal on Pioneer Road just south of Main Street. This summer, the City plans to align Pioneer Road straight into Airport Road; a traffic signal will be installed. The interchange at West Main Street coming off of Highway 20 presents a big traffic problem, often creating a car line-up as people try to turn left onto Main. Traffic studies have been done on this interchange and the interchange at University Blvd. Eventually, it is hoped that there will be signal controls at these interchanges. The interchanges are controlled by the State, and Rexburg is requesting that the improvements be made. Rexburg is ready and willing to participate financially.

In addition, the east bypass route that includes portions of 7th South, University Blvd., and Sunrise Drive, is progressing, with 7th South connecting across Mill Hollow Road. Keller Engineering is doing a corridor study to determine the best route for the east beltway near 7th South and Sunrise, and also to determine how to connect to Moody Road and State Highway 33. If any of the Commissioners want to give their recommendations, they can contact Keller Engineering of Pocatello or John Millar at the City of Rexburg.

Mr. Millar's report also stated the standard right of way width for residential roads is 68 feet with a 44 foot back-back of curb section. A five lane road (four lanes with a turn lane) has a right-of-way width of 100 feet. Rexburg is in the process of reevaluating its street widths. One of the issues the P&Z Commissions had spoken about was coordinating road design standards. He thought the provided information would be helpful.

Winston Dyer gave everyone a copy of the PEZ (Pedestrian Emphasis Zone) Zone map and draft ordinance. It addresses the area around the University (shown on map) where greater density and encouragement of pedestrian movement is wanted. He pointed out the designated Areas 1 and 2 on the map. Properties can go down to zero parking spaces. 10% has to be for guest parking, and there must be a parking space for a complex's manager.

This ordinance is written to encourage larger developers to come in and buy up several small single family home properties, clean the properties up, and then put in a larger building with more density that gives a better financial return and allows beautification and densification of the area, all of which is to help emphasize pedestrian movement. There will be pedestrian and bike- friendly amenities in place of the eliminated parking, such as boulevard strips, bike racks and covered bike storage areas, wider sidewalks, etc.

The P&Z Commission is working with the City Council on an ordinance that will allow “no-car” contracts. The goal is to enhance density around campus. Area 2 has a different ratio of parking, as it is farther out from the campus.

The University will no longer approve a converted single family home for student housing. Existing converted houses will be considered a presently existing non-conforming use; but if they are sold, the houses lose their University approval for student housing. The City appreciates the University coordinating closely with the City on this parking plan issue.

The City has raised building height to 55 feet from the ground to the eave, due to its now having a ladder fire truck.

In addition, Rexburg is currently moving forward with adoption of revisions to their Development Code 926 that will substantially clean up the document.

The Rexburg P&Z Commission is currently working on Mixed Use Zones, to be used either horizontally or vertically. The zones are another tool the Commission is developing for use in certain areas in the City, to encourage further infill and density.

Areas identified as Neighborhood Nodes (neighborhood community centers) were pointed out on the Preferred Land Use map of Rexburg.

There was a comment about students coming to the University without vehicles. The concern was that married student might need to have a car. Another meeting attendee said married housing is usually farther out from the campus. **Winston Dyer** said there would most likely be .5 or .6 ratio (50 or 60 per cent of students will have a car) for parking. Richard Smith of BYU-I had brought information to the City regarding a survey that was done by the University that indicated about 61% of the student body have vehicles. The purpose is to proactively help lessen the number of vehicles.

An audience member indicated he is tracking, for the University, the number of married students on a map and could provide the Commissions with more information. **Mr. Dyer** stated the Commission would be very interested in the distribution and densities figures.

Winston Dyer stated that Rexburg’s sign ordinance, in regard to banners and temporary signs, has been addressed. The revisions have been recommended by the P&Z Commission to City Council for adoption. Temporary signs are only allowed so many times and for so many days a year, and they must be made of appropriate materials. The City has appreciated the business community’s input and support.

Discussion – Issues in Common:

1. Inter-local Agreement between the Cities and the County – status

Brent McFadden explained that the Inter-Local Agreement was started when Cooper Roberts Simonsen Associates were hired as planners for the Comprehensive Plan. The old way of doing expansion of the impact area had involved several public hearings – the cities would hold their hearings, pass the issues, and then would come to Madison County, who would then hold a hearing. The new way eliminates one of the hearings – by forming a committee from the County, Sugar City if involved, or Rexburg if involved – of three members from each entity’s P&Z Commission, with the County being involved in all the impact hearings.

The Inter-Local Agreement sets some standards for expansion of the impact area. The impact area is the area a city is planning on growing into within the next 5 to 10 years. The agreement says that the cities involved have to build out 70 per cent of their impact areas, or they have to reach the boundary of the impact area with their incorporated land. At that point, there could be a request for expansion. The County also wanted to have this same agreement with Teton and Newdale – they will be informed of any developments in their impact areas. With Sugar City and Rexburg, Madison County will administer this agreement to their ordinances.

Currently, the County is waiting for the City Councils of Teton and of Newdale, who have agreed to but have not signed the Inter-Local Agreement document. Rexburg and Sugar City have signed their agreements.

Brent McFadden explained that the impact zone gives a city some say in those areas. In addition, Madison County needs to know when any ordinances are changed (e.g., street width) by each city and what those updates are, so that their agreement can be updated. Otherwise, he has no idea of the changes and cannot enforce them.

There was further discussion. The Inter-Local agreement will help manage and control impact areas so that they will eventually fit into their cities. When any of the cities make changes to their ordinances the county needs to be informed. Changes go before the County Commissioners for public hearing and adoption.

Brent McFadden clarified that the impact area expansion agreement and ordinance agreements are not the same thing. It is critical for the Commissions to learn what the laws are. City attorneys, city planners, and city engineers can help with this information.

2. Wind Turbines

Ed Williams provided everyone with a copy of Madison County’s wind turbine ordinance. This ordinance gives the criteria and regulations which will allow wind turbines to be in various county land use zones. Private landowners and developers have expressed interest in wind turbines. In response to this interest, the County wrote this ordinance. The County is working with BYU-I; their physics department has been doing some research on the Rexburg bench. The Idaho National Engineering Laboratory has also given input. Madison County also looked at Bonneville County’s and other counties’ wind turbine ordinances.

Madison County’s wind turbine ordinance includes standards for small wind turbines and large wind turbines (and wind farms), and states maximum height (top of blade), sound levels, etc. of the turbines. It also states the minimum parcel size needed for one turbine, and space and setbacks needed for multiple units. The ordinance also addresses “homemade” units.

Randall Porter wondered about protection of birds from wind turbines. **Brian Hawkes** stated that a document put out by the American Wind Energy Association (www.awea.org) said a very small percentage of birds are injured or killed by small wind turbines. Fish and Game does look at bird protection regarding the large wind turbines.

Ed Williams said in 10 years it is possible that Madison County could see 1000 small wind turbines. Safety, electronic interference, the importance of being a good neighbor, noise levels, color of the turbine, etc. are addressed in the ordinance.

Brent McFadden thanked **Ed Williams** for doing a great job in spearheading this issue.

3. Gravel Pits

Brad Petersen of the Madison County P&Z reported on the gravel pit issue. Copies of Madison County's draft gravel pit ordinance were handed out. It is a working document. He invited the Commissioners to give input. A committee is meeting weekly to work on this ordinance. They are focusing on 3 steps – set up, operation, and reclamation. If someone comes to the County with a plan, the County wants to see all the steps submitted up front to Brent McFadden in a Pre - Application meeting, to address how the gravel pit will be set up, how and when it will operate, how to control dust, etc., and how to make it fit. The County is encouraging potential applicants to have a community meeting to inform the residents and discuss with them the possibility of a gravel pit located near to them.

Gravel pits are a very controversial issue. Some people do not want them in Madison County at all, but if there is growth then there will be gravel pits. The key is finding a balance. Residents of the community should know what is going to happen.

Dan Hanna said gravel pits should be treated as any other business in regard to landscaping, buffering, grass, etc. to make the property more fitting and maintained. **Brad Petersen** said landscaping holds a dual purpose; trees can control some of the dust the gravel pit operations create.

Brent McFadden stated the community needs to look at this ordinance as setting standards for gravel pit operations. **Brad Petersen** said the key is to get communication - a plan presented before anything actually occurs, showing business operation, maintenance, and the end result – the full picture.

Mike Richey said Teton's public hearing was to change the zoning so that the city of Teton, working with the county, could control the expansion of the gravel pits. Citizens did not understand the purpose of the hearing.

Winston Dyer wondered if the possibility of a sunset clause had been looked at, in case a gravel pit operation sits an indeterminate amount of time. **Brent McFadden** said the County wanted the applicant to give them a timetable for completion of each phase. One of the contractors stated that would be difficult to do. Instead, the County is asking for an estimated time frame. He stated that County gravel pit hours of operations are currently controlled through Conditional Use Permits.

Winston Dyer said Rexburg has found the Conditional Use Permit to be a very good tool in specifying conditions that must be followed to make a business fit better into its location.

Brad Petersen said the draft ordinance addresses gravel pits and crushers. It does not focus on asphalt plants, which is seen as a separate issue.

Brent McFadden praised **Brad Petersen** for his hard work as head of the committee working on the County's gravel pit ordinance.

4. Transportation Coordination

Winston Dyer stated there is a survey that is being done about the east bypass and how it will fit into Sugar City. Keller Engineering is doing the study. Commissioners can also contact Public Works Director John Millar if they have any concerns.

5. Road Design Standards

Winston Dyer stated that everyone has been provided tonight with information from John Millar regarding Rexburg's road design standards. That will be the standard of what the eastside bypass will look like as an arterial. **Brent McFadden** said Madison County has adopted Rexburg's road standards for subdivisions.

6. Other Issues – None

Schedule Next Joint Meeting:

Madison County will host the next P&Z Joint Commissions meeting on Thursday July 30, 2009.

The meeting adjourned at 9:00 pm.