

# Planning & Zoning Minutes

September 20, 2012



CITY OF  
**REXBURG**  
America's Family Community

35 North 1<sup>st</sup> East  
Rexburg, ID 83440

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## Commissioners Attending:

Winston Dyer – Chairman  
Dan Hanna                      Scott Ferguson  
Mary Ann Mounts              Mark Rudd  
Jedd Walker

## City Staff and Others:

Bruce Sutherland – City Council Liaison  
Val Christensen- Community Development Director  
Elaine McFerrin – P&Z Coordinator  
Darrik Farmer – Community Development Intern

**Chairman Dyer** opened the meeting at 7:03 pm. He welcomed everyone.

## **Roll Call of Planning and Zoning Commissioners:**

Jedd Walker, Scott Ferguson, Winston Dyer, Mary Ann Mounts, Dan Hanna, Mark Rudd

Richie Webb, Gil Shirley, Thaine Robinson, Marilyn Rasmussen, and Cory Sorensen were excused.

## **Minutes:**

1. Planning and Zoning meeting - September 6, 2012

**Mary Ann Mounts** motioned to approve the Planning & Zoning minutes of September 6, 2012.

**Scott Ferguson** seconded the motion.

None opposed. **Motion carried.** (Dan Hanna and Jedd Walker were present on September 6th for the regular P&Z meeting and not the joint planning meeting).

## **Public Hearings:**

**7:05 pm - Conditional Use Permit - BYU-Idaho** – Approximately 51 Sage Street - to allow Veterinary Service for Livestock (totally enclosed); Livestock Services – Except Veterinary (totally enclosed); and Small Animal Veterinarian Services (totally enclosed).

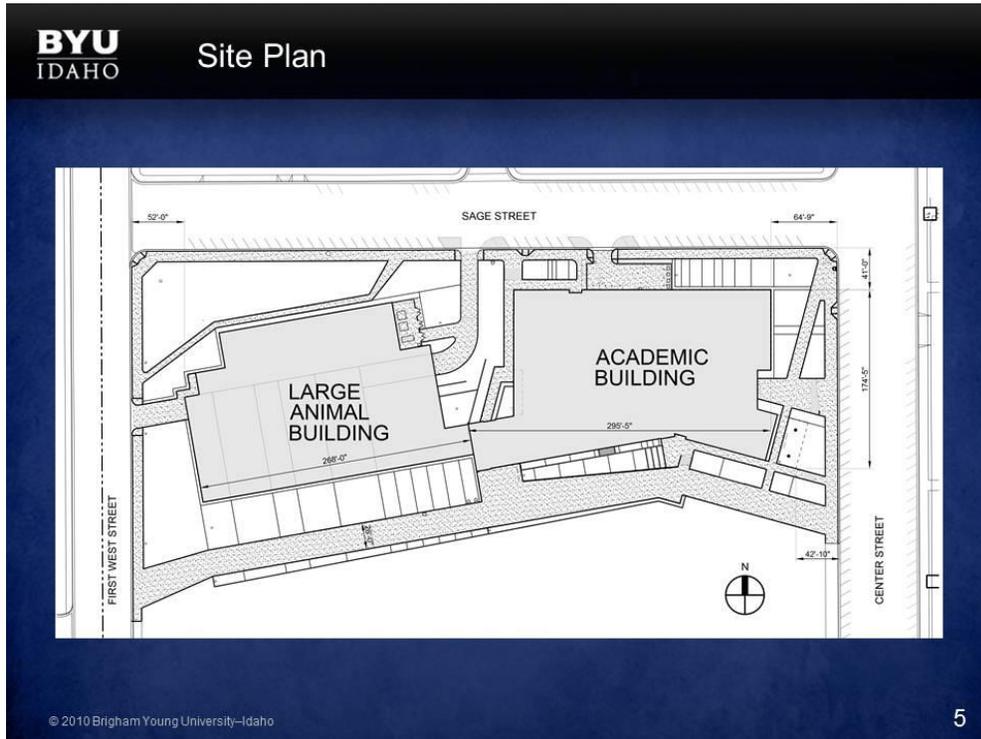
**Chairman Dyer** explained the procedure that is followed for public hearings. The P&Z Commission is a recommending body to the City Council.

**Commissioner Jedd Walker** recused himself, due to direct conflict of interest. He is the BYU-Idaho architect and submitter of this Conditional Use Permit (CUP) application.

**Phil Packer**, representing BYU-Idaho, 525 South Center. He is here tonight along with Jedd Walker and Jeff Nielsen, the project manager for this project. The request is for a Conditional Use Permit to allow Veterinary Service for Livestock (totally enclosed); Livestock Services – Except Veterinary (totally enclosed); and Small Animal Veterinarian Services (totally enclosed). The subject property is within the University District. A few months ago the City's Ordinance was changed to allow these types of uses under a Conditional Use Permit.

The University had looked for quite some time for properties away from the University to expand the agriculture programs; the Provo campus had done away with theirs. It was decided to bring the animals to the students rather than the students to animals. This project on campus will be totally enclosed and done entirely inside the facility. Jedd Walker will describe the project.

Jedd Walker, 648 Centennial Loop, representing BYU-Idaho. He gave a PowerPoint presentation which included these images:







**Jedd Walker** stated there is another component to this project, the Livestock Center in the County and about five miles from the Physical Plant. Bovine and equine housing is being re-built at the Livestock Center location. There is also housing for sheep, poultry and swine. All the animal housing is off of campus.

Building everything out at the Livestock Center was contemplated. There was concern about distance and safety in transporting that many students out to that location regularly. There were several issues – the safety of the students, getting the students to come back to campus for Devotional, and bringing all of the faculty on campus.

Mr. Walker said the University looked at many options, but this option will keep students and faculty on campus. They are bringing the animals to campus to fulfill the academic offerings and then will transport the animals back to their housing at the Livestock Center.

The Academic Building is primarily classrooms. The Large Animal Building has been separated for a number of reasons including air contamination and smells. The buildings are connected with a four-story staircase and elevator. The Academic Building is 3 stories; the Large Animal Building is 1 story. There is a 26 foot sidewalk that serves as the code required fire lane. No new parking will be provided for the project, but existing parking will be re-permitted, so that there is more faculty parking closer to the buildings.

There are the functions of 3 departments in this planned facility: Nursing, Animal and Food Science, and Applied Plant Science. The Animal Science is the reason for the CUP request.

He pointed out the driveway that goes into the Large Animal Building. Vehicles with animals would actually drive into the facility; the door would close, and animals would be unloaded. All animals and waste would be inside. The vehicle would drive right through the building to the exit door on to Sage Street.

The University has to comply with many regulations, one of which is that animals cannot be inside a facility more than 14 days.

The Vet Tech program location was pointed out. Animals will include cats, dogs, rats, mice, birds, reptiles, etc. They would be on the lower level of the Academic Building.

Culinary Arts and Food Processing would also be in the Academic Building

Boxed or quartered meat will be brought to campus; animals will not be butchered on campus. The students would learn how to process that meat. Milk will also be brought in.

The focus is in the academic offerings and not to produce product for sale.

Fifty faculty members will have offices at the subject facility.

**Jedd Walker** addressed how the University will handle animal waste removal. Part of the area will have slatted floors which will be flushed with water and into a septic tank. Solids will be separated out. Liquid waste would go through the City's sanitary sewer system.

All other waste in the rest of the facility would be shoveled and hauled out. The septic tank will be periodically pumped and cleaned out. When animals are brought in, the animal waste will be loaded onto the empty animal trailer and hauled back to the Livestock Center to be composted.

The waste removal plan has been reviewed with City Engineer John Millar.

Regarding odors – the University is designing the system without a scrubbing system, but it would be added if found to be necessary to clean the air before they exhaust it.

The main entrance to the Academic Building will be on Center Street. The Large Animal Building is close to grade when it meets the Academic Building. They are proposing a green roof which will be self-maintained. Horticulture faculty will also be here. The University has gone to great extents to not compete with local veterinary offerings but they do have clinics that will be offered to teach students certain procedures.

The University Board has not yet officially approved the project.

**Dan Hanna** asked for clarification on noise generation.

**Jedd Walker** said this building would not generate any more noise than current academic buildings on campus. There will be some moos and barking, etc. To meet certain rules, dogs will have to be exercised under supervision for a certain amount of time in an outdoor kennel area. The animals making noise within the building will not generate much noise to the outside.

**Scott Ferguson** asked if the increase in students would affect parking.

**Jedd Walker** said under the current parking ordinance there is adequate parking on campus. There is parking for up to 15,000 Full Time Equivalent students. The project should help, because nursing is being relocated from the north side of campus, where parking is very tight.

**Chairman Dyer** asked if City Engineer John Millar has seen specifics on the waste management plan.

**Jedd Walker** said John Millar has been provided with design development documents. He does not know if Mr. Millar has reviewed them in detail but the University's civil engineer has been in contact with him. The one concern they do have is that the sewer line on 1<sup>st</sup> West may be inadequate. They are investigating.

The **Chair** said this waste is high in biological oxygen demand and would need to be properly managed.

**Jedd Walker** said they also had the same concerns. They had plans for a small treatment facility, but in discussions with the City, they removed that from their plans because the City Engineer felt the waste could be sent down the sanitary sewer.

University representatives visited several institutions with animal facilities in the center of campus in town. One could not tell there was an animal facility there.

The **Chair** asked if the University would be receptive of a condition that said odor would be managed and scrubbers would be added if found to be necessary, and also a condition addressing waste management. **Jedd Walker** said that would be fine.

**Dan Hanna** asked the average number of animals.

**Jedd Walker** said there has to be a certain amount of room for each animal. The target is no more than 50 large animals at one time.

**Scott Ferguson** asked about the number of animals to be transported.

**Jedd Walker** said there would be 10 animals in a trailer at most. They would be transported in an enclosed trailer and not a semi.

The **Chair** said the small animals would be below the classroom areas. Is that area architecturally separated?

**Jedd Walker** said yes. There is a completely different mechanical system. There is no return air flow from the lower levels.

**Chairman Dyer** addressed the north elevation of the Large Animal Building. The Commission has worked long and hard in this community to break up large expanses of wall on buildings. How could the wall be more broken up?

**Jedd Walker** said they have not finalized the color of the facility. They are considering two-tone terracotta with bands around the windows, and textured concrete.

The **Chair** said the Commission is always trying to make the facilities look their best on behalf of the community.

**Jedd Walker** said the University did a study to compare the subject elements to other elements on campus. The University is concerned with how it relates to the community, and they are also concerned with how it relates to campus.

Mr. Walker showed a hard board rendering of the planned buildings.

There would be trees on all street sides.

The intent is that this is not a typical academic campus building – it is a little different; it will look a little different. The look is agriculture with fields of different varieties.

The **Chair** asked if there were any clarification questions from the audience.

There was not.

**Chairman Dyer** opened the public input portion of the hearing.

**In Favor:** None

**Neutral:** None

**Opposed:** None

**Written Input:** None

**Chairman Dyer** closed the public input portion and asked for the staff evaluation and recommendations.

**Val Christensen** gave the staff evaluation. The Comprehensive Plan land use designation of the subject property is University. The zoning is University District. This zone allows Veterinary Services for Livestock (totally enclosed); Livestock Services - Except Veterinary (totally enclosed); and Small Animal Veterinarian Services (totally enclosed) with a Conditional Use Permit.

These uses were added to Conditional Uses under this zone in the Development Code about a year ago.

The buildings will have to meet the standards of the Building Code. The project would likely have a Design Review meeting.

The City Engineer has looked at the project and spoken with the applicant. He did not have any concerns at this time.

Potential impacts and potential conditions were discussed.

**Mary Ann Mounts** asked where the University is getting the dogs and cats. It was said earlier that the University would not compete with veterinarians in this area.

**Jedd Walker** said the animals would be unwanted animals, from the pound, or from students in the program who have animals, etc.

The Chair noted for the record that it is safe to have additional discussion with the applicant at this time because there was no public input.

**Jedd Walker** clarified that limited clinics will be offered where the general public could bring in an animal.

**Scott Ferguson** felt this proposal is a win-win situation. The buildings will satisfy the needs of the campus at minimal impact to the City.

**Chairman Dyer** said the University has always been excellent in their planning. They are mindful of the community and the concerns. They have employed professionals and gone to a lot of expense to get everything properly looked at from every angle. He felt that granting a CUP with conditions to make sure the community interests are protected would be fine.

**Mary Ann Mounts** agreed.

**Scott Ferguson** thought it would be fine if the Commission wants to state conditions, but requirements are going to be more than met by the accrediting boards' regulations.

The **Chair** said conditions are necessary for the record, for those that will follow this Commission. The intent will be clearer. Also, in the future if there is something that occurs that there are concerns about, then there is something in the record to look back on.

He suggested conditions regarding odors, waste management, and operating the facility in accordance with regulations. There was discussion.

**Scott Ferguson** motioned to recommend to City Council approval of a Conditional Use Permit for the property located at approximately 51 Sage Street , the BYU-Idaho Agriscience facility, to allow Veterinary Services for Livestock (totally enclosed); Livestock Services – Except Veterinary (totally enclosed); and Small Animal Veterinarian Services (totally enclosed) - to include 3 conditions:

1. Control of odors shall be managed, and scrubbers will be added if found necessary.
2. Waste management – review and approval of the City Engineer.
3. Operate the facility in accordance with all codes and regulations of governing boards for the handling and safety of animals, and to also protect the campus and the community.

The “Standards Applicable to Conditional Use Permits” Section 6.12B in the Development Code Ordinance No. 1026, will apply.

**Mary Ann Mounts** seconded the motion.

None opposed. **Motion carried.**

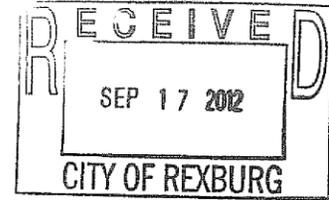
**Jedd Walker** rejoined the Commission on the dais.

**Non-controversial Items Added to the Agenda:**

1. Meeting Procedure Booklet by Harold Sponberg (Michigan State University) – Overview of Roberts Rules of Order, provided by the City Attorney for the Commissioners' information. Scott Ferguson suggested that the Commissioners should be informed from time to time on where they may need improvement. Chairman Dyer said the goal is to keep the Commission functional and effective in what the Commission does, giving due justice to guests and the public and the opportunity for input. He has observed that during pressing times, Commissioners may speak without being properly recognized by the Chair.
2. Letter from Gregory Newkirk – The Chair wished to acknowledge for the record the receipt of this letter which addresses the City's Infill Policy and infill projects.

Mr. Newkirk is a certified planner who lives in this community. His input is appreciated. Wider distribution of the letter was encouraged.

September 14, 2012



Winston Dyer, Chair  
Rexburg Planning and Zoning Commission  
35 North 1<sup>st</sup> East  
Rexburg, ID 83440

**Subject: Infill Policy and On-Hold Projects**

I am writing in support of the Infill Ordinance presented by Val Christensen at a recent joint work meeting between the P&Z and City Council. In addition I offer the following comments as a resident and as a certified land use planner with 25 years experience working in a rapidly growing environment. The City I moved from grew from 42,000 to 166,000 during the 25 years I worked there as a long-range planner and GIS Analyst. This experience provides me with a unique perspective on the challenges facing the City of Rexburg during the next 20 years.

I believe the Infill ordinance is a good solution to the rapid growth that has begun in Rexburg. While the approach is to use an *infill* ordinance, the effect is not *infill* in the traditional sense. It is the transformation of old lower-density neighborhoods into new higher-density neighborhoods. This is appropriate since the area with the PEZ consists of older, changing neighborhoods where there is pressure to create new higher density housing. This is also appropriate as a means to prevent urban sprawl.

The effects of sprawl are just as troublesome in small towns like Rexburg as they are in larger metro areas like Portland. Road capacity is already strained along major routes and at key intersections. During the week before school started for BYU, I experienced the failure of two intersections (i.e. I sat through two signal changes at each of the intersections of 2<sup>nd</sup> North/2<sup>nd</sup> East and 1<sup>st</sup> North/2<sup>nd</sup> East). While costly road improvements are needed to alleviate growing pressure along this road, additional improvements will be needed at many more locations if higher density housing is relocated to vacant land on the edge of town.

The growth of BYU is accelerating the need for more higher density housing. Smart growth dictates that such development should be near the school. Older neighborhoods with vacant land, underdeveloped land, mixed residential density or mixed land uses are ideal locations. However at the predicted rate of growth, the normal transition of these neighborhoods will be transformative. For this reason, additional measures are needed to supplement the infill strategy. I believe that Val Christensen is already employing some of these measures (i.e. landscape buffering). Still, I want to emphasize the need for careful and thorough consideration of how each project affects the surrounding area, specifically where viable single-family housing remains.

Regarding one development, I offer a few ideas, which may already be under consideration by city staff.

**230 West Main Street Development**

1. The ingress/egress along Main Street needs to be channelized for right in/right out.
2. The improvement of the intersection of 1<sup>st</sup> North and 2<sup>nd</sup> West needs to coincide with or predate the project.
3. The historic nature of this neighborhood needs to be captured in the development. This can be done with an interpretive monument along 3<sup>rd</sup> West. A small square incorporated into a pocket park with artwork and monuments would be even better, especially if it were by a children's play area.
4. The exterior architectural features of the buildings should incorporate materials and designs reminiscent of what were used in the early construction of the area (i.e. stone, vernacular styles, etc.).
5. Fencing and vegetative buffering should be installed adjacent to industrial uses and railroad lines.

This list could easily be expanded many fold and there should be little hesitancy to expect improvements and adjustments from large housing projects to minimize impacts upon surrounding single-family housing.

Sincerely



Gregory A. Newkirk, AICP GISP  
975 Westwood Dr  
Rexburg, ID 83440

c Rich Woodland

**Unfinished/Old Business:**

1. Infill Policy

**Chairman Dyer** stated that at the last joint planning meeting on September 6<sup>th</sup>, the City Council and the P&Z Commission discussed the initial proposal of the Infill Policy, after a series of meetings to develop the criteria and the process.

The goal and objective is for the Commission to discuss the proposal tonight and to see if they can complete that discussion to the point of sending a recommendation of the Infill Policy proposed document to City Council. If more time is necessary, the Commission will take that time.

**Val Christensen** said the changes that were requested on September 6<sup>th</sup> are included for the Commission to review.

**Dan Hanna** made a suggestion and there was Commission consensus on restructuring the wording of the last sentence of the Infill Policy Statement:

“...The purpose of the Infill/Redevelopment effort is to balance community good with individual choice and property rights. *The existing Comprehensive Plan Map is the primary document for planning future city growth and development.*”

**Dan Hanna** felt the City should initiate some of the changes if necessary before the developers come in.

A spreadsheet of properties (vacant or underutilized) by formula showing possible units available was shown and continues to be worked on by City staff. Amenity location and distance from neighborhoods is included. Acreage is given as a score.

**Val Christensen** said scatter charts will eventually be used.

In the Rank column of the properties on the spreadsheet, the highest score is the most preferred. They listed areas score close together because they appear to be similar types of properties with similar amount of impact. The Chair said if some of the acreage included had existing homes or were closer to an existing stable neighborhood, there would be wider variation of ranking. Mary Ann Mounts said her concern is how much subjectivity there is to it.

The Commission discussed determination of historic structures.

**Jedd Walker** suggested wording; the Commission discussed and was in consensus:

- under F. Historic Preservation - “*Historic structures are to have historic significance as defined by the Department of the Interior*”.

And:

“Historically/Culturally Significant Structure (*not registered but qualifies*) to be removed – 3”

**Scott Ferguson** motioned to recommend to City Council approval of the Infill Policy document to include the wording changes made tonight. **Dan Hanna** seconded the motion.

There was discussion.

**Scott Ferguson** modified his motion with the addition of looking at the final weight and trying to establish a cut off. **There was no second. The modified motion died.**

The Commission voted on the original motion.

**None opposed. Motion carried.**

**New Business:** None

**Compliance:** None

**Report on Projects:** None

**Tabled Requests:** None

**Building Permit Application Report:** None

**Heads Up:**

**Scott Ferguson** motioned to cancel the October 4, 2012 P&Z meeting, as there are no agenda items scheduled. **Mary Ann Mounts** seconded the motion.

In Favor – Mark Rudd, Mary Ann Mounts, Scott Ferguson, Jedd Walker

Opposed – Winston Dyer, Dan Hanna

**Motion carried.**

The meeting was adjourned at 9:50 pm.