

Planning & Zoning Minutes

November 15, 2007

12 North Center
Rexburg, ID 83440

www.rexburg.org

Phone: 208.359.3020
Fax: 208.359.3022



CITY OF
REXBURG
America's Family Community

Commissioners Attending:

Winston Dyer – Chairman
Mary Haley Thaine Robinson
Mike Ricks Randall Porter
David Stein Ted Hill
Dan Hanna Josh Garner

City Staff and Others:

Rex Erickson – City Council Liaison
Gary Leikness – Planning Administrator
Emily Abe – Secretary
Stephen Zollinger – City Attorney
John Millar – Public Works Director

Chairman Dyer opened the meeting at 7:00 pm.

Roll Call of Planning and Zoning Commissioners

Randall Porter, Mary Haley, Thaine Robinson, Winston Dyer, David Stein, Ted Hill, Mike Ricks

Charles Andersen and **Mary Ann Mounts** were excused.

Minutes:

A. Planning and Zoning meeting – November 1, 2007

Mary Haley motioned to approve the Planning & Zoning minutes for November 1, 2007. **Randall Porter** seconded the motion.

Ted Hill abstained for having not been present.
None opposed. **Motion carried.**

Dan Hanna arrived at 7:03 pm.

Josh Garner arrived at 7:07 pm.

Public Hearings:

7:05 pm – Annexation/Rezone – Pine Brook Subdivision & surrounding property (Curtis Ferney)

Chairman Dyer explained the public hearing process. The Planning & Zoning Commission is an advisory committee, and will make a recommendation to City Council. City Council will then hold another public hearing, and make the final decision.

Stephen Zollinger explained there are three (3) categories of annexations in the state of Idaho: A, B, and C. This is a category A annexation, which means that all properties that are actually going to be the subject of annexation discussion have granted their permission for the City to entertain the annexation. A category B annexation would

be when the subject property owners had not consented to the annexation, and there would be a requirement for an analysis to be undertaken relative to the parcels that had not consented. The impact of the annexation would have been formalized into a report. Category A annexations do not require that report, but most of what would have appeared in the report has actually been done relative to this entire area. Category C annexations are very difficult, laborious, and require more than 100 parcels at one time. No one in Idaho has done this yet.

Kurt Roland; Schiess & Associates, 310 N 2nd East, representing the developer. We are proposing something different from what was advertised. We are dropping off the property to the west from the annexation. We are proposing RR2, RR1 and LDR1 zoning. He pointed out the subject property on the map.

Thaine Robinson asked if it is legal to change the proposal after it has been noticed differently. Stephen Zollinger said it is okay, since it is a reduction in area, and zoning designations that have less density than what had been previously proposed and noticed.

Randall Porter asked what the zoning is currently on the property. Gary Leikness said it is currently zoned RR1.

David Stein asked why the applicant had changed the proposal at the last minute. Kurt Roland said we only want to put ½ acre lots in the development. Curtis Ferney; 2481 N 2000 W, owner and developer. He said as we have met with the property owners that are going to be annexed and we have committed to go no smaller than ½ acre lots. There was some miscommunication between myself, Gary Leikness, and the engineers as to what zoning we needed to ask for to get where we wanted to be.

Thaine Robinson asked where the city services currently are. Kurt Roland pointed out where the city services are on the map. He explained where the sanitary sewer would be extended from the wastewater treatment plant. Stephen Zollinger said they will be required to run culinary water from wherever it is accessible out to their subdivision. In addition to culinary water, there will be a requirement that they make provision either to an additional well to enhance fire fighting capacities, or to participate in a storage facility that will allow for water to be stored at a volume sufficient to fight fires. Culinary water does not present any problems at all to this area. The problem will be getting enough pressure to the area to fight fires. This would be the developer's responsibility.

Mary Haley asked if they are relinquishing their water rights. Douglas Smith; 1009 Larch Drive, said I retained the water rights for use of the farm I have there. **Chairman Dyer** said water rights will be a discussion when development proposals come forward.

David Stein asked how long the golf course has been in the city limits. Stephen Zollinger said the portion from the first hole south has been in the city since the late 80s. Holes two through nine were annexed about five (5) years ago.

Chairman Dyer opened the meeting to questions from the public, limited to understanding what is being proposed.

1. Why does the request not include annexing Sunrise Meadows? Kurt Roland said we have not decided what we are going to do with that piece of property yet.
2. What is LDR1? **Chairman Dyer** said LDR1 is a single-family residential zone. It is our most protective zone for single family. It has a minimum lot size of 12,000 square feet, which is close to ¼ acre.
3. Is the Pine Brook subdivision going to remain RR1? Kurt Roland said this subdivision is proposed to be annexed and remain RR1.
4. What is the difference between RR1 and RR2? **Chairman Dyer** said the difference is the lot size. RR1 has a minimum lot size of 1 acre, and RR2 has a minimum lot size of ½ acre.
5. How many acres are being proposed as RR2? Kurt Roland said roughly 68 acres are being proposed as RR2.

6. Is any of the surrounding area included in the proposal? **Chairman Dyer** said the question tonight is only for the property within the proposal.
7. Does the developer have any idea as to where the entrance will be to the LDR1 area? Kurt Roland said this has not been decided yet. **Chairman Dyer** said once the property is annexed, the developer then has the opportunity to come in with a development proposal. They will be required to bring in plans with how it is all oriented. These will be discussed at Planning & Zoning and City Council meetings.
8. Could there be 200 families living in that undeveloped area? Curtis Ferney said there would probably be somewhere in the neighborhood of 110 or 120 homes in the RR2 area. We are proposing twin homes in the LDR1 area. There would be one twin home about every $\frac{3}{4}$ acre, or 10 to 15 twin homes.
9. What will the traffic input be on 12th West? **Chairman Dyer** said this will be discussed when the property is developed.
10. Would these twin homes be rental? **Chairman Dyer** said if we zone this, the zone will have certain provisions as allowed in the Development Code. The development proposal is where we will sort these things out.
11. How can we make a decision on whether or not to annex the property if we don't look into what the impacts will be? **Chairman Dyer** said we can make a decision and judgment on what the land use should be, and then as the proposals come forward, we look very closely at those impacts to make sure they are properly mitigated and that they do not create problems.
12. What assurance do we have that these will not go smaller than $\frac{1}{2}$ acre lots? **Chairman Dyer** said the RR2 designation has a minimum lot size of $\frac{1}{2}$ acre. If they are zoned that way, they cannot go below that minimum lot size. They would have to request a change in zoning, in which case we would have another public hearing.
13. What is the next step for the impact zone? Will it be expanded if this is annexed? **Chairman Dyer** said the impact zone discussion is between the County and the City of Rexburg. It is usually in response to growth patterns that are occurring or desired growth patterns we would like to see. In the last six (6) or seven (7) years, we have had two (2) occasions where we have met with the County to discuss impact area designations. Changing the impact area requires formal action on the part of the City Council. Stephen Zollinger said there are current discussions between the city and the county on adjusting the impact area boundaries. The current train of thought in this area is that the impact area would jump up to the road that the new stake center is being built on (3000 North). Changing the impact area will require public hearings.
14. What say do we have in this type of thing, as bordering property owners? Who will make the decision? **Chairman Dyer** said we will take input from the public tonight, and the City Council will hold a public hearing.
15. What other kinds of annexations do we have that are not developer driven? **Chairman Dyer** said a type B annexation is when the community goes out and annexes property where not everyone is voluntary. That requires in-depth studies and evaluation of impacts. The annexation we are discussing tonight is a type A annexation, where all the property owners included have given their consent to annexation.
16. What is the Planning & Zoning Commission's philosophy on allowing rentals in this area? **Chairman Dyer** said it is covered in the Development Code. Each zone has allowable uses within the zone. As long as the use is allowed in the code, the applicant is able to come forward with that proposal. Stephen Zollinger said rentals are allowed everywhere in Madison County. Restrictive Covenants are the only things that restrict whether a property is rented or owner occupied.
17. Does the developer pay any impact fees to the city or the school? **Chairman Dyer** said there are impact fees related to development in the City. These come at the time the property is developed. There is an impact fee primarily for law enforcement, fire, streets, and recreation. The people that develop the property pay a tax like everyone else that will go to the schools.
18. Does this money go to the city schools or the county schools? Stephen Zollinger said the city/county boundary is unrelated to the school district collection of funds. The school collects their money irrespective of what jurisdiction we live in.
19. If the water and sewer is brought through on McJon Lane, will the neighbors along McJon Lane face a type B annexation at a later date? **Chairman Dyer** said there is always the possibility that any area contiguous to the city could face or see a proposal for a type B annexation, anyone anywhere. Stephen Zollinger said the sewer is not proposed to go along McJon Lane. The sewer is proposed to come out of their subdivision to the Highway and follow the right-of-way all the way up to 14th North, and then under the Highway.

20. Is the capacity of the city services going to be able to handle this development and further developments? John Millar said we will build to stay ahead of whatever comes. That is our responsibility. We are currently upgrading the wastewater treatment plant, and are studying where to go beyond that. We do have adequate capacity in the wastewater for this and other anticipated growth through the next 20 years. As for water, we are currently short of capacity on wells. We are going through a justification right now and anticipating that will be taken care of within the next two (2) months. We will then be in a position to move forward on acquiring additional water rights. It is our responsibility to provide for the growth that comes to the community. We do need capacity on the entire west side of Highway 20. We have budgeted right now for a new facility to be built this coming summer. This will provide the capacity for this area and other areas west of Highway 20. The problem is transporting water that far, because of the demand on fire capacity. It may require a localized reservoir for fire storage.
21. Is it better to do the pipes straight out to the plant other than coming from Mother Hibbard? John Millar said these are the two (2) options. We have currently extended our water and wastewater capacity to the corner across from Mother Hibbard's. The problem is going further north and being able to cross the river. Anyway we go, we will be in a situation where it has to be pumped, due to the land. Going to the east gives us the opportunity to not only handle the area on the west side of Highway 20, but it gives us additional capacity in the area around the cemetery and Moran View Drive. It does benefit the city in two (2) ways that way.
22. Will the RR2 be subject to sidewalk and street requirements? John Millar said RR2 has sidewalk requirements, but it does not necessarily require curb and gutter.
23. Is there a green area requirement in RR2? **Chairman Dyer** said there are green areas required along the streets, and as directed by lot size within the subdivision.

David Stein asked if there are groundwater issues in the area. John Millar said it is a groundwater high-nitrate area of concern. The county has hired an engineering firm which is currently evaluating the groundwater conditions in the Burton/Hibbard area. That is under consideration at this time.

24. Would the lake just south of the Shirley addition be sufficient for fire protection? John Millar said this lake goes dry in the winter, and you would have to run two piping systems, since you can't put the lake water and culinary water in the same pipe.
25. Are there requirements for hooking onto the city water if you are annexed? John Millar said there is no requirement, even in the city, that you be connected to city water. If sewer is available, you have to hook up. You are not required to hook up to the water.

Mike Ricks asked what the city policy is for annexation of ground and water rights. John Millar said the City Council has discussed this and has not made a firm decision. Typically, we try to maintain the water rights for two (2) reasons. If an area develops more rural, we require a secondary water source for irrigation, and we are not sure where the mitigation for trading surface water and ground water is going. Right now our plan is to have you acquire and keep the water rights.

26. Will the homes on McJon Lane be required to hook up to city sewer if they are within 300 feet? John Millar said the policy the city has held to is that if you have an existing system that is functioning adequately, we do not require you to hookup. However, when that system fails, you will not be allowed to rebuild it. This is only if you are in the city. If you are in the county, you might have a hard time getting a septic tank permit from DEQ if you are close to city sewer services.
27. How much does it cost to hook up to sewer? John Millar said the fee to hook up is about \$1000, and then you have the physical expense of the piping, etc, which varies widely depending on conditions.

David Stein asked how many single family homes are in the Hibbard area. **Chairman Dyer** said the zoning in this area has a two (2) acre minimum lot size, so there could be 320 possible homes in each square mile.

Gary Leikness said the City's comprehensive plan designates this area as Low-Moderate Residential Density. For the area proposed to be designated as RR2, the zoning would allow 102 units. For the areas proposed to be designated as LDR1, the zoning would allow 43 single family units.

Chairman Dyer opened the public input portion.

In favor:

David Facer; 1218 Crescent Drive. I am in favor of the proposal. I came from Salt Lake City. The thing I like about this proposal is the ½ acre lots. In the west side of Salt Lake Valley, things have been development driven. It is ugly, and there is nothing you can do about it. They have just crammed houses in there as tight as they could. I am not opposed to development, but I think we can develop in a more sensible way. If this is coming into the city, I think ½ acre lots are reasonable. Anything smaller than that would not be, in my opinion. I like the ½ acre lots that have been proposed. As we look at ways to develop Rexburg and Madison County, if it is going in the direction of what Utah looks like, it is the wrong way to go. There are good ideas in places like Illinois, Minnesota, Michigan, and other mid-western states. They have come back from the road a little bit, and they are a little more spread out. This way you have a nice neighborhood, but it also maintains the integrity of being more out away from the city.

Douglas Smith; 1009 Larch Drive. I sold this property to the developer for the mere fact that he promised to do what he is doing here. He is doing what I didn't have the energy or desire to take upon myself. I think it is a wise use of this piece of property. It is not a great piece of farming land. I have farmed it for 20 years now. It is a gravel pot. It is wiser to develop homes here than on the pristine bench area where we have been putting homes on that could be good agriculture land. We need the sewer and the water out in Hibbard. I have advocated that for many years. He is going to bring water and sewer out there, and I think we all ought to be wise and listen to see what we can do out there. Extending the sewer to the area will eliminate some of the problems we have with nitrate.

David Taylor; 1000 Larch Drive. I concur that the growth is going to occur, so we ought to do it right. It has been our thought in the subdivision, generally speaking, that we would hold hands with the developer. We have some promises that have been committed to us. These are that the cul de sac that is there will be kept, that the existing plat of those homes that are there now and the lots that haven't been developed will be kept at one-acre lots, and that the rest of it will go to ½ acre lots. That was our understanding and agreement to agree to be annexed. With that, that is our feelings. If it is done right, it will be a good thing. I think it is an appropriate use of that land. I am personally for this.

Sue Billingsley; Robinson Addition. Based on what I have heard tonight, I would be in favor of this. I think it would have a lot of positive things for our community. I think the ½ lots is a very good idea. I am willing to let this go forward and see the plat map before I would speak out against it. At this point, I would be in favor of the annexation.

Donna Thueson; 977 Larch Drive. When we met with Mr. Ferney, he told us he would stick with ½ acre lots. I can go along with that. I know it is going to be developed, so I would like to say that I am in favor of the ½ acre lots, but not in favor of the LDR1 zoning.

Hugh Parker; 2780 West 2000 North. I am an old-time Hibbarder. I am glad to see them putting houses up there instead of across the street where I can see them.

Neutral:

Aaron Sanns; 1189 Red Cedar Road. I am not really excited about the tax issues with being annexed into the city, but it is not a bad thing to have clean culinary water and the ability to have wastewater taken to a treatment plant. If

we can use well water to water our yards, this actually seems like a good thing. The reason I am neutral is because I'm not excited about taxes. The wastewater and well water issue is actually a bonus.

Maria Nate; 2139 Farris Lane. I am neither excited nor upset. I am concerned about the LDR1 zoning on the end of that neighborhood. I am concerned about the traffic impact that will have. I am concerned about the impact this will have on our schools in Hibbard. I do agree that Hibbard is going to be developed. I would like to hold hands with the developer when it comes to my part of the land, which is coming up soon. I would like to see Hibbard developed in such a way that maintains our rural country feel and our night skies. I do have concerns about the low density housing. Other than that, I am pretty neutral.

Dustin Palmer; 2234 Farris Lane. I am closer to against this than I am for it. I am concerned with what happens to the adjacent property. I understand that that is off the books for now, but with this being annexed and zoned, it would be easier to do that. I am worried about the density issue. I know that is a fairly busy road right now. Adding that many more homes here will make it a really treacherous area. As you can see, we rally together out there in Hibbard, so if you thought the elections were interesting, just wait until we are annexed.

Ted Hendricks; 941 Larch Drive. The property owners that are currently represented in the annexed area are on record stating that we will concur with Curtis' development with all the area being zoned RR2, and the existing subdivision remaining RR1. You have written testimony to that effect. That is what we have basically agreed to at this point. The zoning request for this little area to be LDR1 would not be accepted by the property owners.

Richard Pieper; 976 McJon Lane. You will notice that the road ends, and that has been a wonderful part of where we live as far as the traffic goes. My great concern is that road that is going to service the LDR1 and the rest of the RR2 will be located. I realize that when I bought the place I didn't buy all the surrounding property. The owner has the right to do what they need to do. I would request that they keep the traffic inside of what they purchased. I am worried about the animals I own. I am concerned about being able to maintain those kinds of things there. I am concerned that the movement there could put pressure on that or put a stop to that.

Julie Ingstrom; 1257 North 12th West. I have a nervous feeling in my stomach because there has been so much confusion and misunderstanding in what is being proposed. We have heard so many different things that I am wondering if this will continue. I don't want this type of confusion. I am hoping that there is some sort of sense of order and cooperation when we move over to the next property. This has not been the feeling in the neighborhood now, and it makes me very nervous. I am just making a plea, and I don't know if the developer has any control over that. We got a piece of paper that says one thing and then we come to the meeting and hear something different, even if it is something better. I'm just hoping that doesn't happen again. I just want to put my feelings on record that I would like more clarity before we come to a meeting like this, so we know what is going on.

Rachel Whoolery; 2169 Farris Lane. I concur with Julie about the confusion. I would like to propose that we have another hearing. We haven't been able to develop our feelings about this proposal. I am happier, but I was against annexation, but when I heard that the density was changing back to 1/2 acre lots, I was pretty much for annexation. Then this afternoon, I heard that we are not actually being annexed. I would like to have a better packet. I would like to have it written out, what we are talking about. I would like to be able to come back better prepared as a community. We can discuss it again and have the impacts considered. All the impacts of this have changed. Everything they have talked about is now new. We have not had enough time to decide what the implications are. I believe a lot of us would like to have a little more time to think about it and to look at the differences between the different zones. It is really difficult to not have a plat, because we don't know the impact with the roads. I understand that is not required. It would be nice to know how many homes are going in, and what kind of density has been decided on. I am against the maximum density allowed out here. It is not in keeping with one thing in the entire Hibbard community. We don't have one twin home. I am in favor of the annexation if he keeps the density the same, because then it is giving the Hibbard community the chance to grow at a better rate. I would like it to

stay the current zoning, RR1. This would give the schools a chance to catch up, and it wouldn't be such an impact on them.

DeAnn Andreason; 1182 Red Cedar Road. I am neutral. I agree with a lot of what has been said. One of the reasons most of us purchased property out in Hibbard is because we like the country feel. If we can somehow go through with the annexation and keep with the ruralness of it, that would be an asset to all of us who are out in the country. I also am against the low density. I would like it to be zoned RR2.

Opposed:

Jeff Muench; 2478 West 2000 North. I am concerned as a homeowner is that this property right next to me has a sale contingent on whether or not this property is annexed. I am concerned with what this is going to do to my groundwater when this is all developed. Is this going to force me to change the way I do my water? I have a sand point well. Another concern I have is the sewer. When the sewer goes in, people within 300 feet will have to be a part of that. It is at the cost of the homeowner. The developer isn't responsible for putting that in for you. The developer wants to make money, so he is putting us in a position where we will have to hook up to sewer. This is going to cost us money that we don't really have. I am opposed to it because of these issues. Eventually this whole area is going to be annexed into the city. We all know that. Saddle Creek will eventually be annexed. Everyone is going to be impacted by this. I do not want to be forced to hook up to the city when I am not part of the city. We have livestock, and I am worried about how this will affect a subdivision when the wind blows into it. Once this is annexed into the city, is the city going to require us to not have our livestock for the benefit of the people that have encroached on us?

Matthew Whoolery; 2169 Farris Lane. I don't feel that the argument has been sufficiently made that this is in the interest of our community to annex this property. We are on county land now, and the current zoning is appropriate for our community. What people are agreeing to is a doubling, and more, of the population of this and the surrounding area. Even at 1/2 acre lots, this is a doubling or more of the current population. I think this is out of step with the Hibbard area. I think keeping the land at its current density of one house per acre makes more sense when keeping in the context of our community. The houses in Sunrise Meadows are on one acre. I don't think the schools, roads, water and other resources are prepared for this. I don't feel like this has been done in a congenial way. It has been a splitting of neighbor against neighbor. I think people have done this partly under fear. They have been, rightfully, looking out for the land that is right next to them and having to sell out their neighbors. This is not being done in the right way. Things are being changed in the last minute and keeping us off-step.

Ronald Dennis; 1082 McJon Lane. I speak in behalf of myself and my wife Marrietta Dennis. We stand in opposition to the higher density rezoning for the grounds in question here tonight. Our observations and feelings are that if higher density housing comes, it will ruin the country atmosphere that we have grown to love and specifically sought when we purchased our lands. Several concerns seem most obvious to us. They are:

1. Nearby and adjacent property with existing homes are almost without exception much larger in area than the newly requested proposed annexation. These larger lots, in most cases, were purchased specifically to enjoy our rural setting. The annexation requested size would be a poor fit to our rural community.
2. We are concerned about the greatly increased traffic on a major arterial route serving Hibbard, the small communities to the north, and the nationally famous sand dunes. There are many safety issues that it brings with it, as well as expense to remedy the problems. It seems obvious to us that the main road in and through Hibbard will be inadequate sometime very soon, as evidenced by the speedway-like traffic caused by the detour route to the sand dunes. Does this mean that current land owners are going to face condemning a portion of their property to widen this road?
3. We are worried about the overloading of the small but very good elementary school, and ultimately the secondary schools. I am a retired educator, and I know the importance of good schools and good futures. Neither Marrietta nor I speak as descending voices to the maintenance and growth of adequate schools. We

know the community growth will occur sooner or later, and new schools will be needed, and we will support that need when it occurs.

4. It is obvious that this proposed annexation and rezoning is only the tip of the iceberg of sprawling future annexation and rezoning. We feel it will bring many of the issues that have occurred in communities to our east and south, specifically Jackson, Teton Valley and the Pioneer Road vicinities. There are many in our Hibbard community who either have large families, or live on limited or fixed incomes. We are members of this rapidly growing segment of our community. Everyone here will, sooner than you think, become a member of this group. It seems like yesterday that we moved here as kids. There is a limit to what we are able to bear in taxes and associated expense that appears to be inevitable, much sooner than would occur if the high density housing is permitted. We all have both wells and sewer systems that were installed at great expense according to the dictates of the law and the board of health. They are entirely adequate at this time. It is most obvious that to replace these systems, which will be a forced issue upon annexation, is going to cost more money than many are able to afford. Even though there may be a grace period to do the changes, they are primarily inevitable at even greater inflated costs. We and our peers would be forced to leave the community and homes we have loved to find affordable housing. We do not oppose the development of land by Mr. Ferney. We would greatly appreciate it if the development would compliment the densities of the already developed area.

Camice Palmer; 2234 Ferris Lane. The main reason I am against it is because all of a sudden they pulled out of annexing by me. I am wondering what they are conjuring up to do by me now. I wonder if they are going to try for something lower, or with more houses on it. My main reason is if they are going to try to access on my cul de sac. That would be a higher risk for my children.

Joe Huskinson; 2233 Ferris Lane. I am here to speak against the proposal. In many regards, we are concerned about the road, as Camice is. We are concerned about the Hibbard schools and the growth we have. We cannot hardly get a bond to pass in our city and our county to increase our school system as it is. We have kids out there going to school in a double wide trailer house. I don't feel like increasing this is going to allow us to continue to provide good education for our kids until we as a whole community are able to create the funds and so forth. The other reason I am against this is that I am very frustrated that many members here have signed a deal with the devil and have allowed this to be set such so that their community is safe. Now we were sent information about what was to be done with our cul de sac, and what was to be done around us, and it has all changed. If we allow annexation here, so that these people can maintain their society and their road, it makes us adjacent to it, allowing us to be forced. I don't understand why these things were not understood before the developer bought the land. I don't understand why we can't leave things the way they are, with our concerns of sewage, schools, and roads. I think this is too fast of a development for this society and community. I don't think that until we get other things in play that we are going to better ourselves in any way, other than making a few people a little more money. The last thing I want to say is that I know there has been some letters that are signed and agreed upon, and people are willing to annex. I guess I am concerned about that. I have also had some past dealings with the family in the situation with development and with developer, where things were not followed through. I guess that is my greatest concern, is seeing what is truly ahead and what our society can handle.

Michael Taylor; 2180 Robison Drive. Mr. Taylor said he is in favor of this development because he thinks it is being done right. I am against the development because I think it is not being done right. There are a couple things that are being done right, that are admirable. Dealing with the water and the sewer is particularly admirable. I appreciate that. What I am concerned about is that what is happening here is not doing it right in terms of transportation issues. What is being proposed contemplates two major changes to the current assumptions for growth, that are built into the current plans. 1) Accelerated development on the west side of Highway 20. It is accelerated relative to currently anticipated growth rates given current zoning. 2) Greater housing density than currently planned. I believe that before we accelerate the growth rate we need to make sure the transportation plan is accelerated. Specifically, the 20 year transportation plan has two items to be accelerated as conditions of accelerating the growth. One is the widening of 12th West to greater lanes from Main Street up to 1000 North. The

second is the movement of the Hibbard Highway, which is in the plan, from 12th Street to 3000 West. These two accelerations should be taken in advance of any accelerated development here. The other thing that I think is not being done right is that for Rexburg to consider development on the west side, there is inadequate arterial connections between the west and east side, because of Highway 20. In advance of the greater housing density on the west side, there needs to be one or two more arterial crossings of the freeway. There are three places to consider: 1) 1000 North 2) South of Larch Drive 3) Connect McJon to the street on the other side. Prior to annexation and increasing the density, there needs to be at least one additional arterial across Highway 20. I am personally in favor of developing and increasing the housing density of the Hibbard area, but this does not do it right.

David Hoffmann; 3668 West 2000 North. I have several concerns with this development. There is currently no dense housing in the area. All lots are one acre. The minimum lot area for this development should be one acre to compliment the rural area. I am concerned with the infrastructure and if the city, county and developer are ready to make improvements to the area's roads and intersections, which a development of this size would require. Certainly there will be traffic going to the Hibbard church and school. People from the west side will be traveling in to visit people who will live in this area. There have already been many housing developments approved and in the process of completion in the area. The schools and churches in the area cannot handle the growth. In a recent visit to my house, my sister was nearly run over at an intersection where people going straight generally turn on their blinker to indicate that they are going straight, and people that are turning do not use their blinker to indicate that they are turning. This is a problem with the infrastructure, and a problem with the roads. This development will not help that. Imagine what will happen at this intersection if we put several thousand more car trips through that intersection a day. This area is not a city, it is country. Putting city sized lots will only detract from the rural nature of the area. Please do not annex the area into the city. This is not ready or right for this type of development. This will be a city island in the country. There is nothing around. The nearest city lots are 2 ½ miles away. You will be putting an island of development into the country. The small notice on the site looked like a building permit to me, not a notice of annexation or public hearing. I am concerned with the livestock in the area. This issue came up in Teton Valley, where all of a sudden residents in a development didn't like the smells around them that have been there for 50 years. What happened? The residents of that development pressured the county to make changes and then the lifestyle changes. This density is four times what is currently allowed in the county. We have some one acre lots and two acre lots. You could pull me from being opposed to in favor by disallowing this, and making it RR1. I think you could pull almost everybody who spoke neutral to in favor by making this RR1. That would be managed development for this area at this time. Please do not recommend this annexation for this land use.

Dewayne Lee; 765 West 14th North. I am not opposed to the development as long as it is RR1 or RR2. The LDR1 is totally out for us. It puts a much greater density at the east end of this that has to go through that whole development. They boarder us, and we have cattle on that 40 acres there. I know that this happens so many times that when people move out into the country to have country living, and then they don't like the smell of a cow. Pretty soon there are complaints. I don't want that to happen. As long as we keep this a rural area, I am not opposed to it. I like the people moving in, but when you get into some of the heavier density situations, you get a population that is not quite as desirable. I am opposed to the LDR1.

Kim Fitzpatrick; 3391 West 2000 North. I am against the RR2, I believe RR1 is the right zoning for the area. I am concerned because there is so much traffic out there. I think it is not the right time to have RR2, but I would be in favor of RR1.

Kammie Dennis; 1290 North 12th West. We have lived there since before this subdivision went in. There are only 38 homes in this subdivision, and it has two outlets. Both the accesses to the subdivision are heavily used. There has been a huge impact on the traffic coming up 12th West in front of our home. This proposal would put in at least twice the amount of homes in this area. It looks like there is already an agreement for the road not to go through Larch Drive between those land owners and the developers. The same landowners are not going to want a road right behind their property either. Where are the inlets and outlets for this huge area going to come from?

McJon Lane would have to be greatly widened. It is a very rural road right now. The lots on this road are 3 ½ to 5 acres. The men that built that subdivision could have put in 2 acre lots at the time. The reason they put in 5 acre lots was to maintain the rural atmosphere of Hibbard. They loved it like we love it. You could zoom out on this map a long ways and not see anything as dense as what is being proposed. My husband and I are both opposed to the annexation, and the RR2 zoning. At least keep it at RR1.

John Dennis; 1251 Crescent Drive. I oppose this for a few different reasons. RR1 zoning is more consistent and shows better judgment in terms of what is consistent with the area. Secondly, I have issues that there is some stink in the air about this. There is a lot of unknown. One thing has been presented and then at the last minute something else shows up. If there is a genuine interest in hearing the public opinion, I think we would want to make sure the actual facts and the true story is out there. I am a little confused about why there is preferential treatment for those along Larch Drive versus those on McJon Lane. Perhaps there is some ownership involved in the whole deal, but it would seem to me that everyone in the area deserves the same treatment.

Royce Jackson; 821 North 12th West. I would like to go on record that I am against the RR2 and LDR1. I would like to see it stay RR1.

Christopher Cheney; 1716 North 3000 West. I'm not really opposed or for anything. My daughter is one of those in the little trailer house behind the school. I am a little concerned with the school being overcrowded. ½ acre lot sizes isn't really ridiculous, but we moved to Hibbard a little over a year ago and like the atmosphere. We have an acre, and I would just as soon be out on the top of a mountain as far as that is concerned. I would like to see us stay with one-acre size lots for the benefit of the community and for the feel and atmosphere of the area.

Al Shiffler; 2400 North 3000 West. I have been here 10 years. We moved here to be in the country. I have great respect for the people who have spoken in favor, but I just can't see it. The roads won't handle it. I would like to see how you are going to widen the roads out there. I'm not sure where you are going to widen it at because of the golf course and the wet lands. The school will not handle it. I am a teacher. I don't teach in this school district, but I know the teachers across the street, and they are jammed now. I don't know how you can put more people out there with kids when there is nowhere to put them. We are still trying to raise money to get the High School and the two elementary schools that are already planned built. I would go along with this if it were RR1, which is more in keeping with what we have. Saddle Creek is a great development. If the developer does the same thing here, all the opposition would melt away. ½ acre lots would put too many homes into too small of a space. I don't want to see it look like Pioneer Road. I'm not saying that is what Curtis is going to do, but once you open Pandora's box, there is no way to close it again. I am concerned with what happens across the street. If we go to ½ acre lots here, it would be pretty easy to go to ¼ acre lots across the street. We don't have the infrastructure right now to do it, and I don't see it in the foreseeable future. I ask you to not do this unless it goes to RR1.

Written Input:

Letter from Donna Thueson, neutral to the proposal.

Letter from property owners on Larch Drive, neutral to the proposal.

Letter from Kevin Stewart, neutral to the proposal.

Letter from Robert Dennis, opposed to the proposal.

Letter from Jenae Stewart, opposed to the proposal.

Letter from Ronald Nate, opposed to the proposal.

Rebuttal:

Brad Harker; 3860 Colt's Glen. I am also a developer. The first thing that needs to be cleaned is the air. There has been a lot of interpretation of what the planned use for the ground is. Curtis has been very willing to work with the

owners of the property to get their input. There have been some meetings that have taken place where Curtis would like to have been involved, and I don't think he has had that opportunity. He is interested in working with the community to make this a project everyone will like. Saddle Creek is a great example. It is a project that most of the people here are pleased with. It is a good utilization of the ground. The same thing is going to take place here by Pine Brook. It is a golf course property. It is a draw for residents for Rexburg and people outside of Rexburg. Doing this project correctly, which is proposed by the developers, is to enhance the value of that ground. I think we will find that, like Saddle Creek and with all the input from the people here, that will be accomplished. A couple things need to be noted along with this. First, we are aware that we have nitrate issues in this area. It is quite a sizable cost to run the sewer from wherever it needs to be taken to be done properly. This is going to protect those nitrate levels and enhance the value of the ground. Also, DEQ does not allow irrigation of more than ½ acre lot. ½ acre lots are actually probably the preferred size for a lot of this area, just to maintain the beauty of the yard. It is not appealing to have half an acre that is not taken care of very well. I think that to enhance the beauty of this subdivision, it will be important to be able to irrigate the entire property. A subdivision like this will bring the value of the community up. ½ acre is a reasonable size for a city lot. The city is coming in this direction. We are in the impact zone, and we are contiguous with the city. ½ acre is a very reasonable size for a lot in the city. This is a golf course property. These are going to be very nice homes. We will have very protective covenants. There was a concern mentioned about the zoning and what will come in there once this is approved. Understand that large protective covenants and zoning restrictions basically bind what is done in this area. If we have covenants that maintain a very high level of home, it is going to increase the values. The zoning laws are unalterable. This is a considerable point to consider as this is accepted. Some people have stated concerns about being in a location where they might be forced to tie into sewer at a considerable cost to them. If they have an existing septic treatment that is functioning at their home, it will not be required of them to hook into the sewer, just because it is near their property. If their system fails, and there is a need to apply for a new septic system, then they would have to hook up. In addition, it was mentioned that the portion that has been proposed as LDR1 could support 42 residences. We have proposed only 18 units in the LDR1 area. That is one twin home per ¾ acre. We really are just using the zone classification that allows us to do what needs to be accomplished properly. That is something we are willing to go on record with and support. Most importantly, this is a project that is designed to enhance the neighborhood, to drive property values, and to increase them. In an area that is becoming city property, the intention here is not to squeeze in as many homes as possible to maximize profits. I assure you that Curtis and the developers are more than willing to entertain and work with the residents to make a project they feel is going to enhance the neighborhood. It is nice to have a developer that has grown up and has spent time in that area, who understands and shares a lot of the feelings each of you have. This is an opportunity for this community to work together to come up with something that everyone is comfortable with.

Chairman Dyer closed the public input portion.

Chairman Dyer called a 5 minute break.

Chairman Dyer asked about the standing of the annexation request at the moment, recognizing that there were objections from those who initially had signed the annexation application, and then rescinded their objections. Some of the conditions of the annexation request have changed. Are we okay on standing at the moment for this proposal? Stephen Zollinger said we are okay.

Gary Leikness reviewed the allowable density for the proposed zoning designations. Based on the surrounding lot sizes, I recommended RR2 as an appropriate zone to the applicant. There is an option for conditional zoning. If LDR1 were to go in that section, there could be a concept plan required with proposed CCRs. If the applicant didn't follow through with that in a given time, the property would revert back to RR1 zoning. Also, these lots in Pine Brook Subdivision have consented to be annexed conditioned upon this being ½ acre lots. According to the letter we received recently, that is for the entire area. If not, they basically rescind their consents. If these lots are not annexed with the surrounding property, it would create an island. The City Council has directed us not to create islands. Stephen Zollinger said this would not constitute a legal rescission.

Gary Leikness said a condition of the annexation should be that an annexation agreement be entered into with the city regarding infrastructure, dedication of rights-of-way, water rights, etc.

Randall Porter asked if LDR1 allows twin homes. Gary Leikness said in the LDR1 zone, they are defined as “single family attached.” The underlying minimum lot size is 12,000 square feet. For single family attached, you would have two 12,000 square foot lots, with a building set on the dividing line. Each unit would be on a separate lot, even though they are attached as a twin home.

Ted Hill asked what the road designation is on 12th West and if there had been any traffic counts done on that road. **Chairman Dyer** said it has been designated as an arterial. There were counts on it in the recent Madison County Transportation study, completed about 2 years ago. The effective capacity of a two-lane road is about 2400 cars per hour. This proposal would add 149 cars per hour. This would be an impact of about 6% on the capacity of that road.

Randall Porter asked if the annexation were turned down, could the project go forward under county ordinances. **Chairman Dyer** said it certainly could.

Chairman Dyer said he is concerned that we have heard in public testimony about the last minute change in conditions of the request. While the changes do not create additional impacts, I am interested in your feelings about the request for another hearing with more opportunity to study it. Our decision here is a recommendation to City Council. They will have an additional hearing at City Council. We could request that hearing not take place until the proper revised information be mailed out to everyone. Of, if you are discomforted with the situation and being able to make a reasoned decision, we could table this and hold another hearing.

Mary Haley said she is aware of the feelings in the area surrounding this proposal. I did not receive my packet until this morning, and I didn't get to study it until this evening. I feel that I am not prepared to deal with this question tonight. I would like to look at the proposal more. I don't feel prepared to make a good judgment and recommendation as far as this goes. I would also like to recommend to the developer that a community meeting of all community members should be designed so that everyone could understand what is going on. This would create some unity within that community. They are a community in Hibbard. These people prepared themselves for what they thought was coming up, and then it changed. Meetings outside of this space would be of benefit.

David Stein said we were notified that this would be taking place three (3) weeks ago. I welcome the public input that we have had. We have listened to public input for 2 hours. I would rather deliberate based on the input we have, recognizing that this will go to City Council, and everyone will have an opportunity to relook at it. I wouldn't want to basically waste the 2 hours we've spent already discussing the proposal.

Thaine Robinson agreed with Mr. Stein. I understand the proposal, and I think we all understand the proposal. The only concern I have is that the public input was unplanned, since they didn't have time to think about what they wanted to say about it. I still think we can make a recommendation.

Josh Garner said we have received very good input tonight from the members of the community out in Hibbard. We understand what is at issue. We can make a decision based on the input we have received.

Chairman Dyer said the two (2) questions before the commission tonight are 1) should the proposed property be annexed into the City of Rexburg and 2) if it is annexed, what is the preferred zoning designation that should be placed on the property.

Mike Ricks said he is not comfortable with this parcel of land being annexed without any water rights. I think this proposal should all be RR2, without the strip of LDR1. I don't think we need to put the LDR1 homes along the freeway when you have RR2 along the rest of it. I don't like to see housing units along Highway 20.

David Stein said the reason he thinks the developer is asking for higher density is because he has to run the utilities for such a long distance. In my view, the only reason this is apt for any development at all is the fact that the city owns the golf course in the middle of the country. I think it is admirable of the developer to want to put in the utility services, but the area is not ready for development in my mind. If it were, the utilities would already be there. I don't think the transportation road can support the development. In some ways, I think if we annex it, we are basically inheriting a problem of the county, where they have allowed excessive development in an area where the transportation and groundwater do not support it. I would be against the annexation.

Dan Hanna asked if the developer would be required to submit a transportation plan that would address the transportation issues, including widening the road and/or bridge. **David Stein** said this parcel of land is too small to do that. In my mind, the development should come from the south, starting at Main Street, and work its way up. This development is too small to merit the movement of utilities to the area. You can't do it unless you put the higher density in. It does not make sense to put this kind of density in this area at this time.

Dan Hanna said he is concerned that this property can develop under county standards. All this would do would increase nitrates and decrease water quality. The LDR1 area along the highway would be ½ acre lots with a building in the middle of it. This would create more open space, which is what is considered desirable along the highway.

Chairman Dyer said this would only be true if we condition the rezone that way. LDR1 would allow a minimum of 12,000 square foot lots.

Mary Haley said there has been some talk of whether the county would allow this development if the city doesn't annex it. There is no guarantee that the county would approve this. I don't think we should be trying to think about what the county would or would not do. We are supposed to be deciding whether this is an effort that will make our city a better place to be, and what impact it will have. Right now, I think this is over the top as far as where we are with infrastructure, school systems, etc. We have places in town that are losing water pressure right now. I don't believe the transportation routes right now are conducive to more density in that area. I don't want to be responsible for impacting the City of Rexburg with this density right now.

Chairman Dyer said our charge is to look after the interests of the City of Rexburg. However, we all understand that we are a greater community. There have been several subdivisions built out there under the county guidelines. There may be an opportunity to improve upon that under the right circumstances.

Dan Hanna said he is interested in the time frame of this kind of development. **Chairman Dyer** said it is probably about a 5 year project. **Dan Hanna** said this is not going to happen overnight. It is not all going to happen next year. Five years from now, there could be a tremendous amount of changes in Rexburg, and this won't be such an island. I am concerned about groundwater quality as much as I am anything. I would hate to see the county put in another subdivision, even with one-acre lots.

Thaine Robinson said I feel for the residents, but the main concerns they have would be the same concerns other people had when they bought their houses five or ten years ago. We see this in the city all the time. Growth has hit real hard. I would rather have the opportunity to control it for the greater good of the community now than to have it be a problem for us 15 years from now.

David Stein asked if it is possible to build a subdivision in the county and have a self-contained sewer system instead of septic tanks. **Chairman Dyer** said it is possible, but it is not near as easy as it sounds. It has to be approved by DEQ. Their history has been that if anyone is close enough to a plant that is already established and

operating, they would be very hesitant to approve anything that could reasonably and practically be picked up by that facility. Secondly, a separate facility would require its own full-time operator that is licensed and certified by DEQ.

Mary Haley said the property owners in the Pine Brook subdivision have indicated that they have requested annexation as long as the properties in their subdivision are RR1, and the surrounding properties are RR2.

Chairman Dyer said we could recommend RR2 in the LDR1 proposed area. If we change the zone to LDR1, their consents to annexation are void.

Stephen Zollinger said property owners cannot factor their consent on anything other than what happens with their property. They cannot rescind their consent, but they are allowed to give testimony to be considered.

David Stein asked if the county has given any input on this proposal. **Chairman Dyer** said he asked the county prior to the meeting if they needed or wanted input, and they said they did not.

Randall Porter asked if we know how much it would cost to extend city services to the area. **Chairman Dyer** said it would be close to \$700,000. A development agreement would have to be put together before any kind of development starts on the property.

The Commissioners discussed the proposal.

David Stein motioned to recommend to City Council to deny the request for annexation. **Mary Haley** seconded the motion.

David Stein amended his motion that the reason for rejection of the annexation is that the city has annexed a number of tracts recently that still have not been developed. This would be an island of the city further out than other developments that we have. There is ample land within the city to be developed as residential lots. I have a concern regarding the transportation and infrastructure. **Mary Haley** seconded.

Mike Ricks said he doesn't think it is wise to annex any land without the water rights.

Thaine Robinson said this is right next to the golf course, which promotes nice housing around it. It draws development and pulls it in. Although the golf course is on the edge of the city right now, it may not be in 10 years.

Dan Hanna said we are going to grow, and this area is already targeted for growth. We can either let the county do it, or we can let the city do it.

David Stein said we talk about partnering with the county. The county has been absolutely silent on this. This is not partnering. I would rather give us the opportunity to partner on how to develop this with their input as opposed to us just doing it.

Randall Porter said I would like to know what the county's thoughts on this are.

Those in favor:

Mike Ricks
Randall Porter
David Stein
Mary Haley

Those opposed:

Winston Dyer
Thaine Robinson
Ted Hill
Dan Hanna
Josh Garner

Motion failed.

Dan Hanna motioned to recommend to City Council to annex the subject property, designating the red area on the map as RR1, the green area on the map as RR2, and the blue area on the map as LDR1, with the condition that development in the 14.4 acres of LDR1 area not exceed 18 twin home units, that the water rights on the property be transferred to the city, and that a development agreement dealing with extension of infrastructure and transportation issues be executed with the city prior to development. This application does not include anything west of 12th West. **Josh Garner** seconded the motion.

Those in favor:

Winston Dyer
Thaine Robinson
Randall Porter
Ted Hill
Josh Garner
Dan Hanna

Those opposed:

Mike Ricks
Mary Haley
David Stein

Motion carried.

Unfinished/Old Business: None

New Business:

1. Final Plat – Rock Creek Hollow, Phase 2

Vern Muir; 336 Eagle Summit, representing Sainsbury Construction. I hope we have addressed the concerns the Commission had with the preliminary plat. We turned in a colored layout showing the green space for clarification. We pulled some of the sidewalks away from the interior drives where possible.

Chairman Dyer asked if they could move the sidewalks back a little further in some areas. Vern Muir said we are restricted in some areas, but will do this where we can.

Vern Muir said the CCRs do not allow large recreational vehicles to be parked on the property. Gary Leikness said the CCRs do address this, but also say this can be changed at any time. This one item should not be amendable.

Thaine Robinson asked if the drawing shows the actual foliage that will be planted. Vern Muir said the interior will have some trees, but this is a little overdone on the drawing. There is currently about one (1) tree per unit along the exterior streets.

Gary Leikness reviewed the plat. The garbage containers will have to be moved out of the front yard setback, and be located in accordance with city code. The narrow landscape strips shown could become a maintenance issue. I recommend these be a minimum of five (5) feet wide. Section 4.22 of the CCRs should be amended so the allowance of RVs and similar vehicles cannot be granted in the future. I also recommend that a landscape plan substantially consistent with what was presented here be submitted with the building permit.

Thaine Robinson motioned to recommend to City Council to approve the final plat for Rock Creek Hollow, Phase 2 with the conditions that Mr. Leikness suggested:

1. The garbage containers must be located in accordance with city code.
2. The landscape strips between the traffic lanes and the sidewalks be at least 5 feet wide.

3. Section 4.22 of the CCRs be amended to prevent the allowance of RVs and similar vehicles from ever being permitted to park on the property.
4. A landscape plan substantially consistent with what was presented to the Commission be submitted with the building permit application for approval by the City.

Dan Hanna seconded the motion.

None opposed. **Motion carried.**

2. BYU-Idaho Street Vacation

Stephen Zollinger presented the proposal to vacate approximately three (3) blocks of City streets. It is driven jointly by the University and the City to clean up the interior. For the past 25 years, the City has called upon the University to manage all their interior streets. The streets to be vacated include the remaining portion of Viking Drive between 1st West and 2nd East, and the stretch of Center Street from Viking Drive to approximately 5th South. The basis for this vacation is to clean up the interior area and give it to the University to maintain and integrate into their designs, parking and management plans. The City feels no need to continue controlling these streets because they do not connect on both ends to any other city streets. He pointed out the streets on the map.

Chairman Dyer said as part of the earlier vacation of what was then 4th South, there was an agreement by the University that they would maintain the ability for emergency vehicle access to get through campus. He asked if this vacation will alter that agreement. Stephen Zollinger said this agreement is unaltered. We require continued maintenance of thoroughfares for emergency vehicles through campus. Richard Smith, representing BYU-Idaho, confirmed this.

Randall Porter motioned to recommend to City Council to approve the street vacations as proposed. **Dan Hanna** seconded the motion.

None opposed. **Motion carried.**

Compliance: None

Non controversial Items Added to the Agenda:

The Commissioners decided to cancel the December 20 Planning & Zoning meeting.

Tabled requests:

1. Preliminary Plat – Silver Estates

Issue remained tabled.

2. Sign Ordinance – Statement of Intent

Issue remained tabled.

Report on Projects: None

Building Permit Application Report: None

Heads Up:

1. Rezone – MDR1 to MDR2 – 557 S 5th W
2. Comprehensive Plan Map Amendments

Chairman Dyer adjourned the meeting at 11:15 pm.