

# Planning & Zoning Minutes

October 6, 2011



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

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## Commissioners Attending:

Winston Dyer - Chairman  
Dan Hanna           Thaine Robinson  
Richie Webb        Nephi Allen  
Gil Shirley         Jedd Walker  
Cory Sorensen

## City Staff and Others:

Rex Erickson – City Liaison  
Val Christensen – Community Development Director  
Stephen Zollinger – City Attorney  
Daren Spencer – Community Development Intern  
Elaine McFerrin – P&Z Coordinator

**Chairman Dyer** opened the meeting at 7:03 pm and welcomed those in attendance, including Councilman Erickson, City staff, representatives from BYU-Idaho, and students from a communications/government class. He stated that the P&Z Commission follows Roberts Rules of Order for meeting procedure, which guarantees everyone to have a fair and unbiased opportunity to present their views.

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

Cory Sorensen, Jedd Walker, Gil Shirley, Richie Webb, Winston Dyer, Thaine Robinson, Dan Hanna, Nephi Allen

Mary Ann Mounts, Marilyn Rasmussen, and Scott Ferguson were excused.

## **Minutes:**

1. Planning and Zoning meeting - September 15, 2011

### *Clarification:*

Page 2 – In response to Jedd Walker’s question regarding the zones allowed under the Neighborhood Commercial/Mixed Use land use designation –

Clarify that “...*Val Christensen said* the Neighborhood Commercial/Mixed Use designation allows these zones to be requested... The commercial component adds to the positive possibilities for redevelopment of these blocks.”

**Jedd Walker** motioned to approve the Planning & Zoning minutes of September 15, 2011, as amended. **Nephi Allen** seconded the motion.

Gil Shirley, Winston Dyer, and Thaine Robinson abstained for not having been present. None opposed. **Motion carried.**

## **Public Hearings:**

7:05 pm –Ordinance Amendment – BYU-Idaho – to add two conditional uses to the University District - Amend Ordinance 1026, Chapter 3, University District (UD) Section 3.27.020 (F) Conditional Uses- to include Standard Industrial Classifications (SIC Code) 0741 and 0751.

| <u>SIC Code</u> | <u>Use</u>   |
|-----------------|--|
| 0741            | Veterinary Service for Livestock (totally enclosed)      |
| 0751            | Livestock Services, Except Veterinary (totally enclosed) |

**Chairman Dyer** explained the procedure that is followed for public hearing. The applicant or a representative will present the proposal. The Commission may ask the applicant or staff questions to help clarify the proposal. Public testimony will be taken, followed by the staff evaluation. The Commission will then deliberate the issue in order to come to a decision.

**Jedd Walker** recused himself, due to direct conflict of interest (BYU-I architect and submitter of the subject Ordinance Amendment application).

**Phil Packer**, representing BYU-Idaho, 525 South Center. The request is an application to amend the Development Code Ordinance No. 1026. It is the first step as the University moves forward to achieve some aims. Jedd Walker is the project architect and has been working with the University's academic, agricultural, and physical facilities departments on plans. BYU-Idaho is proposing to amend the Development Code to allow two uses that would require a Conditional Use Permit in order to be implemented. The two SIC Codes for these uses are: 0741-Veterinary Service for Livestock (totally enclosed), and 0751 - Livestock Services, Except Veterinary (totally enclosed). The aim is to then fulfill those uses with some buildings that will be constructed to expand agricultural education on campus at the University.

Part of the University's assigned mission is to expand agricultural education. They have looked at several different alternatives including property in the County. The livestock center is out of town to the west. It has become cumbersome to get the students to this out-of-town location. The number of students has increased. It was felt that a closer location for agricultural/animal science classes would be more convenient for students, faculty, and staff. The University has also added the Veterinary Tech program.

The animals would still reside at the livestock center. They would be brought to campus as needed for class and lab use, and then they would be transported back to the center. University representatives toured universities in the Midwest which are bringing the animals to the students in a very controlled environment.

**Jedd Walker**, 648 Centennial Loop, representing BYU-Idaho. There were some rumors in the community regarding what the University was going to do. The University started by looking at all of their options for this project. One option was to bring all the animals to campus; it was felt this was not a good option. The decision after visiting many facilities in the Midwest was to keep the animals offsite, but the University wanted to prevent students from having to travel out to the livestock center. It disrupts classes at both ends. Safety of the students was a concern, as well as a financial obligation in having the students go out to the center. Student enrollment has increased and will continue to increase.

The solution the University is contemplating, as this is conceptual, is to construct a lab/ classroom facility on campus that is totally enclosed. Unloading, as well as the loading of animals would be totally enclosed. They are looking at their options for addressing smells and other concerns. The quantity of animals that would be brought to campus will be quite small, because it will be on an as-needed basis to fulfill academic pedagogy requirements.

**Chairman Dyer** stated that the Commission recognizes that this project is in the planning stages. In the interest of the citizens of Rexburg, the Commission has a few questions. Is there an idea as to where on campus the facility/facilities would be located?

**Jedd Walker** said they do have a site they are considering, which he pointed out on the projected map - the baseball field and ice skating rink area near Sage Street and South Center.

**Chairman Dyer** stated for the record that the facilities immediately west of this location are also University owned and are non-residential.

**Jedd Walker** said that was correct. Dorms will eventually be going in on the west.

He stated that under consideration for the location of the planned facility is the north piece of the area, which he pointed out. A preponderance of the spaces in the facility would be labs and classrooms. There will be small areas for veterinary services for small animals and space for veterinary services for large animals as well. The University looked at all the labs and courses that they offer, and then listed the animals by species, looking at how many animals - horses, pigs, cattle, sheep - they would need to bring to campus from the livestock center. The most animals they would have on campus at any given time would be about 35 animals. The animals would come to the lab for possible multiple purposes, and then the animals would be shuttled back to the center. Rarely would an animal stay overnight – there would be a few animals that would stay longer, about a week, when there are feed trials.

**Chairman Dyer** said it was indicated that the facility is totally enclosed. He asked for clarification.

**Jedd Walker** explained that they do not want a loose animal getting out of the facility, so the preliminary idea the University is looking at is a double gate system with a pull-through. The truck and trailer would pull into the building, the gates would close, and the animals would be unloaded inside the building and into the holding pens. Then the gate on the other side would be opened, and the truck and trailer would pull out. Everything would be totally concealed and enclosed.

**Chairman Dyer** expressed that the nature of the Conditional Use Permit indicates that the Commission and perhaps ultimately the City Council can place reasonable conditions on the request. Would the University be willing to accept reasonable conditions that may be placed on this operation? Not all issues can be foreseen at this time.

Mr. Walker and Mr. Packer said the University would be willing to accept reasonable conditions.

**Dan Hanna** asked if the University has considered, as the animal is transported, the waste that would accumulate on the public right-of-way, through leakage from the trailer.

**Jedd Walker** said this issue has not been addressed specifically as of yet. The type of vehicle for transporting will be looked at.

**Mr. Hanna** said waste does have a tendency to leak though the trailer floor, so transporting 35 to 40 to animals a day over time could be problematic.

**Jedd Walker** said the University would not be transporting that number of animals to campus every day. That is the worst case scenario for one day in the whole semester. Most days the number of animals transported would be 5 or 10 animals.

**Dan Hanna** asked if they had considered a plan if an animal were to get loose outside of the facility.

**Jedd Walker** stated that the University does not anticipate such a problem. They do not foresee it being an issue. Animals will not be unloaded outside of the facility. Everything will be indoors and totally enclosed.

**Dan Hanna** asked about disposal of accumulated waste during the day and how this waste would be removed from the City limits.

**Mr. Walker** stated the University has talked to John Millar about this issue. They also visited other municipalities. The University is considering a very small flush system. The enclosed pens would be

flushed several times a day. Solids would be separated from liquid. The liquid would go into the sanitary sewer system. The University would haul away the solids. They are still looking at a number of options. In an enclosed facility, there is some concern with methane gases.

**Chairman Dyer** thought that odor control would probably be addressed through a condition.

**Jedd Walker** said they understand that odor control would be a condition. One of the facilities they visited was the University of Nebraska, which has facilities downtown that are similar to what BYU-I is conceptually planning. Within the Nebraska building, one could certainly tell that it was an animal facility. When one was outside around or near the facility, one could not tell.

BYU-I is confident that with mechanical systems and scrubbing filters, there should not be a smell issue.

**Phil Packer** said BYU-I is fine with addressing any conditions that are placed on future Conditional Use Permits for any of these issues.

**Chairman Dyer** expressed that the Commission walks a fine line between land use planning and development issues. The Commission needs to see enough of the development issues ahead of time to understand where this is going.

**Richie Webb** said it was mentioned that one of the reasons the University is planning this development is that they are transporting a lot of students out to the livestock center. He asked how many students are being transported.

**Jedd Walker** said program enrollment for Agriculture Business, which includes Animal Science, Crops, and Soils, is about 350 students. Some of the courses are offered on campus. The number of students will grow. Most of the students drive out to the center in individual cars. The University currently runs a shuttle to the livestock center, a large passenger van, for some students. Building everything out at the livestock center was considered.

**Thaine Robinson** asked if one of the requested conditional uses - *Livestock Services, Except Veterinary (totally enclosed)* - dealt with any activities associated with meat processing.

**Jedd Walker** said at one point the University considered having a kill floor on campus. The University has eliminated that idea. The decision was made that if the University needs to process an animal, the animal will be taken to a certified local butcher. This is necessary in order to maintain FDA (U.S. Food and Drug Administration) compliance. The slaughtered animal would be transported back to campus to a lab for processing.

**Stephen Zollinger** stated that this SIC Code would allow a kill floor, but the University is not asking for one.

The **Chair** asked for any staff clarification from Val Christensen to help the Commission to understand the proposal.

**Val Christensen** said at one time BYU-I was looking at the possibility of having a full-size facility off of Poleline Road; the facility would have included outside animal pens, with animals at the location continually. The University has tried to identify a much less impactful, less intrusive use by having a totally indoor, enclosed facility.

**Gil Shirley** asked if this issue could develop into the University having a facility at the campus area stated and also further out on campus.

**Stephen Zollinger** said the conditional use would allow the University to make a request for these types of uses anywhere on campus (the University District zone).

**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 recommendation.

**Val Christensen** said the applicant would like to have two conditional uses added to the University District (Chapter 3, University District (UD) Section 3.27.020 (F) Conditional Uses - to include SIC Code 0741 and 0751). He clarified that the requested SIC codes would be under conditional uses, not permitted uses. Staff did not go into location but looked at the entire campus and concluded that with a conditional use permit application, projects on an as-needed basis would be brought back before the Commission and the City Council for review.

The **Chairman** said the Commission is entering into deliberation of this request. In accordance with state code and protocol, he asked if any of the Commissioners wished to declare conflicts of interest. **Thaine Robinson** declared a perceived conflict of interest. He works for BYU-I. He has not had any conversations with anyone or seen anything about this subject issue. He has no material interest in this request or the decision that is made, nor does it fall under his stewardship. The Commissioners had no objection to **Mr. Robinson** staying on the dais as part of the Commission.

**Cory Sorensen** said he is a farm boy at heart. He started out in the Agriculture program. A lot of towns have a livestock sell yard right in the middle of the town. He feels an enclosed facility is great.

**Richie Webb** stated he does not see any negative impact on the community from this request. It is a positive that the University is expanding their program offerings. This is an agricultural area. The request makes a lot of sense.

**Chairman Dyer** felt the University has always been a very wise steward and has always cooperated very well with the community on any concerns. With the understanding that the facility would be totally enclosed and properly managed, and that the University's commitment to abide by reasonable conditions that would be placed on a specific case by case basis, the Commission is safe in making this request for two conditional uses as a recommendation for approval. Being a conditional use, the Commission always has the chance to hear anew what the specifics of a proposal are as it moves forward.

The Chairman stated that the question before the Commission is shall the Rexburg Development Code Ordinance No.1026 be amended to allow the two stated conditional uses in the University District.

**Dan Hanna** motioned to recommend approval to City Council of an ordinance amendment to the Development Code Ordinance No.1026, to add two conditional uses to the University District: Amend Ordinance 1026, Chapter 3, University District (UD) Section 3.27.020 (F) (Conditional Uses) - to include SIC Code 0741 - Veterinary Service for Livestock (totally enclosed); and SIC Code 0751 – Livestock Services, Except Veterinary (totally enclosed). **Nephi Allen** seconded the motion.

None opposed. **Motion carried.**

**Chairman Dyer** addressed the students in attendance. Everyone gets a chance to express their thoughts. All of the Commission's discussion is directed through the Chair, who recognizes people and gives them their turn to speak. He thanked the students for their interest in the community and their interest in the meeting process.

**Unfinished/Old Business:** None

**New Business:** None

**Compliance:** None

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

1. Joint P&Z Commission meeting and Nine Person Committee meeting -

**Chairman Dyer** said the Joint P&Z Commission meeting of the five P&Z Commissions (Madison County, Sugar City, Teton, Newdale, and Rexburg) was held last Thursday on September 29<sup>th</sup>, with Sugar City as the host. The Nine Person Committee meeting to address compatible zones and Comprehensive Plan Designations names was also held at that time.

**Thaine Robinson** represented Rexburg on the Nine Person Committee. Seven of the nine people on the Committee were present. Sugar City and Rexburg (with Madison County), are looking at having common zones and common comprehensive plan designations, so that when they develop or plan, there is compatibility with abutting properties. At this point, Committee members are looking at the definitions of the different zones. He was assigned to describe the zones in Rexburg; the document he has put together will be emailed to the Commissioners for their information.

**Chairman Dyer** stated that Rexburg will host the next Joint P&Z Commission meeting, which is scheduled for March 29, 2012.

2. Citizen concern – Dan Hanna

**Dan Hanna** said citizens expressed a concern to him that there needs to be a 4-way stop one block east of Arctic Circle (East 2<sup>nd</sup> North and North 3<sup>rd</sup> East). There are cars and now more pedestrians because of the junior high location.

**Stephen Zollinger** said that the City Clerk should be contacted, so that this concern could be directed to the Traffic Safety Committee.

**Report on Projects:** None

**Tabled Requests:** None

**Building Permit Application Report:** None

**Heads Up:**

October 20<sup>th</sup> - CUP – 334 Harvard - to allow a duplex in an existing home

Rezone – 271 South 2<sup>nd</sup> West – CBC to HDR1

CUP – 271 South 2<sup>nd</sup> West – to allow a lower number of parking spaces through use of the PEZ Ordinance

**Chairman Dyer** adjourned the meeting at 7:52 pm.