

Madison County Commissioners

Public Hearing Minutes Re:

1. Septic Systems;
2. Rexburg Impact Area Expansion



JULY 26, 2016

6:00 P.M.

COMMISSIONERS' ROOM

Commissioners: Chairman Jon Weber, Todd Smith
Deputy Prosecuting Attorney: Troy Evans
ATTENDEES County Clerk: Kim Muir
County Planning & Zoning: Brent McFadden
Joint City and County Planning & Zoning Committee Chair: Richard Smith

Commissioner Ricks is excused from these public hearings.

Commissioner Weber:

Glad to see you here this evening. We're happy to see you all here believe it or not. This is the great process that we have the privilege of going through as citizens of this great Country.

We have two public hearings scheduled this evening. The first one we will hear is our Septic System Ordinance, we will begin with that. Some of the ground rules we would like to point out; we're here as neighbors, we live in the same community. We ask that everyone is civil. You can address us address everyone in a civil manner. We know that some of these can be contentious and heated and feelings can be pretty raw. Please help all of us as we address each other in a civil manner. When you approach, we'll ask you to state your name, your address then you will have three minutes to address us. If you would like to say some words the signup sheet is on the back table. You'll notice that there are two different signup sheets so make sure you are signing up for the right one; if it is for the Septic System or if it's for the Impact Zone. You'll find three sheets there, one is in favor, one is neutral, and the other is opposed so if you're interested please feel free to sign up.

I. SEPTIC SYSTEM PUBLIC HEARING

We're going to move forward with the Septic System. I am going to have Commissioner Smith read the, let me first go through some procedure here. Kim is all the notices been officially and properly noticed in the paper?

Kim Muir: They have, yes.

Commissioner Weber:

We'll declare there's no conflict of interest on this.

Commissioner Weber – yes, no conflict.

Commissioner Smith - no conflict, and when I say yes that means no conflict.

Ok, lets Commissioner Smith if you would read that please.

Commissioner Smith: You bet, be happy to. This for your information, Brent chime in here if you so feel need.

The Ordinance that we're proposing here is a change in our Ordinance in how our septic systems are regulated. Our current Ordinance we have written down, if any parcel or property is under two acres you must install an enhanced septic system. We are proposing to change that so that that is left in the hands of District 7 or East Idaho Public Health District so the new Ordinance would read as such; "That all subsurface septic systems in Madison County be designated and permitted by Eastern Idaho Public Health District Environmental Health specialist no matter the location or size of lot. An Eastern Idaho Public Health District Septic permit must be applied for, issued, and received, prior to an applicant receiving a building permit from Madison County. In the event a permit is not required, the Eastern Idaho Public Health District shall notify the applicant and Madison County Planning and Zoning department in writing."

Commissioner Weber:
Thank you very much. Yes, Brent.

Brent McFadden:
You might want to put it recognize that you're doing the resolution, doing away with those two resolutions.

Commissioner Smith:
OK, yeah and that's correct, we are replacing two resolutions out of our book with those that stipulated what we did do.

Commissioner Weber:
OK, thank you. Let's move forward with public comment. Judy, I see you're in signup for in favor. Are you wanting to address this?

Judy Coy: I would like to Commissioner.

Commissioner Weber:
Ok, please come forward.

Judy Coy:
My name is Judy Coy, I reside at 3262 West 1000 North, Rexburg, Idaho. I am in favor of the first sentence that states all subsurface septic systems in Madison County be designated and fitted by an Eastern Idaho Public Health District Environmental Health Specialist, no matter the location or size of lot. I am standing before you request that the wording in the Ordinance be deleted as follows: "An Eastern Idaho Public Health District permit must be applied for issued and received prior to an application receiving a building permit for Madison County. In the event

a permit is not required, the Eastern Idaho Public Health District shall notify the applicant and Madison County Planning and Zoning department in writing.”

It is not necessary for everyone applying for a building permit to apply for a septic permit. Someone building a lean to, a carport, a cell tower, a deck, a fence, a porch, an open shed, a pole building, a wind turbine or an Ag building etc. would not need to have a septic permit because such structures do not have the need for a septic system. It would be a perfect time for the Health Specialist at Eastern Idaho Public Health to take the time to tell people, other than those that are applying for a building structure such as a new home, that they do not need a permit and then take the additional time to notify the Madison County Planning and Building Department in writing. It is not necessary for Eastern Idaho Public Health to tell Madison County that they can issue a building permit to John Doe who is putting up a new fence because they don't need a septic permit. Madison County has a great working relationship with Eastern Idaho Public Health. The County works closely with Eastern Idaho Public Health in obtaining septic permits on structures that need a permit. The need for Eastern Idaho Public Health to say you don't need a septic permit for your new fence project is a major waste of time and energy. I request that the verbiage in question be deleted. Thank you.

Commissioner Weber:
OK, thank you Judy. Shane Ruebush.

Shane Ruebush:
My name is Shane Ruebush I live at 1893 W 5350 S, Rexburg. I stand in favor of removing the resolutions that have been part of law or ordinance of the past fifteen, twenty years. Primarily because it is Eastern Idaho Health that has to come out and inspect the lot to determine what kind of septic systems should be placed there based on the soil type, the water depth, and those factors that are most important in order to protect the water that's present under our County. Mrs. Coy has a good point; I think that can be addressed in a different manner without having to necessarily strike the word verbiage but I will leave that for my wife to address. Primarily, the last thing to say is when this actual alteration takes place it will give a fair opportunity to all citizens of Madison County to receive the same treatment from Eastern Idaho Health rather than this arbitrary, based off the size of the lot, even though certain types of sublease has been sold. Thank you.

Commissioner Weber: Thank you Shane. Kirsten Reubush.

Kirsten Reubush:
My name is Kirsten Reubush; I live at 1893 W 5350 S., Rexburg.

Commissioner Smith:
Kirsten, can you speak right into the mike, in fact; everyone I had a hard time hearing Judy as well, so.

Kirsten Ruebush:
OK, I'm in favor the removal of the, sorry. I'm in favor of this removal to make it fair for everybody. I want to publicly thank Todd Smith for taking this up and understanding that when

this came before them it had included subdivisions and subdivisions have set aside a plan that keeps the density the same as everybody else so appreciate that it's the same across the board. I also appreciate that the Commissioners took time to have readings before they took this to public hearing, and gave everybody in the community the ability to respond to what they were going to do before the public hearing. I think that was a wonderful addition and I would hope they continue to do that as well as the Planning and Zoning anytime they are looking at changing the law so that people can be involved before public hearings. As far as the, I understand the difficulty that they've had with trying to putting in the wording about being written communication from the Public Health District, having my husband and I been involved in listening to Planning and Zoning talk about this for nearly three years. And there is not, there is definitely some issues between the public, the Health District and the Commissioners on, and not the Commissioners, but and the Building Department on who gets septic systems and when they do and that does need to be clarified. I think at this point, I think that should be clarified through the Planning and Zoning updating their application to say specifically when a septic system, for when a building needs a septic system, and that could be taken care of in the County. I don't think that needs to be pushed onto the Health Department. I've read other Counties where they actually tell you that we do need the building permit or septic permit on their building applications so thanks.

Commissioner Weber:

Kirsten, thank you. That is all for in favor, there's one neutral, James Smith. James here like to?

James Smith: I'm fine.

Commissioner Weber:

You're ok? There are none opposed so we will close the hearing on Public Comment and is there any discussion amongst Commissioners?

Commissioner Smith:

You know I guess I'd just like to add, Judy mentioned this and I do agree with that. There are certain things that we don't need permits. We got this from; I visited with Kathleen Price out of East Idaho Public Health. She's the one that helped us with the wording on some of this. Did you Kathleen? Kind of shaking your head no but, you did. Anyway, and I guess legal question Troy. Some of its common sense. If I'm getting a permit for a deck I certainly don't need a, I mean are they still going to be required to show proof of that? Or can we bypass it with common sense?

Troy Evans:

Common sense.

Commissioner Smith:

OK. That's my opinion on it as well. So, I think Building Department.

Bent McFadden:

We've always done that. If they come in for a home we know and we tell them. First thing out of our mouths and Ralph's mouth is that we won't issue the permit until such time that we get a

septic permit back authorized from the State (Eastern Idaho Public Health). It's been that way for the thirteen years I've been there, I think in the thirteen years we've missed two.

Commissioner Smith:

You know, I think you just move forward, you can't have everything in black and white sometimes. So I think it takes a little common sense on our part and if it's an addition to a house then yeah, that would go if it's a living structure then yes, if not, other than that, that's all I have.

Commissioner Weber:

And I agree with what's being said there's going to be some, I don't want to say grey area, but if they are building a pole barn there is water in the structure. Those are questions that need to be asked and obviously it needs to be before, with the permit. As long as we are clear with that I would entertain a motion.

Commissioner Smith:

I'll move to approve the proposed changes to the septic systems. This will be accomplished by Ordinance number 408.

Commissioner Weber:

OK and I'll second the motion; the motion carries and that, when does that go into effect?

Brent McFadden:

28 days.

Commissioner Weber:

28 days, ok. During the 28 day period you can accept written reconsideration motions if there's anyone has concerns or they can appeal. That closes our portion of the Public Hearing for septic systems.

II. CITY OF REXBURG AREA OF IMPACT EXPANSION PUBLIC HEARING

This only deals with impact area south and west in Rexburg. The northern and eastern boundary is unchanged.

Commissioner Weber:

We will move forward on our Public Hearing for the Impact. Again we will, I will declare that I have no conflict of interest.

Commissioner Smith:

Mr. Smith - no conflict.

Commissioner Weber:

Kim, is all the public notices been published?

Kim Muir:

Yes they have.

Commissioner Weber:

We would invite the chairman of the Joint Commission of Planning and Zoning on this. Richard Smith are you prepared to come up and lead out on this? If you would state your name for the record or address, give us some background on how this came about.

Richard Smith:

Sure. First of all I'm not Chairman of the Planning and Zoning Commission; I'm Chairman of the Joint Committee.

Commissioner Weber:

That's right, Chairman of that Committee. That's right.

Richard Smith:

I'm Chairman of the Committee, that was put together of members of the Rexburg Planning and Zoning Commission and the County Planning and Zoning Commission to address the examination of the Rexburg Impact Area to determine if it needed to be expanded. The Rexburg Planning and Zoning Commission presented to the City of Rexburg a suggestion that the Impact Area be examined and expanded since it hadn't been used since I believe since its inception, 1995. At that time, the City looked at it and made a proposal that the Impact Area be expanded as per the map that you see on the rear wall here. So, the only areas that were intended or that were proposed to be expanded by the Rexburg City Council was to the west and the existing City and Impact Area and to the south of the existing City limits and Impact Area. The rest of it was not to be considered or changed, and that's the reason we have a Commissioner Committee put together with just Rexburg City Council or Rexburg Planning and Zoning Commission members and the County Planning and Zoning Commission. This does not affect Sugar City at all. The Committee met on two different occasions and out of that meeting came a motion by the Joint Committee to expand the Impact Area as proposed by the City of Rexburg. With the understanding that that area. Anyone have a pointer? Not sure I understand.

Commissioner Smith:

Middle button I think.

Richard Smith:

Right in the middle?

Commissioner Smith:

I think so.

Kim Muir: The bottom.

Commissioner Smith:

Troy will show you.

Richard Smith:

Ok, oh there it is ok. Anyway, this area is the area to be expanded outside the hash red marks on the bottom and the sides. None of the area on the east or the north which would be considered changed at all. The motion was made that the proposed extension of the Impact Area matters by the City of Rexburg be approved with the understanding that everything north of Highway 33 needed to be examined very, very closely by the Commission and that those people living in that area expressed their feelings as to whether that needed to be expanded in that area or not. That motion which had managed to be passed by the Joint Committee. Now, since that time, there had been a couple of people called me and asked me questions about this Impact Area expansion and why the County or the Committee wanted to go out ½ mile west of Poleline Road, that's one specific question that we have. As I reviewed the minutes, it was suggested even by Brent McFadden, that it makes no sense to do it just piecemeal and Brent's exact words were, I think according to the minutes that "we needed to come out ½ mile or ½ of a quarter" and so we extended that out past to the south on Poleline Road. A question was posed; well what does that do to the land owners in that area? And I responded that when the Impact Area Ordinance was passed in mid-commission in 1995, it was because it was mandated by the State of Idaho. Rexburg was one of two cities that had not complied with the State statute regarding Impact Zone areas. We were told by the Attorney General's office at that time that either we would develop an Impact Area map and an Ordinance or the State would step in do it for us. We chose at that time, I was serving on Planning and Zoning at that time, and we chose to move forward and we tried even to develop one that was agreeable and acceptable to all the residents of the County. So we went forward and did that and part of that Impact Area Ordinance made it very clear that any agricultural activities in the Impact Area would continue. They could be challenged and that farming and agricultural operations in the Impact Area would not be affected. If a person later or an owner in the Impact Area wanted to develop they would have to comply with City Zoning Ordinances because that's eventually where that development would end up and would be within the City limits of Rexburg. Now I've had a fair amount of acreage in the Impact Area since 1995. I have had, there has been no downside as far as I've heard or ever known of the taxes is the same as the County taxes, my activities as a farmer, for better or for worse, have not been impeded nor impaired at all. So with that, Commissioners we'll turn it over to you unless I can answer any other questions regarding the Committee's.

Commissioner Smith:

There is one question. Richard, would you for some of them, would you explain what the different color on the map mean just so we're all clear?

Richard Smith:

You bet. On the map the city limits of Rexburg are the dark, darker grey color. The dark pink color is the existing Impact Area and the hashed redline is the proposed changes to the Impact Area and as you can see the only change is on the west side and on the south side. As I said, the Committee was unanimous in suggesting that this be approved; that is was a logical thing to do with the understanding that we would hear from people and this area right up here north of Highway 33.

Commissioner Smith:

Thank you.

Commissioner Weber:

Thank you Richard. Let's go into our public comments here. We are going to do "in favor" of the Impact Expansion. First one, Stephen Zollinger.

Stephen Zollinger:

Members of the Commission, although I am clear that I am not as old as Richard, I too was involved in the original Impact Area. At the time, I was sitting in Troy's seat representing the County. I went through the Public Hearing process for establishing the original Impact Area which is, as Richard pointed out, the grey and the pink area. There was a lot of consternation at that time; people that were concerned, what would be the impact on their property of being brought into the Impact Area. As Mr. Smith has indicated, it does not change the ultimate responsibility for who governs the property; that continues to reside with the County Commissioners who sit behind me. What it does, is it implements a set of Ordinances that were passed back in 1995 that were established to set the groundwork for properties that were reasonably likely to get developed over the next ten to fifteen, twenty years. Those areas that if they were not regulated in a slightly different fashion than the County.

It's interesting that the septic tank is on for approval tonight because one of the areas of concern were those subdivisions on the outskirts of the City of Rexburg that were continuing to put in septic tanks on the one acre parcel of every acre. The rationale was that they couldn't get access to the City's water and sewer systems and so they had to go to the one acre parcels in order to get their approval from the Department or the State that is required for a septic system.

So, the Impact Area was originally designated to create a buffer around the developing City area so that as those properties developed, property owners wouldn't find themselves developing to what they thought was the applicable County standard, only to discover that if they wanted to come into the City for a smaller lot developments they were under developed and some roads were having to be completely removed and reconstructed.

In conjunction with that development, the width of the roads had not been preserved to a standard. Most of that has been corrected over the last twenty five years by the County. They have increased their standards of development to the extent that there is very little difference between developing in the County now and developing in the City if you are building to subdivision standards.

An individual property owner who is residing anywhere in this area, that is proposed for expansion, who does not want to do anything with their property there is absolutely no effect of being put inside the Impact Area, until such time that they determine they want to begin the process of developing land. So, if for any of you who are here in the audience concerned that somehow the City gains control over your property by virtue of being placed in the Impact Area, it does not authorize us to annex your property without going through a process; the same process that is available to us on any property. It does not authorize any jurisdictional authority for the City of Rexburg. What it does is it requires the County to implement an Ordinance that was passed back in 1995 which pulls City regulations out into the County but it's the County that administers those, not the city. You don't ever have to find yourself in front of the City Council if that is of concern to many of you. It's important to recognize the City doesn't strive to control

this area outside of our current jurisdiction for any reason other than to protect the City as an entity from encroachments that are inconsistent with growth that is happening here in Rexburg, Idaho.

We have people who come to us on a regular basis who want to build apartment complexes out in the County. We show up at those hearings and we oppose that because we don't believe that those kind of structures should be getting built out on the donut, outside the City because the land happens to be selling at a lower rate per square foot. The property inside the City limits, you'll notice on the south and west corners, we've already expanded beyond our Impact Area and there is currently development proposals for that entire quadrant.

We, quite honestly, missed the mark twenty five years ago. We anticipated that the growth would occur between Rexburg and Sugar City. That's why there is so much pink to the east and to the north in that quadrant. We weren't alone in that missed calculation, Rocky Mountain Power could serve all kinds of people out there.

Commissioner Weber:
Steve, you are up on time, thanks.

Stephen Zollinger:
The City's position is simply we want to manage an orderly growth. We don't want to manage your property for you until you are ready to start changing what you're doing with it.

Commissioner Weber:
Thank you very much, appreciate it. Mayor Merrill is here we'd like to welcome you. He is signed up to speak in favor. Thank you Mayor.

Mayor Merrill:
Thank you Commissioners. I'm new at this job, I've only been doing this for about six months so I am a little new but I don't think it's all that clear that Richard is older than Stephen, just for the record, but obviously I am a lot younger so anyway. I just want to say because I know a lot of people when stuff like this happens or is proposed that people get really concerned because like Stephen said, they feel like the City wants to take over your property and regulate you and all this stuff. We really have no desire to take over the world, that's not our job. We're basically wanting to avoid problems. You know like Stephen mentioned, several of you testified in favor of the septic system regulations and why be in favor of that? So that you can make sure things are done right and there's not problems down the road. That's basically what the purpose of this Impact Zone expansion is. You know if you don't want to develop your property you can keep it the way you want it, but if you do decide you want to develop it then you know it avoids a lot of problems. I can give you a couple of examples, and one is the subdivision up here on the hill of Rexburg Heights. Years ago they ran into all kinds of sewer problems, they literally had septic coming up in their yards and I wasn't even involved in the City then, I had friends that live up there and I just remember them talking about what a horrible situation that was. They came to the City and wanted to be able to hook on to the septic system, so there's just a lot of problems that we can avoid you know in subdivisions by planning ahead. Other problems that we can point out is that down on 5th West, that area is growing, there's apartments and new homes going in

down there and the road is really small and it needs to be widened. Well, if we widen it out to where it needs to be we are literally driving across a fellow's front porch. Whereas, if you are in the Impact Zone we can say hey, you really need to put your house back at least so many feet so that if this ever gets expanded were not driving across your front lawn. So it really is just to try to avoid problems in the future. We do that with Mayor Ogden in Sugar City. He and I have met several times, even though the north end is not even in the discussion here, I just want to bring up the point that we, as a City, want to work with everybody and Mayor Ogden and I we've talked about that north part if it ever develops then we'll just let the company who develops there to decide whether they want to be in Sugar City or they want to be in Rexburg and we'll let that be driven that way. You know we can work together as Cities and as County residents as a County to be able to accomplish things so that we have smart development here in Madison County and we don't run into a lot of problems down the road, and that's really our purpose in doing this.

Thank you.

Commissioner Weber:

Thank you very much Mayor. That includes everyone in favor. Sherwood Ricks is neutral. Would you come forward Sherwood? If you would state your name and your address please for the record and speak into the microphone.

Sherwood Ricks:

Sherwood Ricks 2958 S 1400 W, Rexburg. I am addressing specifically the area south of Poleline Road which is place our family owned about two hundred and forty acres and I can't say that we are opposed to this Impact Zone but, what I will say, is that what the Mayor has done you know about looking up ahead is exactly what I am here to talk about tonight. The only farm to market road that I know of is Poleline Road. If there is additional growth that takes place on that road, where's the expansion going to come? If the poles are on the north side it's going to pin on the south side. So what does that mean for me?

I don't know, at this point all I have is questions, I'd like to get some answers. But I feel like that the area is an overreach but I'm not saying I'm opposed to it. I'm not sure they heed that but the fact of the matter is if your acquainted with Poleline Road and the expansion of everything that's taken place in the Thornton Interchange that has dramatically increased the flow of traffic on that road. And somehow or another with those big trucks coming on down the hill and you've got bikers riding and you've got joggers running there has to be some funding that's got to take place. That's my concern and I hope that the Commissioners and the City understand clearly that that road is a busy road. Thank you.

Commissioner Weber:

Sherwood, thank you very much. For the information that was or a concern that was brought up on Poleline Road, the Commissioners are well aware of that safety along Poleline Road. We have started talks with Rocky Mountain Power on the future of that road; we meet monthly at RPO meeting, Rural Planning Organization, with all the players including ITD, and Rocky Mountain Power is part of that last few meetings. We're working towards that and how to address it and make it a safer farm to market road.

That concludes the neutral part; we'll go to those that would like to speak against the Impact expansion. If we could do this, there are several that have signed up which is great we love to hear from you, but if it gets to be where we're repeating ourselves, if you would like to just stand and say I agree with what's being said and save us all from hearing it over and over again. If we're ok with that, we'd like to do that ok? If you feel like you want to repeat it and say it all over, that's fine too.

The first one is Mel Dickerson, Mel if you'd come up and address us please.

Mel Dickerson:

My name is Mel Dickerson and I live at 1161 N 2582 W, Rexburg. The Impact Zone probably won't affect me because I'm eighty three years old. I really didn't want to live in the City, I've had a home in the City and I moved out in the country because I like the country. The County doesn't have so many regulations and that's the only reason why I wouldn't want to be in the City, besides the taxes. Thank you very much.

Commissioner Weber:

Thank you Mel. Next on the list is Trent Neville.

Trent Neville:

My comments are included with my fathers.

Commissioner Weber:

Trent, you're good. Ok. And that's Scott?

Trent Neville:

Yes.

Commissioner Weber:

Scott if you'd like to come up, Scott Neville?

Scott Neville:

My name is Scott Neville; I live at 2263 W 1000 N, Rexburg. I live in what's called the Hibbard area. We own lots of rent and operate property at the east end of the proposed Impact Area. Part of our farm, that we own now, is already in the present Impact Area and raise a family up close; the rest of our farm being put in the proposed Impact Area. We farm and also raise livestock on our farm for generations, farm and raise livestock on our farm. Upon receiving the notice of this Public Hearing with proposal to expand the City of Rexburg Impact area, the first question I had was, why enlarge the Impact Area? I have been told that the criteria for enlargement of the Impact Area has to be a certain percentage of growth and development within the existing Impact Area. I understand that that's what is called 70% build out within the existing Impact Area before enlargement can be done. Have each percentages of growth and development been reached in this area? I also contacted two men that were from the County Commissioners and asked their opinion on this enlargement and they were both very opposed to the expansion and of the Impact Area. They also told me that I should obtain a copy of the Ordinance and that I should study it, which I have done. This Ordinance gives me a lot of concern as a farmer and rancher. In this Ordinance it states that a lot, which can consist of 1-5 acres, that no more than 2 domestic

livestock, this includes household pets are allowed for each acre. It also states that prior to February 15, 1995 livestock would be issued to land owners that will provide that Planning and Zoning Commission the description of the land for livestock being raised and be determined what is called historical herd sites. This has never been brought to my attention and this means to me that I cannot increase the number of livestock on my farm. Two years ago I attended a meeting where now farm economist told us as farmers and producers that we were in for low economy prices. So far he's been right on it. The only advice he could give us as farmers and ranchers is that we'd have to become more efficient.

That means to me that I have to raise more bushels of grain, more potatoes and more beef per acre. This historical herd size can restrict us from doing this. Our input costs for farming and ranching will have to continue to increase and prices of our commodities are below the cost of production at this time. We are concerned that our taxes will increase and these restrictions on livestock will only add to our cost of production if the Impact Area gets enlarged. I am very concerned about the water rights and water issues where a basin is irrigated. In our area there has been City that has asked land owners within City limits and within the enlargement area to turn their water rights over to the City. This is wrong; the irrigators will lose control of the water which has been designated for irrigation. We as irrigators have been asked to conserve water and contribute money and the water to the recharge effort for the declining aquifer. This recharge effort needs to be done and we are in favor of that, but this will also raise the cost of our production. I am also concerned that our water rights and our irrigation delivery systems, canals and ditches within the proposed impact area might be compromised. I feel that our rights as property owners and livestock producers are being jeopardized with more regulations and stipulations if the Impact Area is enlarged. We, as a family, hope that you, as County Commissioners, might not; we had hopes and hopes of friends of ours, we appreciate you coming and I greatly appreciate you as County Commissioners facing the problems within Madison County. Thank you.

Commissioner Weber:

Thank you very much. Next is Stan Erikson. Stan?

Stan Erikson:

Stan Erikson I live at 2480 S 1400 W which is on the south side of town, I'm live in the Impact Area. We also farm the south side of Poleline Road. We farm about 520 acres there about half of that being owned, the rest we rent from Sherwood Ricks' family. I guess the only reason I'm really opposed to this is we already have the Impact Area 300 feet south of Poleline Road, and I don't see the benefit of going any further. They already have control of the access on to Poleline Road. I'm a farmer and as far as I'm concerned I'm not going to develop, things change. I feel like we have enough control, just the 300 feet, controlling access the on the Poleline Road. I feel that's the issue we have is the Poleline road where it's narrow and lots of traffic. I guess the only other comment I have is there's six land owners between 1100 E and Yellowstone Highway. There's six land owners and about 920 acres. I was wondering if how many of them have been talked to and asked their opinion before we got this far in the process, if they felt it was necessary to do this? That's all I have and thank you.

Commissioner Weber:

Stan, thank you. John Uhler.

John Uhler:

My name is John Uhler, I live at 2863 W Highway 33, Rexburg. My main opposition I guess to the Impact Area is that this has to be done first before the City can next day air it. So that's the first step into that process. I'm not seeing a real benefit to me and other homeowners of being drawn into the Impact Area or into the City. I don't see any benefit and I would like to see some discussion on what benefit there is and what you all think, as far as taxes and other things, that would be levied on us as we are pulled into the Impact Area and then into the City and that's my main concern. Thank you Commissioners.

Commissioner Weber:

Thank you John. Ben Donahoo.

Ben Donahoo:

My name is Ben Donahoo, my address is 1842 N 3000 W. I've been asked to represent several land and home owners of this northwest corner of the proposed Impact Zone. Included are myself, Lane and Vicki Grover, Susan Bell, Chris and Shane Cheney, Brad and Emily Hansen, Elden Rock, Scott Neville, Ann Neville, Evaline Parker, Jason Wright and Ben Donahoo. I'll do my best to represent them in conversations we had about a week or two ago. We all oppose this Impact expansion. One question that was asked is what are the benefits to us in the County? The answer is none as far as we're concerned. There aren't any benefits. Some concerns that were raised are some of the land owners have got kids and others that want to build and develop close by. Next door a lot of people have worked hard to keep land in the family, have deserved it and made it possible for their kids to live next door. They want them to enjoy the same County type life style that they did. There's no question in my mind that this in fact expansion goes through, that some of those privileges and that way of life that they that they enjoy that they want their kids and others to enjoy, that will be limited, I don't think there is any question about that. I've studied this just a little bit and it's clear to me that the expansion of the Impact Zone creates a pathway for annexation. That's all there is to it. It's clear in City code that I've read, it's been discussed already.

The Impact Zone is created, that's the anticipated direction the developer will go and the City is interested in being in control of and influencing that development. In the meeting we've had with the people I just mentioned, we're not interested in that. We're interested in development that has already happened and how it's already happened. We'd like to stay in line with that County lifestyle we enjoy. A couple of things, I'm representing myself now, I'm not representing this group of people anymore. Some of the things I feel personally is that the City is interested in a very polished handle of developments and homes coming out of the Impact Zone. It was stated in the work meeting on April 26, 2016; we want to manage it from an urban standpoint, not a rural standpoint. It was also stated that it was mentioned that the cost to take in a subdivision or residences that haven't been brought up to the City standards is expensive. Concern was raised by those who oppose this Impact Zone expansion that it is expensive. They want developers and residents to pay the bill and in my opinion create this polished handoff to annexation, that's how I feel.

I do have some questions as well. I think that Mr. Neville mentioned earlier, I understand that we need to have 70 % build out before the Impact Zone can be expanded. I read that to myself in the County Code book. So when that was passed, a question was asked on April 27th, 2016 about that. The question is, have the calculations been done to determine if the current Impact Zone is at 70% or what the current Impact Zone is at. The answer to that question was, the percentage thing is a sort of moving target. This is concerning to me and I would like to ask for more explanation about that and understand what this calculation looks like and understand if this, what we already have in the Impact Zone is filled. When I look at this map I don't see roads, I don't see development, I don't see that it is full. From my perspective, I think we're way ahead of the game here.

Commissioner Weber:

Ok, time's up.

Ben Donahoo:

Ok, thank you.

Commissioner Weber:

Thank you Ben. Chris Cheney.

Chris Cheney:

My name is Chris Cheney, I live at 1716 N 3000 W. Thank you for the time to speak to you and I'd like to second all of kind of approve everything that has been said. I'd also like to speak on behalf of the aspect of small businesses. While my business is small, I've got a plan that hopefully in the next six months to a year that I'll be able to hopefully have a couple of employees to grow my business a little bit. In speaking with the two other, there's two other prominent businesses in the area, and in speaking to those owners none of them would be able to handle the taxes that would come with the expansion of the City. While I understand that we wouldn't want to be putting this into the City currently, we're opening the door to that possibility down the road. So I would definitely like to see what the increase in tax rates would be and the regulations on businesses and that sort of thing just to also add that to the other comments. That's about all I have to say, is that I highly oppose it. Thank you.

Commissioner Weber:

Thank you Chris. Tyson Rothwell. You're ok? Thank you. Judy, back up.

Judy Coy:

My name is Judy Coy; I live at 3262 W 1000 N, Rexburg, Idaho. I am a resident of Madison County and have been for the past 27 years. Back in April, 2015 at the City of Rexburg Planning and Zoning Commission meeting where expansion of the Impact Area was discussed, I asked the question, what percentage of the current Impact Area is available for development? In response, Mr. Zollinger talked about annexation and that the current Impact Area is marginally developed. He never provided information about what percentage of the current Impact Area is built out. In both of the Committee of six meetings between the City and the County, there was never any information given in reference to what percentage the current Impact Area has for development. If you don't know what you have out there to build on and develop, why would you want to ask for more? Perhaps the City should use what they have available and then ask for more when the

need arises. The question was also asked by Tisha Flora, and I quote “if there would be any repercussions for any one being added into the Impact Area with this purposed change”. Val Christensen from the City responded and I quote. “If a property owner wants to change the use of their land they would have to follow City rules instead of County rules if they own property in the Impact Area”.

Members of the County Commission, we as residents of Madison County want to continue to live in the County, not in the City. We want to follow the County rules, not the City rules. We want to be farmers and ranchers and follow the rules that would apply to someone living in the County that affects our livelihoods and lifestyle. The City wants to control the roads in the County. They want to control the accesses, the rights of way, anything to do with County roads. I quote Val Christensen from the April 16, 2016 City of Rexburg Planning and Zoning public hearing. “The biggest reason for the Impact Area is to be able to plan areas out regarding future roads, rights of ways etc. so areas are planned out in advance”. The main desire is to control the roads, not a need for more ground to build homes and businesses. Madison County has a Road and Bridge Department that takes care of the roads in the County. They also have a Transportation Plan. The City of Rexburg has a department for their roads. I suggest that the City continue to take care of the roads and let the County do the same. We do not want the City of Rexburg to tell us how many head of livestock we can have, or be required to obtain a conditional use permit to have that livestock. The proposed change on 3000 West will cut into our farm by 300 feet. We do not want to have to call the City of Rexburg to request permission to access our farm. The homes and farms on 3000 West have been there for many years. We love the country life and desire that it remains as it is and not as a controlled part of the City of Rexburg. I implore the Commissioners of Madison County to deny this request from the City of Rexburg to expand the Impact Area. Thank you.

Commissioner Weber: Thank you Judy. Ralph Robison.

Ralph Robison:

My name is Ralph Robison; I live at 1920 N 3000 W. I seem to be shaking today. A couple comments brought up by Mr. Zollinger that the Impact Zone was created in 1995. He failed to mention that I believe around ten years later that it was expanded from that original impact zone. It expanded out into the Hibbard area and other areas around that original Impact Zone, he failed to mention that. The City of Rexburg has an agreement with Madison County with the City’s Impact Zone has been built out to a certain percentage that Madison County look at their request to see if it’s reasonable and if the Impact Zone needs to be expanded. In other words they have outgrown their pants; they needed to expand into a new pair. By definition, this limited developable space means a measurement of the scarcity of lands available for development within the existing City Impact boundary including lands within the existing City boundaries. In other words the developable space includes the city of Rexburg and their present Impact Zone. Limited developable space is calculated as lands within the area of City Impact boundaries that are at least 70% build out. The term build out includes lands encumbered by constructed structures, in other words buildings. This does not include vacant plotted lots of record. We are here tonight to have this very important question answered. Has the City of Rexburg and their Impact Zone been built out with constructed structures of 70%?

As per agreement with Madison County that we look at their need and not want for expansion. Does the City of Rexburg need a new pair of pants because they have outgrown the old pair? The same question of the percentage build out was asked Chairman Smith in the April 27th Joint Meeting. He replied, "with that percentage thing is sort of a moving target". Well, the only thing that's a moving target tonight is probably my blood pressure. I'm not sure how constructed structures, buildings can be a moving target. Either that Impact Zone has a build out of 70% or it doesn't. This is the very important question that needs to be answered. What is the percentage of the build out and that leaves an Impact Zone expansion, yes I repeated myself. We have one of the best GIS departments in the State and this should be a very simple task for them to give us this percentage. If the build out is not 70 % then we shouldn't even be here discussing this proposed expansion. Thank you, I would urge our Commissioners to definitely vote no because it doesn't meet that 70% build out.

Commissioner Weber: Thank you Ralph. Just for your information, we have three left on the sign-up sheet. Next is Cody Petersen. Cody?

Cody Petersen:

Commission, thank you. My name is Cody Petersen, 1406 N 3000 W. I have a list of names of individuals that have been represented by Mr. Donahoo already. There as follows: Wayne and Vicky Grover, Amy Latham, Matt Latham, Gene Lee, Cage Coy, Jay Hansen, Lane Hemming, Janis Hemming, Luke Grover, myself, Emily Petersen, Emily Grover, Steven Meyers, Lonnie Fransen, Wade Saurey, Julie Saurey, Rod Wren, Tammy Wren, Shane Bisbane, Sarah Wolcott, Kyle Dexter, Deidra Dexter, Rhonda Munns, Vaughn Munns, Rossane Clements, Rick Clements, Donnie Kauer, Wes Donahoo, Cathy Donahoo, Laurie Cardon and Mark Fransen.

Our views have been expressed, we appreciate that. Myself I'm, I've moved here about 14 years ago from a big city. My wife is from here and I am grateful for Hibbard and what it is. I'm sad to see it change. I hope that when change comes, that's inevitable, and I hope that's done appropriately. The question is, is it being done appropriately? I think those things have been expressed this evening. I hope the Commission will take this into account as this is continued forward. Thank you.

Commissioner Weber: Thank you Cody, Curtis Clawson.

Curtis Clawson:

My name is Curtis Clawson I live at 4439 W Highway 33 outside Impact Area, but my mother lives 2300 S 2000 E. We've already hit the one person nail on the head, not fair. You're not at 70%. Pointing at the map:

The problem with this is that the map actually looks askew. This area basically was annexed in because of the High School, correct? This is dirt, you put a High School in there obviously there is development. This makes it look like this is basically part of the City. It really isn't the same as this; this is all dirt right through here. We're going way too far. When we were back in Wrigley, Planning and Zoning in some of those training meetings we went to, one thing they said, they said if you see an Impact Area that's straight lines you're either one lazy, or two stupid. Remember that? The reason is because it' got to show the growth. This is not, these lines are not showing the growth, it's showing basically an arterial shot of what you want to have.

Well there's good to that, granted. The Impact isn't really what is there, but it is, you're losing the tool and the value of the Impact Area. The tool and the value of the Impact Area is basically to keep the two working together, the City and the County. The problem is that we've expanded it, artificially expanded it all the way down on this end. This is still should be basically be red up into here. Which would be about right, and that's about the growth. I don't know what the hell this is here. If you're looking on a basically a Planning and Zoning chart that would be called urban sprawl. It shouldn't be there, it should not be annexed in the City now. I don't why two of the properties are except somebody wants to make more money.

Planning and Zoning is not about the developers. Planning and Zoning is about protecting your people. The other thing is when you do it you don't try to go across the road. If you were to do this it should be landing through the middle of the blocks like here because in doing so, when you do it, you impact the ground, instead of the people that live on that road. There's some very simple tools, the idea is right, you've got to have it without a doubt but I'm afraid that we're losing the basic premises of Planning and Zoning on how that Impact Zone should work. Like I say, this basically should be crooked lines. You should know, as you say, 70 percent, find that boundary first. Next, see where your infrastructure is going. Yeah there's an infrastructure that sits down in here, but it's because somebody wants to develop that land. It's not because its good Planning or Zoning it's because somebody wants to develop that land it's that simple. These are things I am a little concerned about, because yes, 1995 has come into place. We put it out a little bit larger, Mr. Robison is correct, it's been expanded again, I don't why Steve Zollinger is in jail, now there's a lot of things in life I don't know. As I say, there's a lot of things here that you've got and I don't want to downplay because the value, it is a very valuable tool. You've hit it on the head. It's there, it won't have the impact but it loses its efficiency when it becomes so large. The problem is that because Rexburg is growing so fast, the tendency is you feel like you need to enlarge the Impact Area to encompass it when in fact you need to make it smaller because there are too many pieces moving quickly. This is the easy way to do it; it is not the proper way. I would ask the Commissioners basically push this back to Committee and get a reassessment on it.

Commissioner Weber:

Thank you very much. Kay or Jim Blanchard, who's presenting? You're ok Kay? You're not ok, you're going to present though? You want to hit the light on please.

Kay Blanchard:

My name is Kay Blanchard, we live in the house at the corner of 3000 West and the Highway and we own the house next door at 2995 W Highway 33. We only found out about this very late last night by accident when somebody came to our house to give a flyer. We talked to one of our neighbors and they had received something in the mail. There were several people along Highway 33 and down 3000 West who never heard of this either. One of the other gentleman said he wondered about an area around Poleline Road. How many people had actually notified and had the chance to come and express their opinion tonight. That's my concern, we didn't, there may be a lot more who don't know anything about this and were denied an opportunity to speak. That's my question.

Commissioner Weber:

I appreciate that. In rebuttal and response to that, the Commissioners, Planning and Zoning, Brent if you want to tell us, tell them what we did to advertise this.

Brent McFadden:

Legally, on anything that affects more than 200 people in the County, we only have to publish it in the paper. We did this three times. Besides that, we sent out 150 letters within the expansion and posted the properties. Anybody that was outside of it we didn't send letters to. If you got missed were sorry, but we did our best to try and get it out there. So legally, the bases were covered; we just may have missed some.

Commissioner Weber:

Yeah, you know and again on top of all that believe me we try our hardest to notify as many people as we can, we're going to miss someone. We can tell you that right up front. We don't do it on purpose we actually try to schedule these meetings so more people can attend, that why we're here Tuesday night at 6:00. We could have done it Monday or Tuesday, Wednesday, it doesn't matter, were going to miss someone. The point being is we are trying our hardest to get the word out so ok we apologize on that, we'll try harder next time.

That is all those who have signed up for Public Comment. Is there any others that we missed that would like to say something? Ok there's one back there. Two. I appreciate the information you are bringing, remember top out at three minutes.

Mary Lou Mallard:

I work with Maps. This is a map of Rexburg.

Commissioner Smith:

Sorry, would you say your name and address please?

Mary Lou Mallard:

Oh, sorry. Mary Lou Mallard, 80 North 3000 W. This is a map of Rexburg. It was done last summer. Rexburg is not growing west, it is growing east. Furthermore, the only the other comment that I've got, residents in an Impact Zone are subject to City Ordinances yet we cannot vote in City elections. That is called Governments without representation.

Commissioner Weber:

Ok, thank you very much. Not quite the right information though.

Mary Lou Mallard:

It's done out of the University of Idaho study.

Commissioner Weber:

Yeah, the fact of the matter is that in the Impact Zone, you're still under County Law and Ordinances, not City in the Impact.

Mary Lou Mallard:

That's correct, were in the Impact Zone. But the City passes laws that we can't vote on because we're in the County.

Commissioner Weber:

No, in City limits, yes. Ok we just want to make that clear because there's a lot of misinformation. This is how it gets started. So we have to be very clear when it comes out. Yes, you'd like to say something. Tell us your name and address.

James Walcott:

Ladies and Gentleman, I am James Walcott. I live on 1924 N Clements Lane. I'm just a ¼ mile to the west of where this Impact Zone will take place. As you can tell, I have an accent and I'm not from around here. I moved here from Texas 18 years ago. I lived in Rexburg for 11 years. We moved out to the County because we wanted to be in the County. I believe we are the people for the people. We have the rights. Ladies and Gentleman, when small things like this start happening, it starts infringing on what we want as our piece. It's just beginning. We're all voters. We are the people in this room. I challenge the Commissioners to stand with the people because we're telling you no. That's all I have to say.

Commissioner Weber:

Thank you James. Ok, we have received two written comments. We would like to read those into the record; Commissioner Smith will do that now.

Commissioner Smith:

First Letter: Ok, this was dated July 19th and reads as follows:

To: Madison County Commissioners concerning the expansion of the City of Rexburg Impact Zone.

I am opposed to the proposed expansion plan which is nothing more than a land grab for the City. It is a unilateral encroachment on my personal property rights and liberties. No doubt it will also come with the customary property tax increase on my agricultural land that the City Impact Zone expansion brings. This in my opinion is basis to all such land grab proposals; to further extend governmental bureaucracy. What about my Impact Zone? As is the usual case, when a public comment time period is announced, to follow the law, the decision has already been reached and not for the individual citizen. This is what happens when subdivision developers, with your blessing, are allowed to fragment the County for their profit, and put other's properties into inevitable situations such as we now face. Again, I raise my puny voice of one against the establishment in opposition to what is basically an annexation of my land and usurpation of my rights. Signed, Dave Jaussi.

Second Letter:

Dear Madison County Commissioners,

This letter is to voice my opinion in response to the action to expand the City of Rexburg Impact Area. I strongly oppose this action. First, the current Impact Zone is not 70% full; it is close to 10%.

Second, there are no plans to sell agriculture land within the proposed areas. I have spoken to the farmers & ranchers personally and they have vowed the land will not be sold till the day they die. And even then, farmers like Erickson's on Poleline road have already passed the farm on to his sons. Third, the area between north Highway 33 is majority flood plains & the Snake River there is scarce room for further development. Those are my logical reasons. Let me share my family reasons. We purposely bought a home outside the City to raise our family. I want my kids to know how to work & work hard. The following lessons are invaluable to me: mucking out the chicken coop, moving irrigation pipe, participating in 4-H pigs & horses, riding four-wheelers, watching the grain cycle, witnessing the hay swathing, plus many more. Please listen carefully to our representative Tuesday night. Thank you. Signed Brittany Donahoo, received July 22.

Commissioner Weber:

Thank you Commissioner Smith. Alright, we have received 43 names on the petition; they will be part of the record. Most of them have been read in already. We would like to invite Richard Smith back up, the Chairman of the Joint Committee and any response of things you've heard?

Richard Smith:

Let me just say, a couple of things. This Committee was put together of the County Planning Commission and the City of Rexburg Planning Commission took this very, very seriously. Many of the things we've discussed here today were discussed in that meeting. The members of the Planning Committee unanimously suggested that this happen. With the understanding that we would hear from home owners and /or landowners about this expansion. Now there's inevitable in this process. There is much misinformation that is spoken. Information about annexation, that's just not accurate. Read the statute, it is not, you can annex round without it being in the Impact Area. That is not one of the requirements. Secondly, when I said moving target that's because the 70% build out and maybe three other criteria there, are considerations. Now, when you've got areas that are bulging at the sides and expanding into that area, there are over 70% build out, yet other areas there not. I agree with Mr. Clawson here, that there's bulges here and there and there's movement. So when I said moving target, it is exactly what it means. In two or three years from now that will also move again. The point is that the 70% criteria is not a requirement. That is a consideration, one of many considerations with the Impact Area.

I don't want to get into a debate or anything, that's not the purpose here. The real issue is are we going to responsively stand up and protect the assets of this County from former planning and poor documenting? Everybody in this room paid for County roads. I personally think it's wrong that the land owner should take a County road that everybody paid for and turn it into a subdivision. We've seen it happen, saw it happen on Mill Hollow, saw it happen on the Archer Highway. Those are assets that the County residents paid for purposely those roads to move traffic. All we're saying is that through the Impact Zone Ordinance that was passed back in 1995, it gave County Commissioners the right to designate controlled access on any of the roads in the County, and they should have that right. Now if that's an infringement on your ownership of your land, I would respectfully sort of disagree. You're lucky and you're blessed to own land along the County road but everybody in the County just paid for it. Everybody expects to be able to move through the County with and if there's going to be a development or a subdivision perhaps those developers should build its own roads. That's the only fair way to do it. Understand that no one on that Committee and I really honestly believe this, I have Brent to

stand behind me on this, nobody on that Committee wants to take away anybody's rights. We just have a goal of good, proper planning. Look at how this whole thing got started because this area right down here, the lower left hand corner was annexed without any Impact Area; became part of the City without any Impact Area. In a meeting here, when was it Mayor? About a month ago there's a plat in this area right here, right there, where a 160 homes, a plat with 160 homes was presented for approval. You know there needs to be some rules in place to make sure that if that happens here, outside the City limits, that it's done in a proper way.

These are developers that are sort of out of state and their coming in to build because there is demand. We have got to be proactive; we just can't sit back and say no. We've got to be proactive and we've got to have some semblance of planning and things that is going to protect our future. Brent knows I agree 100% this area up here and these river bottoms there, you're right we've heard from the people who live there tonight. I do not disagree, that's not likely that's going to be done. There are other areas that it's legit. Stan Erickson, Stan right? I hear what you're saying, 300 feet on Poleline Road is what was a good solution, put in place to protect the road. Now that may very well be enough, I don't know what's going to happen south of Poleline Road. But I do know that if a subdivision comes in here and if a large development were to go in this, something has to be done to make sure, not only the various controlled access on Poleline Road, but there's got to be some sort of traffic study. You know more than anybody, you yourself know more than anybody the hundreds and hundreds of potato trucks that come off of that ridge. That'd be a crying shame if Poleline Road turns into Mill Hollow Road. There will be no place to bring the truck traffic off of that ridge. There needs to be some semblance of a plan. I have to tell you there's nothing in that Ordinance, nothing in this Expansion Agreement that is going to limit one iota of the agricultural practices that you have or anybody else for that matter. When we drafted this Ordinance in 1995, that was one of the reasons I got involved, because it was very evident that I was going to end up in the Impact Area and I wasn't going to have the State of Idaho come in and tell me what was going to happen. So we did it and we said listen, everything is going to be preserved. All agricultural practices are preserved. The only time the City is going to get involved in it is if somebody sells off or somebody what to put in the wrong subdivision. Then they'd better do it according to good planning practices. And they better do it in a manner that doesn't take a County road that all of you have paid for, it's not right. The developers come in and do that.

That therein lies the protection that we were seeking to do with the Impact Area. Respectfully, Commissioners, I don't want to debate this I just wish there was a way we could have some of this misinformation sort of cleared up. I think many of you could see that the wisdom of your own members of your own County Planning Commission and the Rexburg Planning Commission we're really just trying to not take away anything from anybody, just trying to stop what happens when outside developers come in, that's important. This area Commissioners, you got a wreck waiting to happen there if we don't have something there around that City limits?

Unknown Public speaking from the audience:
What area are you referring to?

Richard Smith:
Right there, lower left hand corner where this is no Impact Area around that area road there.

Unknown Public speaking from the audience:
It that Rexburg Motor Sports you are talking about?

Richard Smith:
That's Rexburg Motor Sports, that's the High School, that's the Church out there.

Unknown Public speaking from the audience:
Rexburg Motor Sports that was built too close to the road?

Richard Smith:
I don't know what that, I don't know, all I am saying is that's what is there.

Unknown Public speaking from the audience:
I'm just trying to clarify what you're talking about.

Richard Smith:
When your Church out there all that construction up here, it needs to have an Impact Area around it. State statute requires that.

Unknown Public speaking from the audience:
But that's what; doesn't the County regulate the building permit?

Richard Smith:
Absolutely.

Unknown Public speaking from the audience:
And the regulations? Then why does it get built wrong?

Richard Smith:
Because the County standards are different than the City standards. The setbacks were different than the County than the City. And the City, if a sub divider comes in, in that Impact Area and builds a subdivision, according to the County plans and then down the road is expected to annex into the City, that's where the problem lies. That's all we're saying. Nothing about farming, nothing about ranching, none of that. But if somebody sells out to a developer they better do it according the way the City requires because ultimately there going to be compensated. Rexburg Heights is another good example.

Commissioner Weber:
Thank you very much Richard, I think we got the point here, let's move on. We do appreciate those that had presented today, and made public comment. Again, this has been recorded and noted, it will be for the record.

We would like to close the Public Comment portion of the Hearing and then the Commissioners we will have discussion, we'll ask some questions and make a statement.

The 70% Brent, Ralph, Richard, you're understanding is that and Mayor, is that in writing somewhere? Is that an agreement that is recorded somewhere or is that just a mutual understanding?

Brent McFadden:

It's in the Impact Agreement that we signed with Rexburg, Sugar City, Teton and Newdale. Can I add something else?

Commissioner Weber:

Reading from our Code book here it states: "the following guidelines are intended to aid the local governments and their analysis of areas in preparing recommendations." So, guidelines is the way it's stated. Do you understand that it's a guideline?

Brent McFadden:

Yes sir.

Commissioner Weber:

So it's not set in stone that it has to be 70%. Are we clear on that or are we missing something?

Mayor Merrill:

Can I just clarify one thing too on that? One of the things that's a little deceptive when you look at the map, and everybody goes oh it's property up here, most of that is owned by Basic American Foods, it's not developed, unless they go out of business and decide they don't want it anymore. There is certain things like that; that you know unless they decide to sell they're not developable. Some of these properties up in here, the river bottoms and different things that are in the pink, but then they're not really developable. As you look at the map you have to kind of think about too that.

Commissioner Weber:

Current land use, where it's at.

Mayor Merrill:

If it looks like big areas that could be used but there's little density.

Richard Smith:

Commissioner can I add one thing? What does build out mean? Does build out mean everything has to be a subdivision sitting on ¼ acre lots? Basic American Food is build out.

Commissioner Weber:

Yeah I think that was his point. Ok, Brent.

Brent McFadden:

Well, the other guidelines is, to me, guidelines are something you follow so you can take it however you want to take it. To me that's what you should follow. That's what they were put in there for, and that's what our understanding was when we did this. The other guideline was those areas of grey that had hit the boundary; those areas are ones that are allowed to expand. We want those, we know the City has built out that far, those ought to be, that Impact Area ought to be

moved over. The same with the south on Poleline, those areas that are grey, they've gone down. Now my suggestion going south is, I guess I'm lazy, I straightened it out because if they didn't go the ½ mile that little grey corner down there, they would have been on the edge of it already. The build out isn't just what's in the Impact Area, it's what's in the City. There's empty places within the City.

Commissioner Weber:

I think that we understand that. I think where we're heading though is you know we all benefit from good planning. We enjoy great a community, because our forefathers came in and had some planning. Now, Ralph pointed out and rightfully so, there's some areas that not so good planning. The High School area, Rexburg Motor Sports, we all know that intersection fails. We know that south interchange in Rexburg fails at certain times during the day. Those are things we are trying to deal with right now as Commissioners, as Council Members and the Mayor, as Idaho Transportation because Highway 20 runs through there. We're left with kind of a mess to be quite frank with you. And it's because we failed to plan. And I say we, we weren't on the bench when that happened, so don't point fingers at us but, that's what happened. When we're looking at orderly planning and good planning, this is the process we go through. I think the question is, is it the right time? That's what I think we're dealing with right now. Is this the time that we increase the Impact Zone and properly plan? Hold your thoughts for one second. My other example is this, as I thought through this, what's coming, I have family members that when Highway 20 came through Rexburg it split their subdivision. My in-laws still live there. In visiting with them you can imagine the heartache that that subdivision went through when that Highway 20 went right smack through their subdivision, spilt them up, dead ends, but every single one of us in this room benefit because Highway 20 is in our community. Economically, convenience, but back then when that Highway 20 came in, there was a lot of heartburn in the community. Growth, when it happens, is sometimes painful but yet watch throughout history, it's our forefathers, the great planners, in this great community that we benefit from. Now it's our turn. Is the timing right, that's I think the question. Because I can tell you this, I might not even be around, might not all be around, but some day generations down the road we'll be facing the same question. Same areas, anyway, Commissioner Smith.

Commissioner Smith:

I've written lots of note here, I've got a lot of the comments that came in were what we expected. Taxes are going to go up, don't want to live by the City rules. Again, I reiterate your taxes are not going to go up until you are annexed in the City. You can be annexed in the City without being in the Impact Area. Your taxes are not going to go up. Your current use is not going to change. If you're farming, keep farming. If you want to build a new potato cellar, you can build a new potato cellar. It's not going to affect those things. You know, as I look at this, some concerns that we have in the County are this: growth is happening I think we all agree that growth is happening not just in the City but in the County. I often look and say how many septic systems we can handle in Madison County, that's a concern. Somebody brought up there's no, the growth not's going west, its going east. I will disagree with you 100%, the growth is going west, it has for quite some time. We have very little growth in the east, other than that up on the hill; most of that south east is Ag land that has not changed for years. The growth is going west. Some going south, there's commercial stuff going south certainly, we have to take that into effect.

The other thing, Mr. Clawson I like straight lines, I know you said that's bad planning but I like straight lines. You know as I look at that map we have had growth around the High School like Summerfield subdivision, growth is going to continue in that area. There's going to be homes out there, we've got to do something in that area that were right up against the line. Something's got to be moved there by, just has to be for future planning. When we talk about roads I think Richard brought this up, I live out in the Lyman area and the Archer Highway is a mess. I wish a hundred years ago when they bought that or one hundred and fifty that they would have, whoever did it, would have bought twice as much ground so that it could be expanded to a wider highway. I wish there weren't roads right onto others, there are driveways where people back right out onto it. Was that bad planning, not at the time it wasn't. They weren't expecting that area to be anything different than agriculture. Things do change though; our area is growing, so with that Jon I think some of the other things people are concerned with, the 70% thing is a tough one. You do get, when you look at that map in the city limits, and I appreciate Mayor Merrill bringing up the Basic American property, you can't just because there's vacant land in there doesn't mean it's for sale. You can't force people to sell. If they don't want to sell and develop you're going to go around them, you are going to move on somewhere. Anyway, with that being said I got a lot of notes here I kind of want look over some things.

Commissioner Weber:

Thank you very much. Curtis, one last comment here.

Curtis Clawson:

One last comment, the thing that concerns me is you're missing a process. For this pull out a hat, you basically should have had a hearing basically to put them in the Impact Area. The Impact Area isn't something you have to do every ten years. This is the same thing as everything else; it should be done slowly, with what you've got meaning that for them to be first off annex to the City, they should have said no. First, it's got to be placed into the Impact Area; there's a process that is being missed in this and that's this check and balance that will help you gain the control of what you want. The tools are there, the Ordinances around this if you're building subdivisions here Richard that are big enough, they still got to meet the County standard which is going to be basically saturation of this trans Ag or what is it up here?

Brent McFadden:

It's Agricultural.

Curtis Clawson:

Agriculture, so 16 acres per house. If you mandate itself on its size, until you actually impact. So there's tools there and what I'm saying is when you do this you take away the ability for the County to manage what it should be looking at on particular areas that need that focus, that's my concern. I like straight lines too but there's no other straight lines that work. So as I say, for this to happen something got missed. For this to be pushed out when school came in yeah, you go through the process, it's part of the Impact Area. You go through the hearing, you do it and it wasn't done.

Commissioner Weber: Alright, we're going to move on here. We appreciate the comments.

Brent McFadden:

Jon, originally the impact area north of the river and highway 33, is what we were talking about; the Joint Commission really wanted you to listen to. Not that we didn't want you to listen what's out, we felt more for the river, I did personally, that's not where it should go.

Commissioner Weber:

Right, ok. Troy and I had this conversation when we look at the map is it all or nothing or we can pare this down somewhat and the process is this; that we can pare it down, we can accept it as it is or pare it down, we just can't expand it. That's what we're dealing with tonight. So having said that, any thoughts Commissioner Smith?

Commissioner Smith:

No, I guess looking at that I do agree that I don't know that north of the river is necessary at this point. A lot of it is undeveloped; I guess I would agree with that. I guess our options at this point; we can make a motion or we can table it and discuss it later.

Commissioner Weber:

I'm going to take a privilege here and have Rod Hart make his statement.

Rod Hart:

You guys have any idea the taxes for the average home? I have a small business for taxes.

Commissioner Smith:

Again, in the Impact Area they won't go up.

Commissioner Weber:

They won't change Rod until it's annexed in.

Rod Hart:

If it's annexed in, how much is that?

Commissioner Weber:

You know that's going to...

Rod Hart:

What's the average?

Mayor Merrill:

I have a business in town and I don't know what taxes you pay, but the City levy is the lowest other than Sugar City; the City of Rexburg have the lowest levy rates in the State of Idaho. My taxes, I don't think are that much more I really don't. I don't operate at high margins to get rich anyway. My taxes are pretty manageable.

Commissioner Smith:

I will tell you this; I had an apartment building over on 5th West that got annexed into the City seven or eight years ago. My taxes went up probably 40%, I will tell you that. When it went into the City, the taxes went up because now you are now paying a City tax on top of the County tax.

Mayor Merrill:

That's other fees the City has to operate on.

Commissioner Smith:

But I will be able to hook into their sewer as well.

Unknown Public speaking from the audience:

It's going to cost you.

Commissioner Smith:

Oh yes, sure.

Mayor Merrill:

You have to remember you don't have to get your sewer tank pumped every 6, 10 years I think it is.

Commissioner Weber:

Ok, one last thing.

Richard Smith:

One comment; I have about 200 some odd acres of farm ground; it's actually in City limits. The difference between taxes on farm ground in City limits, outside City limits, boy I'll tell you it's negative, and it's almost nothing. I understand that buildings, structures, big infrastructures cost everybody in the City.

Commissioner Smith:

Yeah, your Agricultural exemption will continue whether you're in the City or not. The building I'm talking about Rod, that I owned out there, assessed value \$250,000 give or take, yeah, you pay a City tax on it. Until the Impact, as long as it was in the Impact Area though I did not pay that City tax, until I request to be annexed in so I could hook into the sewer, than I knew the consequence of it.

Unknown Public speaking from the audience:

I don't have any questions but I need some answers. What's the process now? What happens next? How do we learn what happens next? Second thing, Commissioner Smith, are we going to close the motion to get rid of that northwest corner. Are we allowed to do that?

Commissioner Weber:

Yeah, we will.

Commissioner Smith:

I was thinking out loud.

Unknown Public speaking from the audience:

I wanted to remind you of what you were thinking about. Guys, I wanted to look at what happens next is my question.

Commissioner Weber:

Ok, what happens next; we'll entertain a motion here this evening. We could table it, and make a decision later. Personally, I don't see the reason for doing that. I know I would like to have Commissioner Ricks here but I think again, we probably have enough information and have discussed this enough. I will, I would like to address Poleline Road one more time again to emphasis the importance of maintaining the integrity of that farm to market road. And to make sure that in good planning, that we're safely moving traffic. I think it was well pointed out that our fear is that as development happens and we have more access entering Poleline road with the designation of this as farm to market that it would become even more extremely dangerous, more so than it is right now. With that in mind, I think it's important that well I'll leave it at that. Commissioner Smith if you have...

Curtis Clawson:

You're just here talking about redoing what you've got up here. I'd like also to mention if you're looking at changing this I would bring in this side of the road versus this side of the road. There's no loss.

Commissioner Weber:

Curtis, good point. So that westbound 3000 West is shown 300 feet on the west side.

Curtis Clawson:

Everybody that lives on that side is basically Widows road. So, to keep it on this side and it gives them another 10-15 years.

Commissioner Weber:

I appreciate you pointing that out. I think the point being though is again to protect any access on that road as it grows.

Brent McFadden:

There was a subdivision going there, we made them have one access into the subdivision.

Commissioner Weber:

Let's finish up here.

Unknown Public speaking from the audience:

Jon, real quick question here: why can't the County take on the project of Poleline Road? You've heard from us why the County can't say, hey, this is how we're going to do it.

Commissioner Weber:

Again, it goes back to good planning, that as we move forward that we work together again the Impact Area is just to show that future development or developers that come in understand that,

that's in the Impact and as they develop that out they'll be annexed into the City and have access to the City services and that's what we're after.

Commissioner Smith:

I'm on Poleline Road and we have some other roads where it divides City and County, we work together with the City on those. Poleline is a good example; we do need work and somethings got to be done. I drive that road often and it's dangerous. But we do work in conjunction with the City because further up on Poleline, City limits does touch on that south side. But yet on the west side or I'm sorry south side, north side is city limits, south side is County. The maintenance of the road and stuff, we work together with the City on those quite well actually. We plow them and stuff.

Commissioner Weber:

Ok, I think we're ready, Todd are we ready for a motion?

Commissioner Smith:

Yeah, Mr. Chairman, I'll make the motion at this time that we accept the expansion of the Impact Area to exclude everything north of the River, Highway 33.

Unknown Public speaking from the audience:

There's only two lots right now.

Commissioner Smith:

I wish we had the GIS map up so I could see the lots.

Brent McFadden:

There's nothing there north of the River, its Zollinger's is the first place and nothing from there until the other side.

Unknown Public speaking from the audience:

It's very small, it's river bottom.

Commissioner Smith:

Ok, so it's very small. Ok that's fine. Let's do, I'll exclude, let me restate that motion. I'll move to accept the Impact Area expansion excluding everything north of Highway 33 on the west side. Is that clear?

Commissioner Weber:

Yeah.

Kim Muir:

Can I repeat that?

Commissioner Smith:

Yes, please repeat it.

Brent McFadden:
What about 3000 West?

Kim Muir:
Commissioner Smith makes a motion to accept the expansion of the Impact Area to exclude everything north of Highway 33.

Commissioner Smith:
Yes, that's my motion.

Commissioner Weber:
So that's Highway 33, if you do, you have a map, this paper here. If you follow Highway 33 west to 3000, there's Highway 33 west of 3000, Commissioner Smith are we going to the west side to include everybody?

Commissioner Smith:
Yes, I'd like to leave that as is.

Commissioner Weber:
300 feet to the west and then come down to the south. So that's proposed nothing north of 3000. With that motion being made, I'll second it and the motion stands.

Unknown Public speaking from the audience:
You mean north of 33.

Commissioner Weber:
Nothing north of 33. Ok. The motion carries; we have 28 days on this also, is that how that works?

Commissioner Smith:
Yes, 28 day appeal period.

Commissioner Weber:
28 day appeal period. If you have neighbors or concern that comes up in that 28 days, file it with the Clerk. Alright, that concludes our Public Hearing this evening; we do appreciate you coming out.

Unknown Public speaking from the audience:
Do you have any process to look at why I didn't receive the letter information?

Commissioner Weber:
Yeah, we addressed that earlier, we apologize for that.

Unknown Public speaking from the audience:
Can I get on that list somewhere?

Commissioner Smith:
Where do you actually live at?

Unknown Public speaking from the audience:
3000 West.

Commissioner Smith:
Are you in the Impact Area?

Unknown Public speaking from the audience:
Yes sir.

Brent McFadden:
We tried to get everybody in. Legally, by the State Code, all we have to do is publish in the paper.

Commissioner Smith:
We've discussed this before, the State Code is that we publish in the paper; the problem is nobody reads the paper anymore. So, if you guys can give us a better idea how to let people know.

Commissioner Weber:
Ok.

Brent McFadden:
We sent 150 letters too.

Commissioner Weber:
Ok, hey, we're going to control this meeting and get back to order. Please if you weren't on the list or you're concerned, talk to Judy and Brent. That's Planning and Zoning office, they will help with that. We do apologize if you got left out, we didn't obviously do it on purpose.

This is 28 day appeal, if you have anyone that wants to write us a letter, we'd be happy to receive it.

We'll stand adjourned. Thank you very much.

Findings of Fact and Conclusions of Law will be provided and an ordinance on both these matters will be finalized and signed at a later Commission meeting. A map and legal description will be included in the ordinance regarding the increase of the Area of Impact to the West and South.

These public hearing minutes are approved this 6th day of September, 2016.

Board of County Commissioners

Jon Weber, Commission Chairman

Todd Smith, Commissioner

Attest:

Kim H. Muir, County Clerk