

MINUTES–CITY OF ASHTON

COUNCIL–P&Z MEETING

Wednesday, April 6, 2022

6:00 p.m.

714 Main Street

*The purpose of the Agenda is to assist the Council and interested citizens in the conduct of the public meeting. Careful review of the Agenda is encouraged. Testimony from the public will be solicited for any item or issue listed under the category of **Public Hearings**. The Mayor will not normally allow audience participation at any other time. Idaho Law prohibits council action on items brought under this section except in an emergency circumstance.*

Due to the COVID-19 pandemic: Please do not attend the meeting if you feel sick or have been around those who have been sick.

PRAYER OFFERED BY: Tom Mattingly

CALL TO ORDER & WELCOME

PLEDGE LED BY: John Scafe

In Attendance: Tom Mattingly, Teresa Hansen, John Scafe, Jerry Funke and John Kaelberer.

Also, in attendance: City Clerk Stegelmeier, Detective Belew, P&Z Administrator Bowersox, Deputy Clerk Warnke, Todd Martindale, Brett Griffel, Lon Atchley, Sam Wynn, Brian Brumwell, Wade Rumsey, Luke Bloxham, Rachel Hatton and Sheryl Hill.

Mayor Mattingly welcomed everyone and opened the meeting at 6:00 pm

1. PUBLIC HEARING: *Each speaker will be allowed a maximum of 3 minutes unless repeat testimony is requested by the Mayor/Council*
Zone Change Lots E & F – P&Z Administrator Bowersox, Wade Rumsey **ACTION ITEM**

Mayor Mattingly turned the time over to City Clerk Stegelmeier who will be the hearing officer.

City Clerk Stegelmeier opened the hearing. She explained that the hearing was concerning a zone change on Ashton Lots E & F. The applicant is asking to change the zone from a low-density residential zone to a higher density residential zone. City Clerk Stegelmeier explained that the proper notice had been given and a copy of the affidavit of publication was included in the council packets. She then asked if the Mayor or any Councilmembers had a conflict of interest. She asked each by name and they all replied that they did not have a conflict.

City Clerk Stegelmeier called on P&Z Administrator Bowersox to present her report on the proposed development. Administrator Bowersox clarified that this meeting is strictly on the application to change the zoning from low density residential to higher density residential on this property. She reminded the council that following a sketch plan presentation at the last City Council meeting, the council directed her to initiate a Large-Scale Development Study which is now underway. There will be future meetings where the details of development will be discussed. Tonight's meeting is specifically to decide on the zoning of the property. Back when the City of Ashton adopted the Development Code (approx. 1997) most of the area in Ashton was low density residential. Low-density residential zoning restricts the property owner to a maximum of two dwellings per lot. This would be either a single-family home or two buildings OR a duplex. The higher-density residential zone does not restrict to the two dwelling units. It does allow more than two units per lot. There still are limits and regulations on higher-density residential zones such as the setbacks which are larger than for low-density residential and there is a 20-foot buffer zone between low and higher density zones. Any property owner or developer in the City of Ashton will be required to meet all of the rules and regulations that are included in the code. This includes maximum building height, lot coverage, setbacks, etc. The real difference between the low-density and higher-density residential zones is the flexibility that it allows. Higher-density residential zoning does not forbid single family homes or duplexes, it just allows more flexibility. In today's environment, which is different from the environment when the code was adopted, the single-family homes these days would eliminate

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a lot of people who would like to own a home. It severely limits what can be done with the properties in Ashton. This 10-acre piece of property at lots E & F, in her view in her study as P&Z Administrator has been a great opportunity for allowing the city some additional higher-density residential zoning. This is located at the outer limits of the City, the ground in the City's impact area to the north of this property is currently zoned higher density. We know that we need more housing here in Ashton for people who want to live and work here. Young people who are just starting out, people wanting to come back, people who work for the businesses here in Ashton and need to live nearby. Higher-density gives the flexibility for more housing with different price points. To recap – low-density caps the residences per lot at 2 while the higher-density gives more flexibility. There are rules and regulations that still apply and will be enforced on that property. City Clerk Stegelmeier asked if there were any questions for P&Z Administrator Bowersox. Councilwoman Hansen asked for clarification on what is the definition of 'two dwelling units'. Administrator Bowersox explained that there is a single-family home which would comprise one dwelling unit. Typically, if a single-family lives in that home but there are no rules that more than one family can live there. Two dwelling units could be a duplex or could be two buildings with living quarters. Councilman Kaelberer said that his thoughts are that with the setbacks and height limitations, the buildings could not fill the whole lot and could not be 5-story apartments. Administrator Bowersox expressed that he is correct. There are limitations on how many units per square foot of property as well as height limitations. Mayor Mattingly said that P&Z Administrator asked about the 20-foot space between higher density residential zone and low-density residential zone. Administrator Bowersox restated that there is a 20-foot setback requirement between the two zones. She went over the setback requirements for each of the zones. There is a higher standard on setbacks in the higher density residential zone. Councilman Funke asked about the minimum lot sizes in the low-density residential zone. Administrator Bowersox explained that it is 6000 square feet. Councilman Scafe asked what the minimum lot size is in the higher density residential zone. She replied that it is 6000 square feet for one or two units plus 1000 square feet for each additional dwelling unit.

City Clerk Stegelmeier asked the applicant to give his presentation.

Wade Rumsey he thanked the Council for their time and gave them some additional information. He explained that his address is 7550 S. 35 W., Idaho Falls, Id 83402. A lot of the similar things when looking at changing the zoning on the property were discussed. The property in question is Lots E&F on the original Ashton plat. It is zoned low density residential currently and the restriction in that zone is two buildings per lot. To the south of the property is other residential city blocks. Those lot sizes there seem to be ¼ to 1/3 acre lots so the plan he is showing has about the same lot size. He is asking for higher density residential. The property to the north is zoned high density residential. The property shares a boundary with the higher density property. The higher density zoning gives more flexibility in dwelling and dwelling types. The property lends itself to city services in a grid like manner so the consistency of water, sewer and power would remain consistent throughout. Higher density zoning will encourage home ownership. That's what they are hoping to for. They believe it will provide the city with more potential and positive believe economic growth. They see at as being a kind of city renewal of having more opportunity for home ownership. It will also allow better access for more future growth because of the road grid. Lastly, the developers feel it is the best use of land. The property has been vacant for a lot of years. They see more potential. Instead of it just being an open kind of weed patch, they are wanting to develop it into something nice for the City of Ashton. Councilman Funke asked for a clarification that the dwellings will be privately owned and not just rentals. Mr. Rumsey explained that that is their intent but he does not know how they could control the intent of the buyer. Councilman Scafe asked about how many bedrooms, how large they are thinking to make the dwelling units. Mr. Rumsey explained that they will follow the code. Administrator Bowersox pointed out earlier that there is a sort of chart in the code that helps guide what is allowed in that zone. There was discussion on the amount of how many units on the lot.

City Clerk Stegelmeier then opened the public comment portion of the public hearing. She then began by calling

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for the comments in favor of the zone change.

Dallas Hill, 841 Maple Street, Ashton. He explained that he is not nearly as polished at public speaking as Administrator Bowersox nor as well prepared as Wade Rumsey but he would like to share his humble comments regarding this change in zoning. He wishes that the City Council would consider some very important things in making this important decision. Specifically, the demand for housing right now is not just an Ashton issue, it is a regional issue. It presents several opportunities specifically with regard to finances. Within city limits as things develop and as additional things are approved it will increase the revenue that the city has to do continued projects and make life easier for everybody. The idea is that the more people there are to lift a piano the higher that piano will go. When we look at our town, we have an opportunity to allow these developmental opportunities to come in and to increase the dwelling numbers. Or we don't and if we do not approve then we kind of making our future a little bit obsolete. Because the demand is going to go somewhere and the demand will go to the outskirts in the county where they will subdivide larger parcels of land and try to make it work that way. What will end up happening is though, that those developments are not going to be taxable by the City of Ashton. By including it now, making preparations for it – and the code has stipulations about what will happen with the development of it. As this property changes zones and then gets developed there will be opportunities for more public comment and reviews of the plan and to make sure that it is an asset to our community and that it abides by existing standards and codes. We don't need to worry if we make a decision today to change it to higher density residential that doesn't mean we're just giving away for just whatever someone wants to come in to do. There are stipulations, still protections in place to make sure that the community is cared for in the proper manner. He just wanted to state that if we don't allow new construction in our community and we don't change a few things to make things easier. He likes the idea of this development and the one over by the ballfield and like to see that both of these get approved.

Kim Ragotzkie, 580 Maple Leaf Drive, Ashton. She explained that she lives two lots away from the proposed development. In a nutshell, she completely supports the rezone of the property. As a long time, member of the Fremont County Planning and Zoning Commission, she explained that the county comprehensive plan really guides them to steer development to the existing cities and towns where there is the existing infrastructure. Part of that goal is to protect the agricultural heritage of Fremont County. This proposal will really dovetail really well with the county's plan. The county is really concerned when a subdivision is going to take out farmland or grazing land because when it's gone, it cannot be replaced. In this case, the main use for that will be lost because for young boys it is a great four-wheeler playground right now. Although it is also currently infected with noxious weeds and is a safety hazard. There has been a child die on the property. This will not be a loss to agricultural land. It will be a vast improvement. Again, she supports the zone change to a higher density residential zone. She hopes as Mr. Rumsey works on his plans that there not be a mobile home park or short-term rentals.

City Clerk Stegelmeier read two comments in favor of the application into the record. One was from Dan and Letha Whitmore whose main point was that they hope it will provide more housing as the housing shortage is critical. The second is from Tia Cherry – her main point is that she sees long time residents cannot find housing here for their extended family which saddens her. She also explained that she cannot find housing for employees. These are just summaries; the letters are available in the full record of the meeting.

City Clerk Stegelmeier then asked if there was anyone who was unable to sign the sheet who would like to speak in favor of the development. Hearing none, she called for the comments neutral to the proposal. There was no one on the sign in sheet so she asked if there was anyone who was unable to sign in who would like to speak neutral to the application.

Sheryl Hill, 308 Highland, Ashton. Sheryl reminded the council that they all have access in the city code. She

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explained that there are differences in allowable uses under the city code for high density zoning than low density zoning. One of the biggest differences is that parking lots are allowed in high density. Traffic is one of the associated effects with moving from a low density to a high-density residential area. Sheryl doesn't think that they have been given the information that they need once again, or the public. The only thing they were given was really a letter of advocacy in favor of this zone change. She went on to say that it is not up to the zoning administrator to advocate. Her job is to provide the council with the information that they need to make the decision in accordance with the code and with the comprehensive plan. She doesn't believe that the council has been given that information and she doesn't believe that the public has been given that information. We don't even have a zoning map. There are two places that are currently high density residential and they are both trailer parks. She is sure that this was an overlay. She is sure that those were zoned high density because the trailers were already there. She asked that the council take a look at the zoning map as it currently exists before they make a decision.

City Clerk Stegelmeier asked if there was anyone else who would want to speak neutral to the application. Hearing none, she called for those who signed up to speak against the proposal.

Lon Atchley, 84 Spruce Street, Ashton. Lon explained that he has several concerns. He wants Mr. Rumsey to know that he is not opposed to reasonable development. He thinks that this plan is not reasonable. It has way too many units and way too many people. Lon lives on a street that has already been characterized, in the City of Ashton, on Sunday, as the Indianapolis 500. If you add another 200 people to that, with kids on the block, it is not a good thing. Secondly, and this is addressed mainly to the City's P&Z Administrator, and those who have spoken in favor of this already, he thinks it is time to address and the council needs to address, and the mayor needs to address, the cost to the infrastructure of this development. It is not just hooking up to the sewer line and hooking up to the water line. It's what is it going to cost in the next 15 years, to keep that all going. He would like to know, from somebody who really knows, just how much excess capacity we have to plug in this development. If it is reduced a great deal, it becomes more of a possibility. That will come, he guesses, in the future – Lon asked City Clerk Stegelmeier & P&Z Administrator Bowersox - if that is correct. They both nodded in affirmation. The last thing is additional housing doesn't answer all the questions of what we have to have around here. Mainly – it has to do with passing out free money to individuals who can't afford that. It has nothing to do with city government but we need to pay attention to the dollar signs that are assigned to this. Is it the dollar signs they are interested in or is it the citizens of Ashton, Idaho that are to be considered? Unbridled development is not the thing.

Shannon Hill, 282 Willow Lane. Shannon lives right next to the property that is going to be developed. He is completely against high density housing but is not against growth. He believes you can have both. There can be homes that can be built in there that can promote growth and there can be plenty of homes in there for what that area is good for. He is not against growth by any means but he is against the high density. First of all, he has lived there since 1997 and would never have lived there or moved there had it been next to a high-density area. He feels it would not be a good place to raise a family. He has seen some plans, he doesn't know if they are the official plans, in those plans there were some storage units being put right next to his lot. He is completely against that. He can see the storage units by the travel plaza and they are being accessed at all hours of the night. He doesn't want his street to end up like Lon Atchley's because his is a mess – especially on Sunday. It will be like that with storage units on Willow Lane. He feels that low density means low turnover so that families can stay. They want a great neighborhood like they have now. With growth in a low density, they can have that but in a high density it is going to be high turnover. He does not think that anyone is going to be able to rent that property for very much. It is not going to be affordable living with all the things that have to be done to that lot. He doesn't want Ashton to turn into Driggs or Teton County. He feels like this meeting is just like they said – just about the zoning but he feels like when the meeting started the only things that were discussed were the good things about high density from Administrator Bowersox. He thinks the good things

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about low density should have been discussed because there are good things about low density and it does promote growth. He shares Lon Atchley's concerns about the water and sewer infrastructure as well. He has had some of the councilmembers come to his doorstep trying to be elected and he is going to hold their feet to the fire when they said they didn't want things to change very much. In fact, they had said they didn't want things to change at all and he hopes that they will stick to that. He thanked the council for their time.

Sam Wynn, 242 Willow Lane. Sam said that honestly most everything he had wanted to say has been addressed very well. He thanked the council for their time. He honestly would like to see the lot developed so that it would look good. He welcomes good looking development but is against high density. He would like to see it remain the same as low density. He built his house there 17 or 18 years ago knowing that his subdivision was zoned low density. He knew that lot there was zoned low density. He anticipating the development of it at low density at a future date. He asked about height restrictions and Administrator Bowersox said that it is a 35-foot maximum restriction. He would like to see that nothing is over two stories. He has heard that the city is maxed out in capacity. He has questions about having to drill for more water, etc. It is a concern for him. He is against the storage units. He stands with Shannon Hill on that part as far as seeing the traffic that goes in and out of those over by the travel plaza 24-7. He thanked the council for their time and consideration.

Brian Brumwell, 456 Spruce Street, Ashton. Brian lives right across Spruce Street to the south of the property. He explained that right how that lot is an eyesore but he has the same concerns as many of the others tonight. There has been a couple of concerns that have not been brought up yet that he would like the city to look into as well as maybe checking with the county as well. He comes from a law enforcement background, that is what he has done the majority of his adult life. He knows that higher density housing usually equates to higher call volumes for law enforcement as well as any other first responder. Has the city actually looked into that and addressed that concern? Another issue he is worried about is the City's water and sewer system. This winter – just east of him there was a water line break, then one broke a street to the west and he can see that one has broken here at the City Building. To him that says that the water and sewer infrastructure has aged and needs to be updated. With the higher density and the increased water and sewer needs, the city is going to have to do something to cover those costs. The way the higher density is going to be – there will not be enough money to cover those costs. He moved here to Ashton from Rexburg to get away from the college kids and those kinds of situations. He has 6 kids and a big issue for his family is safety for their children. That brings him to concerns about the increase in traffic. With high density will come high turnover rates will make so there is not as much respect as there is from those who buy or invest in the community. We want to further this community; we want it to grow but we need it to grow properly. We need it to grow with people who are willing to invest their time and money into that and in high residential areas he doesn't feel that is going to happen at all. We need people who are here for the long term, who are invested in the community. He moved up here and is active in the community. He thanked the council for their time and consideration.

City Clerk Stegelmeier said there was no one else on the list but that there were two letters received that were against the proposal. The first letter was from Lon Atchley, who had been able to speak but she wants Lon to know that the Council has had his entire letter in the packet for their consideration. She explained that the second letter was from Jan Albertson who is here at the meeting so City Clerk Stegelmeier asked if she would like to speak or have City Clerk Stegelmeier summarize her letter. Jan told City Clerk Stegelmeier to go ahead and summarize the letter. City Clerk Stegelmeier said that Jan's letter, much like Lon's, was about the stress to the infrastructure. Also, there is a worry about noise and traffic that would come from higher density areas. He explained that the letter had been placed in the packets for the Council's consideration. City Clerk Stegelmeier asked if there was anyone who had not been able to sign up who would like to speak against the proposal. Seeing none she asked Mr. Rumsey if he would like to give any rebuttal or other clarifications.

Mr. Rumsey said he appreciates the comments that have been made. He said that what they are proposing is

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something that is positive growth. The land use code will be followed to a T. They are not trying to create something that doesn't exist in the land use code. In terms of density, it would be consistent with every city block in Ashton. They are willing to work with the city council and community members. Some of the comments made will be appropriately addressed sewer, water, power, you name it. The decision the Council made at the last meeting was to do a large-scale development study that will be addressed by independent firm in study to provide the information needed in order to make sure that those items work for the city. He believes that this project will create very positive growth in a controlled way in terms of providing opportunities for families who are here in Ashton to come back to town. There is a lot of nice property outside of the city limits that you would have to spend hundreds of thousands to find a place to live. Because of the area and the value of land. Here is an opportunity to provide housing and do it in a positive way within the city limits.

City Clerk Stegelmeier asked P&Z Administrator Bowersox if she would like to provide rebuttal statements or to clarify more information following the public comment.

Administrator Bowersox said that she heard a lot of concerns about the traffic, parking and other infrastructure. Again, we are in the midst of a large-scale development study based on the concept that Mr. Rumsey brought forward in the sketch plan review. If we go forward with his Class II application on the actual project we will get into those details. We will hear the results of the study and understand how that impacts the infrastructure. There was a good point made about parking. The city's code has guidelines and regulations on what parking is allowed per unit on all the different zones. Mr. Rumsey says he has all intentions on adhering to our code. He is not asking for exceptions for parking. Again, there are rules and regulations that are applied on any property with any developer in any zone in the city and we will follow them. We will get to those answers and show that we are doing our due diligence when we get there. Sheryl Hill made a good point, looking at a zoning map and we do need to get our zoning map updated. We will be going through that process shortly. Besides the two trailer courts actually the nursing home is higher density as well as another piece that was changed last year from industrial to higher density near the railroad tracks. Those updates need to be added to the map. Councilman Scafe had asked about the number of bedrooms. Administrator Bowersox does not think that the number of bedrooms is restricted in the code. She explains that the council can't apply something that is not on the code right now. She explained that there is a height restriction which is 35 feet high. The industrial zone is the only zone in which anything can be higher than 35 feet. She heard some concerns about how high density means more turnover, less respect for the community and more law enforcement costs. Administrator Bowersox explained that you cannot make those kinds of blanket statements. Unless someone would bring in statistics and show us in a scientific study. Again, our code does not allow for a high-rise apartment. Any development on any piece of property by any developer will adhere to the code. In that code it says that any developer puts in the infrastructure and if there are any improvements to add capacity, etc. that is necessary then the developer is paying for those costs. Today's discussion is strictly about low density zoning versus higher density zoning. She said there was a comment today that said she simply came to the meeting in favor of high density. She explained that that is true. She actually is in favor of loosening up the restrictions on density in the low-density zone if it makes sense. Higher density provides more economically beneficial housing for the property owners and for the City of Ashton. She thinks that the city needs to entertain the need for higher density housing. Once again, it will not be a high rise. It allows for more flexibility and her recommendation on this piece of property to change the zoning to higher density. Again, this does not mean that anyone is forbidden from building a single-family home but it gives more flexibility in building. In this environment and knowing the high demand for housing, knowing that there are people who want to live and work in the community, higher density is what the City needs to do for this property. She is in favor of approval of higher density on this property. Mayor Mattingly asked for a clarification of when the discussion or decisions will be made on whether the storage units can or will be built. Administrator Bowersox said it will be made in the next part of the process.

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City Clerk Stegelmeier closed the public hearing at 6:55 pm. She then explained that the council has 60 days to make a decision but she reminded them that this is a site-specific application and they would be under quasi-judicial rules. No new evidence or testimony can be heard or taken into consideration. Any decision made would need to be made with a roll call vote.

2. ORDINANCES/RESOLUTIONS:

City of Ashton Ordinance – Zoning Map Amendment Lots E & F – City Clerk Stegelmeier **ACTION ITEM**

The Mayor opened discussion on the application. Councilwoman Hansen asked if the Council could wait to make the zoning change discussion until after hearing the results of the large-scale development study. Administrator Bowersox explained that the large-scale development study would be new evidence and should not be taken into consideration for this decision. Councilman Kaelberer said he is concerned that that Ashton not to end up like Driggs or the Teton Valley. He wants the city to be healthy for city, business, etc. There are options after this to look at the project and shape it into something that fits the city well. Having higher density units will add to the tax base and the utility user base. It would help spread out the cost to everyone. He talked about working through the project. This decision will not be a rubber stamp. He feels that it will be beneficial to take first step and all come back for more meetings to work things out. He feels they have to take the first step. Important to give Mr. Rumsey a chance to show what he can do. Councilman Scafe said he has been listening about on the traffic and amount of people concerns and he would like to point out that some of the single-family homes in his part of the city have up to 10 people living there with almost as many cars and people flushing, etc. The low density is still going to have the traffic and would still have the same amount of people. The city cannot control who buys the homes here in town or judge whether they would be a good neighbor. There are still rules to be met and he thinks the project will look good and be an asset to the city. Councilman Funke said he has lived here many years and would like to see some good growth. However, he does feel the need to check on how to make sure the infrastructure will work. Right now, there is a good quality of life and he wants to keep it that way. Councilman Kaelberer says houses here are already pretty close together. Having higher density is going to add some more people but not a whole lot more than city is put together now. He feels it will be an overall positive benefit for the city. Councilwoman Hansen has concerns on whether to wait or vote on the amendment. Councilman Kaelberer explained that he didn't see any reason to kick it down the road because no more evidence can be heard.

Councilwoman Hansen made a motion to read the City of Ashton Ordinance 488-22 by title only and dispense with the second and third readings. Councilman Kaelberer seconded the motion. Roll call vote was called. The motion passed unanimously.

Councilwoman Hansen read the ordinance into the record by title.

Councilwoman Hansen made a motion to that Ashton City Ordinance 488-22 be approved and published.

Councilman Kaelberer seconded the motion. Roll call vote was called. Councilman Kaelberer, aye;

Councilwoman Hansen, aye; Councilman Scafe, aye; and Councilman Funke, nay. The motion passed.

3. P&Z Status Update – Administrator Bowersox

Administrator Bowersox reported that there have been a few standard renovations permits. There have been no fences or building permits, just renovations. Mayor Mattingly asked what kind of renovations. He asked for a clarification on whether a permit would be needed. She said the renovation consisted of nothing structural, a permit would not be needed. Administrator Bowersox explained that there will be future meetings on developments as the applications/information comes in to the office.

4. ADJOURNMENT

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Councilman Kaelberer made a motion to adjourn. Councilman Funke seconded the motion. The motion passed unanimously.

The meeting ended at 9:22 pm.

NEXT MEETING

- ◆ City Council/P&Z 6:00 p.m. – Wednesday, May 4, 2022 Council Chambers, Ashton City Building – 714 Main, Ashton.
- ◆ Regular City Council 6:00 p.m. – Wednesday, April 13, 2022 Council Chambers, Ashton City Building – 714 Main, Ashton.
- ◆ Questions concerning items appearing on these Agendas or requests for accommodation of special needs to participate in the meetings should be addressed to the Office of the City Clerk or call 208-652-3987.

Minutes respectfully submitted by Cathy Stegelmeier, City Clerk.

Attest

Cathy Stegelmeier
City Clerk

Tom Mattingly
Mayor