Planning & Zoning

Agenda

February 20, 2024, 7:00 p.m.

1. Meeting called to order -

2. Minutes –

3. Old Business -
   Area of Impact

   Arco Impact Agreement

4. New Business -

5. Board Member Report -

6. Meeting Adjourned -

Planning & Zoning
Minutes
February 20, 2024 – 7:00 p.m.

Attendees: Randy Purser, Mike Hansen, Matt Nelson, Tom Darland, Brian O'Kelley, Jonathan Cammack, and Jody Harrington.

City Council: Danny McCurdy, Ben Tessmer, Amanda Darland, Major Grady Parsons, and Dana Jensen

Guest: Tony Chisham, Rosanna Smith, Rebecca Lange, Nathan Hjelm & Cheryl Hjelm.

The meeting was called to order by Randy Purser at 6:36 p.m.

The minutes were approved. Motion was made by Matt Nelson, and second by Brian O'Kelley. All in favor of approval

We first welcomed the City Council to this joint meeting.

We noticed that there was a discrepancy between the map and the legal description. The only change we made was for the legal description to match the map. We removed the area above 2600 up to 2700. A small area was not included in the legal description, so we had that potion corrected and added back in. This new map would be our proposal to the City Council. Ben Tessmer stated that the map changes were more than adequate regarding what the City wanted to see as far as the Ara of Impact would go. The agreement states that the map is the record if there is a discrepancy in the legal description.

The following portion of the agreement discusses feasibility and cost-effectiveness, however, we wanted to make sure that this was worded in such a way that we agreed with the City on what was feasible and cost-effective for the residents of the county when it comes to being tied into city services.

> Section 5, Subpart A. Requirement to connect to City of Arco Sewer System & Other Public Works
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> All subdivisions within the Area of City Impact shall be required to connect to the City of Arco sanitary sewer system. The developer shall bear the cost of all public works to include, but not limited to, connection to the City of Arco sanitary sewer system within the subdivision and all costs to connect to the city sewer system from the boundary of the subdivision to the most appropriate connection point within the City of Arco as defined by the Arco City Council. Other public works may be defined by the Arco City Council such as open spaces, parks, walk paths and bridges, storm run-off, street lighting, etc. A Development Agreement is required for all said improvements that may include reimbursement criteria to the

developer as future development connects to required infrastructure extensions.

Homes within the impact area currently on private septic systems may continue to use said system until individual system failure. At the point of system failure, an analysis will be conducted to evaluate the efficacy and cost-effectiveness of connection to the city central system. Where financially feasible, connection to central services to protect groundwater is required. The County and City agree to use the Division of Environmental Quality's distance of 300 feet per Equivalent Dwelling Unit (EDU) upon which to base this analysis.

The new wording of this section is as follows:

Subpart A. Requirement for Subdivisions to Connect to City of Arco Sanitary Sewer System, Municipal Water System, and, Other Public-Works as Cost Effective and Feasible.

All new subdivisions seeking development within the Area of Impact shall be required to submit an application to the City of Arco for connection to the sanitary sewer and municipal water systems. The City of Arco shall perform a study to determine feasibility, cost-effectiveness, and best public interest of the proposed connections. When determinations indicate that connections are feasible, cost-effective, and in the best public interest, connection to city municipal systems is mandatory. Study determinations, positive or negative, shall be communicated to the applicant and the Impact Area Planning and Zoning Commission for consideration in continuing the development process. The developer shall bear the cost of all public works to include, but not be limited to, connection to sanitary sewer and municipal water systems within the subdivision and all costs to connect to the City of Arco sanitary sewer and municipal water systems from the boundary of the subdivision to the most appropriate connection points within the City of Arco as defined by the Arco City Council. Other public works may be defined by the Arco City Council such as open spaces, parks, walk paths and bridges, storm runoff, street lighting, etc. A Development Agreement with the City of Arco is required for all said improvements that may include reimbursement criteria to the developer as future development connects to required infrastructure extensions.

Subpart B. Requirement for Private Individuals to Connect to City of Arco Sewer System and as Cost-effective and Feasible.

Homes within the Impact Area currently on private septic systems may continue to use said system until individual system failure. At the point of system failure, an analysis will be conducted to evaluate the feasibility, cost-effectiveness, and best public interest of connecting to the City of Arco sanitary sewer system. Butte County and the City of Arco agree to use the Division of Environmental Quality's distance of 300 feet per Equivalent

> Dwelling Unit (EDU) upon which to base this analysis. Where financially feasible, as determined by cost not to exceed private septic system replacement, connection to City of Arco sanitary sewer system is required to protect groundwater.

We did mention that those are that are already established would be grandfathered in until their system fails. This would include anyone that is already in the process of construction, prior to the Agreement being signed.

Under Section 1. Area of City Impact, after the legal description, is a small paragraph that reads as follows:

> In situations where the boundary is a road, the impact zone shall include housing adjoining and or contingent to either side of the road itself. Property on the outside of the impact area not adjoining the road shall not be considered as within the impact area.

It was decided that this particular section would just be removed from the agreement.

We did note, that there will be more questions that will come from the public hearing and that we can address those questions at that time, and make adjustments as needed.

Last time we met we discussed that the impact area crosses the river. It was mentioned that we had discussed having the river be the boundary for the Area of Impact, however, the problem is that when the river "moves" then your legal description would have to move with it. It was mentioned that it would be a large cost to the city to develop both sides of the river, and it could change the decision on whether or not the City would even want to annex out that far.

We discussed briefly if the current zoning would be changed, concerning the zoning that is already established. The City stated that they did not see a need to change the current zoning. It was stated that we needed to make sure that our zoning ordinances were consistent with each other, and that the City follows the state standard. Any additional rezoning would be up to the "decision-making board" as that board consists of members from within the city limits and members from the county. Therefore, the zoning that is currently in place in the County, would stay the same, unless changed by the "decision-making board". "There's nothing that's going to change without going through the joint board and reapplying for a zoning change, nothing in our definitions would change anything you guys are already doing."

The City stated that the lines are slightly blurred when it comes to using shipping containers as a means of storage. "A lot of people are starting to use those as a storage and that's something that we're starting to look at is what do we want our ordinance to say, but it would not be allowed on a residential or commercial it has to be industrial in order to use ship containers." "We haven't looked at this and honestly our ordinances have been touched in better part 20

years, so we're looking at going through all these 1 by 1 and redescribing you know what's the good use of this land what meets the state requirements all that kind of stuff I don't want to see much effect and then anything would be looking out probably grandfather forward."

Ben Tessmer stated that he would be willing to look at the agreement and make the changes that we had discussed. We can then use the edited document to show the public at our hearing, where we started and where we ended up. Ben will make the adjustments to the agreement and will send it to Jody so that it can be distributed to the Planning and Zoning board for any additional questions or comments to be discussed at our next meeting.

We have some thoughts about the hearing and how we could educate the public. We wanted to be able to explain why we're doing this and maybe eliminate some of the questions that we may have at the Public Hearing

Ben stated that he would like to get back together at least every 5 years to discuss this agreement, and not wait 20 years as had been done in the past.

We decided that we would meet with the City again on the 7th of March at 7:00 p.m. The plan if all goes well, we will schedule our public hearing at that meeting.

Motion to adjourn at 7:55 p.m. Motion made by Brian and seconded by Scotty.