Planning & Zoning

Agenda

February 6, 2024, 6:30 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 6, 2024 – 6:30 p.m.

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

Guest: Rosanna Smith

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

The minutes were approved. Motion was made by Mike Hansen, and second by Matt Nelson. All in favor of approval

It was first noted that the word is out for the Area of Impact. Jody had a few residents come in and ask a few questions about the Area of Impact. They stated that they were surprised that they had not heard anything about it and were surprised that it was not in the paper. Jody told them it was not in the paper as it was not finalized. One particular resident had a copy of the map that we had been discussing. That particular map had not been released as an official map, as it was hanging in the Post office. They were concerned with some of the areas as it would include them and they were not really happy with the area that was shown on the map. I did let this particular resident know that when we post the official notice in the paper, there will be a map that will clearly show the city limits of Arco and the proposed Area of Impact.

Randy did mention that he thought the current area was too big. Currently, the way that the legal description is written, does not match the map that is currently proposed. This particular map is the one that we proposed to the City of Arco over 14 months ago. The City made a few adjustments and removed some areas that included BLM land, which cannot be included in the Area of Impact. They also removed some land that was out by the wastewater area.

We discussed that one of the areas that we should remove was quite a way out from the City. We needed to keep in mind that the map can be adjusted as the City grows.

Jody made the suggestion to remove the area along County Road and 2400 N, as it was made very clear in the Public Hearing for the KOA/100 Homes that the people in that area do not want more people or homes to go into that area. It was made very clear that the people liked their space. The space is already County so leave it as County and cut that section out. The concern for lack of water from the wells in that area was a big concern from the previous Public Hearing. This area also included a home that is on the hill, and getting water up there is really difficult and one would have to go really deep for a well.

It was mentioned that there are already quite a few houses there so naturally that would be something that we would probably want to consider leaving in the Area of Impact. Since this area is already close to the sewer ponds then it would be more accessible to tie it into the City Sewer system

It was then brought up that maybe a concern may be how the City is going to "jump" the river that runs through the county. It was suggested that maybe we could develop a "greenbelt" along the river in the future.

Tom mentioned that one thing that the City needed to consider as well, was that they do not have the water rights. They don't have the sewer capacity or the water rights.

Some cities used to sell off the water rights if they were going to be annexed, but they made them stop doing that so that the water rights would become part of the city.

The current contract states that any developer would pay for the expansion of the water and sewer at their cost as part of the project they want to build, and it would not be a cost to the City. Trying to develop along the river brings on a whole new set of problems.

We spoke about the map, and whether or not we liked it or not. It was asked if the "master" copy was being marked with the changes. If the City wants it that big, then great, but we are thinking that it may be too big. Does it matter to us on the size, after all the County is still doing all of the permits. The only way it impacts the County is if we have a developer coming and wants to do something in this area. We would then need to get together with the new "decision-making board". This "decision-making board" would then decide where that development needs to go, and where roads would need to go. How is that going to impact us? What impact is that going to have on the City? Will it be annexed into the City? Which brings up the questions, Who is paying for the water? Who is paying for the sewer? Who is going to cover those expenses?

The ordinance is going to have to be thought out very carefully so that there are no issues now or in the future. How is that going to impact the city? How is this going to impact the county? These are very important questions that will need to be addressed in this process.

It will have an impact on the county if the fees go to the city. However, once this area is annexed into the City, then the city would take care of the permits.

The map currently shows that the Area of Impact goes up to 2700, however the legal description cuts it off at 2600. We talked about whether the map should be what the legal description states. Section 3 states that if there's a discrepancy between the map and the legal description, the map shall control, subject to any other provision of the ordinance. We were in agreement that we wanted the map to match the legal description. There are a few areas of the map that are missing from the legal description.

There is a question in regards to the small paragraph below the legal description that needs more clarification as it is very confusing. It is 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 impart area not adjoining the road shall not be considered as within the impact area."

It was mentioned that it was written in the contract that we should review with the City, at a minimum, every 5 years and could renegotiate if we saw that there was an issue.

A motion was made by Matt to accept the map as per the legal description, with the updated areas that are missing. Jonathan seconded the motion. All in favor

It was brought up, in regards to the map, about what to do if the City wanted the section that we want to remove, replaced. The City did state that they want to revisit this in the future, and it could be changed then if needed.

We moved on to discuss the contract. We want to make sure that it has everything that we want in it. The contract as it is now was a draft given to us by Kurt Hibbert. It is not the official contract. We want to make sure that everything is in order as it will be the official one that the City and the County will agree on.

According to Section 5 of the contract, we as a board need to make sure that our County plan matches the City plan. We need to make sure that our zoning ordinances match, this would include, the Subdivision Ordinance, as well as the Mobile Home ordinance, and any future permits. The zoning as it stands right now is in question, as the largest portion of commercial ground is currently in the county. We discussed that we were under the impression from what Kurt told us that the zoning would stay the same. We need to make sure that is the case so that it does not affect those who are already in established zoning areas. We need to discuss with the City, if their zoning is the same as ours, and whether or not it will change. This will have to be discussed and made part of the contract. We need to be on the same page.

We discussed previously, that the members of the Butte County Planning and Zoning Board that are in the Area of Impact will be on the "decision-making board".

One issue is that the City is going to want people to connect to the sewer and septic. The City has not been making residents connect that should be connected at this time. This is not being done because the City does not have the capacity or the funds to do this.

The second paragraph of Section 5, under Subpart A, is very subjective. This needs to be taken into consideration, as those that already have a septic, will have to tie into the City when their septic fails. This particular section needs to be clarified, as it is not black and white. There was a situation where a resident wanted to put in a home and a septic system. They met with the city and were told NO, they had to tie into the City system. At first, it was going to be $10,000, then it went up to $30,000. They were treating him as a developer and not an individual who wanted to only build a single-family dwelling. There was an individual, that is in the city limits just down from the sewer ponds, that was allowed to put in a septic for his residence. This is a very important item that needs to be made very clear in the contract. It is a situation like, who you know and how good of a friend you are, with certain Council members, and that is not the way that we want this to be.

We know that there are a lot of Butte County residents that are in this Impact Area and they are not going to be happy with all of the changes that we are considering.

We need to make sure that the septic issues are clearly established. This will have to be discussed in great detail so that it does not just benefit the City, but it benefits the residents that are in the Area of Impact, as they will be the ones affected.

The second paragraph of Section 5, under Subpart A, needs to also be more black and white. We need to make sure that it is very clear what the cost could possibly be. We need to make sure that we are all in agreement on what is "financially feasible". This is a very grey area that needs to be written so that it is very clear for our residents.

A suggestion was, to change the wording to something like, "If the cost of time to the city is no more than 2 times the cost of your

repair septic system: or, something kind of tangible, "that protects the landowner but also protects the city." "The cost to attach to the City sewer should not exceed the repair or replacement of a private septic system."

We need to make sure that the cost is financially feasible. The cost of putting in a $5,000, to $10,000 lift pump is not financially feasible. What may be financially feasible for one may not be financially feasible for another.

> "Your cheapest septic is pushing, 6 to 8 thousand potentially up to $10 grand, then, in addition, then there is the cost to put in a 4-inch sewer line which will cost about $20 a foot. One could put in 400 feet of sewer line for the cost of the septic system. Some people live farther out, and they may have to put in a lift station, to get them to the closest tie-in spot, and that does not bring into account easements, and that brings up other issues as well". There are several issues with easements as they have not been properly maintained.

There are areas where things have been built right over septic tanks and properties with storage sheds built right in the easement. It should be up to the City to get the proper easements for the residents that will have to eventually tie into the City.

> "As a city, you know they're dealing with city stuff all the time, and are they aware when they wrote their ordinances, as things change with this area of impact, are they aware of some of these major things that are going to crop up with this area of impact? For example, like the sewer stuff, maybe they're clueless, maybe they're not quite on the same page because it's new development for them, new ideas for them, you know stuff that's normal for the county residents."

We need to make it fair, instead of subjective. We need to clarify all of the potential issues that may and most likely will come up in the future. Maybe we need to just put a question mark by "financially feasible" and discuss it with the City and work it out.

Maybe we need to have it so that if it is just one home, they can do a septic, if it is two homes, they can do a septic. However, if a developer wants to come in and put 100 homes, then they need to make it so that the developer has to tie into the City and pay those costs.

Are those homes going to be grandfathered in, and not have to tie into the City until their system breaks? If a home is built after we are annexed, it would need to be connected to the City.

We again agreed that we also need to clarify the paragraph that is below the legal description, which discusses boundaries and houses that are on the boundary of the Area of Impact. Is this even something that is needed?

Matt agreed that he would oversee the presentation that we would present at the Public Hearing. We want to make sure that it includes the County's side of why we need an Impact Area. The City then needs to also have a presentation on why the City also needs an Area of Impact.

Do we need to have the county attorney there to answer legal questions at the Public Hearing?

> "My only concern about potentially bringing in the legal side of it at that particular meeting is it could just steamroll or avalanche out of control, and maybe get us off on tangents that we don't necessarily want to be on at that point in time. And you know, honestly, the public meeting is an educational meeting. We can then take the feedback from the audience, kinda like our last big Public Hearing, and then as a board we can discuss and go over all those avenues and stuff. I don't know that we necessarily have to prove ourselves through legal channels at that meeting, letting them know that we have looked at all sides that we can. As a committee, we're diverse. We are coming from different parts of the county, and the city, and we have come together, and these are some of the things that we think are in the best interest for growth in the area,

and this is why we consider this and this. We need to make sure that everybody recognizes that it is a working document."

The next meeting will be on February 20 at 7:00 p.m.

Motion to adjourn by Jonathan, seconded by Hayes at 8:03 p.m. All in Favor.