

PLANNING AND ZONING
Meeting
Wednesday, January 21, 2004
7:00 p.m.

PRESENT: Mike Davis (Chairman), Linda Crapo, Rod Dalling, Kurt Eidam, Dirk Mace, Kirk MacKert, Kip Martindale, Connie Ottesen, Bill Smith, Rich Zimmerman, Karen Lords (P&B Administrator) and Cathy Winters (P & Z Secretary).

OTHER ATTENDEES: Weldon Reynolds (County Road & Bridge Supervisor), Owen McLaughlin (District 7 Health Department) and Project Representatives.

WELCOME: Mike Davis called the meeting to order at 7:08 p.m.

MINUTES: Rod Dalling motioned to approve the minutes as written for the Nov. 17, 2003. Dirk Mace made the 2nd motion, minutes approved unanimously. Dirk Mace motioned to approve the minutes as written for the December 1, 2003. Bill Smith made the 2nd motion, minutes approved unanimously.

**Public Hearing – Variance to split parcels – Island Park Village
Resort/Rick Byrem**

Mike: Karen has all the proper notices been provided?

Karen: Yes, notices to the property owners were sent. Legal Notices were published in the newspaper and the property is posted.

Mike: Any member of the board that would have a conflict with this proposal?

Rich: I am having a conflict, as I am involved in the project, I will step down. Rich moved to audience.

Mike: Any other conflicts – none. Karen will you read the reports and any letters or comments received?

Karen: Read reports & Letters, and passed out pictures. (See packet) I have attached the variance review checklist if you would like to review it for a moment and ask questions.

Mike: Any letters?

Karen: No

Mike: Sign up sheet?

Cathy: No one signed up.

Mike: Any questions for Karen?

Rod: Does it not meet the variance checklist?

Karen: It does not, no. The questions that it is asking, is basically having to find one of the 4-5 reasons I listed for a variance to be requested. It does not cause undo hardship, doesn't conflict with compatibility in the neighborhood and go back and read A-H. Each of those questions I have to go through and research from what I know about the property involved and the development code. That is what you are reading

Mike: Any other questions from the board? No questions.

Mike: I would like to remind everyone any and all statements made this evening are to address the merits of the proposal on this development and should only address the compliance or lack of compliance according to the Fremont County Comprehensive Plan. Time limits imposed to 3 minutes.

Rick Byrem: Some things have changed. The association feels they have a 5-acre partial. It was surveyed in 1999 and was determined it was 5 acres. What Karen and I realized, part of this 5-acre survey was actually 2/12 acres inside a portion of Block K in the IPV subdivision and another was an unplatted portion that we will be presenting to you tonight. There are 2 distinct parcels that we are dealing with tonight and have to be treated separately. What we dealing with tonight is a 2-1/2 acres that has not been platted and is not part of the IPV Association. The Association still wants to sub-divide the property because it is more marketable, it will have 2 1-acre properties there rather than 2-1/2 acre parcel. Consider in the terms on the variance the interpretation of the code, our feeling and our belief that the code states where central water and sewer available under the code we should have lots and small as 1/2 acre. We question the decision Karen made with central water and sewer – our interpretation of the code is if you provide sewer and water you can have a density of one per every 1/2 acre. Precedence with the 1994 Yellowstone acres density was smaller due to water and sewer. It is my understanding that if we had 6 acres we could do 12 lots by providing water and sewer. We hope the board would consider that because we have central water and sewer we could have lots as small as 1/2 acre and all we are asking for is 1 acre lot and 1 1/2 acre lot.

Mike: Any questions for Rick from the board? I have a question? Originally this was proposed as medical facility – it would now be located at Ponds Lodge. What is the purpose of this proposal, we knew we were stepping close to rules but because of the medical facility we considered this. We were concerned then, but considered the Island Park area was interested in the Medical facility.

Rich Z: The clinic has leased property at Pond's Lodge for 1 year to give it a trial. We have been in process for 1 year if the clinic goes for 1 year they will be interested in purchasing property later, we are still talking but there are no guarantees, we want to continue process have the parcels available for the clinic if they decide to move within a year, it not it is economics to have this proceed because we have put a lot of money into it to make it happen.

Mike: Any other questions? Open for public comments? No one signed up but is there anyone who would like to comment on this proposal?

Mike: The meeting is closed for public comment. We will open for board discussion. Any questions for Karen to clarify?

Kirk: We talked stipulation on variances; we looked at this with respect to the clinic going in there. We don't want to open this up for variances for no real reason. We had a real reason when we were giving consideration to the health clinic. We looked at applying stipulations to these variances what would the consideration be if looking down the road to the future of Island Park if the clinic doesn't fly at Pond's Lodge having this variance in regards to that the health clinic only.

Karen: We don't know what will happen with clinic it might not even happen at Ponds. I think when we were looking at this 2 months ago the idea was we weren't trying to benefit just IPV Resort, we were trying to benefit the city and the county people of IP. Now we have another unknown again we don't know what is going to happen with the clinic. Not taking away the economic benefits of this parcel of ground because the board can sell the parcel as is. In reference to what the code requires you look at a economic hardship you're taking anything away they can still sell the parcel as is. Code requirements say that when a land division happens one half of a land division has to meet the density requirements, the density requirements are 2.5-acres. Down on this end, we tell people that they have to have 5 acres to start with because ½ of that has to maintain 2.5-acres or more in size, the other half has to remain no smaller than one acre in size. In the particular situation, half of the parcel could go as small as a .5-acre parcel, but the remaining half cannot make the 2.5-acre density requirements. They can hook to community sewer and water. The code was written to have a density; if they had 6-acre parcels then we could look at it realistically. To me you are opening a door that the code was not written that way when it was put in place in 1992. It was to put in place to create parcels large enough out there so we had an open space criteria. If we start splitting 2-acre parcels, we will have to do it up and down the entire county and you are not going to have community sewer and water from Ashton on down. You will have individual septic and water. It does not meet the density requirements.

Linda: I understand there is already a doctor in Ponds doing business.

Kip: They may want to have a branch office in the future, we can always return to this if they show interest.

Karen: The developer has another option that we have not talked about. They can re-plat IPV Subdivision. They can take this 2.5-acre parcel of ground and plat it in so it becomes part of the original parcel of ground and go through and check the density and there would probably be enough density there to meet all the requirements because they actually put in two parcels.

Rod: What is the cost for them?

Karen: Hearing Process fees. They are probably up to \$400, plus expenses of the surveyor, just to get them to this point right now. What it would cost to replat varies from surveyor to surveyor.

Linda: The fact still remains it still doesn't fit.

Mike: We have talked about this before, we need to readdress some of our codes changes but currently this is what we have to work with.

Karen: If the parcels are split, they can introduce commercial businesses that may not have anything to do with a health clinic. We have to look at what kind of impact that will have on the neighboring area that surrounds these two parcels. They would have every right to come back in and request other businesses such as Wal-Mart. Not saying it will be Wal-Mart that would be extreme. But they could put a Wal-Mart type business on 2.5-acres.

Mike: There are other options they can do. They don't meet our requirements and regulations. I'm concerned about opening a door, when it does not meet code.

Karen: The board has to make their own decisions. My feeling is, if they came back in and replatted and make two lots they will still have one lot available if something happens if the clinic doesn't work where it is. They can still offer them a parcel of ground that would still be hooked to community sewer and water. My concerns when I spoke with Rich, if it does fly, they need to offer more services with the clinic. They need to have a big enough parcel to address parking, if they need to add on to the building and provide bigger and better services. They need to have a big enough parking that they can do that with. They have one access approved by ITD.

Mike: What are the parking requirements?

Karen: At least five parking spaces it doesn't break it down into employees, you will need a handicap space, employees and clients.

Mike: Any other questions for Karen or comments?

Karen: Keep in mind you can challenge what I've written down on the checklist, if you don't agree with my research you are more than welcome to challenge.

Kirk: I think as a board we need to make the best decision for the overall development of the county, look at the growth and what we want to do with the growth and what direction we want to take, we need to follow through with that. It is our decision and our responsibility.

Mike: I agree, any other comments?

Kirk: I make a motion to deny the variance at this time.

Connie: I 2nd that motion.

Unanimous

Public Hearing – Appeal and Variance – Setbacks for Building 444 North 1800 East - Brandon Grover

Mike: Karen has all the proper notices been provided?

Karen: Yes, notices to the property owners were sent. Legal Notices were published in the newspaper and the property is posted. In your packet, you will see the drawing right after the notice of appeal application. I tried to hand draw on it so you would know what the dimensions were. He is showing driveways coming out in this direction so this would be coming off the county road into his driveway. I am passing around pictures.

Mike: Any member of the board that would have a conflict with this proposal?

Dirk: I am having a conflict, as I am involved in the project, I will step down. Dirk moved to audience.

Mike: Any other conflicts – none. Karen will you read the reports and any letters or comments received?

Karen: Read reports & Letters, and passed out pictures. (See packet) I have attached the variance review checklist if you would like to review it for a moment and ask questions.

Mike: Have the board members had a chance to review checklist? Any questions for question for Karen?

Bill: Explain the site?

Karen: Explained site (see packet and pictures for details)

Linda: Can they use any of the foundation?

Karen: Yes part of it.

Mike: Any letters?

Karen: Yes, letters read (see packet)

Linda: Neither of these letters are adjacent landowners.

Karen/Mike: Correct.

Mike: Any questions for Karen?

Mike: Is there a sign up sheet? Sign up sheet given to Mike.

Mike: I would like to remind everyone any and all statements made this evening are to address the merits of the proposal on this development and should only address the compliance or lack of compliance according to the Fremont County Comprehensive Plan. Time limits imposed to three minutes.

Brandon Grover: I mentioned before it says by not building I will not have a hardship. That is incorrect. For two months I have suffered a loss due to lack of production by not being able to complete the building. I feel there is a not specific amount of room to do it. It also says I can build 10 feet in back but 20'x 20' does not meet the demand as to what is going on in my business. It does say I can go 10 more feet but you're adding a bunch of small areas, from my perspective, I need to have enough room to accommodate my workload.

Mike: Any questions for Mr. Grover?

Mike: The proposed shop is 36 feet across by 22 feet at the widest point. From the furthest point, at back of existing shop where your proposed addition you have a little over 40 feet between your back property boundary in reality if it was turned 90 degrees it would still make it four feet wider than your existing shop and still go back the 36 foot length and that would still allow you your 20 feet setback from your back boundary.

Brandon: If I came four feet over, it is too close to my pump shed.

Mike: I'm going the other way, from your existing shop to the North; you have approximately 24 1/3 feet if you turned the proposed shop you have. You can still make it four feet wider than your existing shop, it could still run back the 36 feet in length and it would still meet over the 20 feet setbacks.

Brandon: I can't move 36 feet, back I would have to move everything, and I'm barely making it as it is.

Mike: If you have 21.82 feet have the width of the shop and add 40.5 feet to that, that's 6 feet, if you turn that it is 36 feet you're still going to meet your 20 feet setbacks.

Karen: Setbacks from rear are 30 feet. Sides you have to have 20 feet.

Mike: You can go straight back.

Brandon: Water, propane etc is in the back where the jog is.

Kip: What is the footings depth?

Brandon: 30". I understand you can allow variance.

Karen: A variance can be allowed in older subdivisions where they have CC&R's. The subdivisions rules are met first before county regulations.

Mrs. Grover: I request Brandon expand on the reason the building is designed is such a way.

Kirk: You brought on the hardship, by not getting building permit.

Kip: Any fire control measures in the building?

Brandon: Fire extinguisher.

Kip: What about fire and safety issues, will the fire department have access with a setback of four feet?

Karen: One wall of the building does not meet setbacks.

Linda: Can most to the existing foundation can be used?

Karen: Yes

Mike: We want to see growth and business come into this county – everyone in the county should know the rules and regulations – you should have come in and met with Karen to make any changes to meet these regulations.

Mike: Any questions?

Connie: If we allow you to build and your neighbor wants to build next to your house, if we give you a variance your neighbor could want to do the same thing.

Brandon: I see you want to make one law and everyone has to conform to it.

Connie: You have property you can work with.

Kip: This is an issue of life and safety.

Karen: If the property owner next to you wants to build, we have to have setbacks for fire safety – two roofs that close together would not allow the fire trucks entry.

Brandon: What about St. Anthony, where they have five feet?

Karen: Cities and counties are totally different and have different codes.

Mike: Any more questions? I would like to open for Public Comment. I would like to remind everyone any and all statements made this evening are to address the merits of the proposal on this development and should only address the compliance or lack of compliance according to the Fremont County Comprehensive Plan.

Time limits imposed to three minutes.

Milton Nelson: I'm blind and my wife can't hear. I worked under a handicap for 55 years; I feel that if Brandon cannot make this change it will be a handicap. My wife's son is Ronald Hunter that owns the property to the north of Brandon; he will sign a variance that he can build that close to his property, if you want it in writing. We are neighbors across the street and we use Brandon in his profession. We would appreciate if you would let him continue with it.

Larue Nelson: My son has a vacant field next to Brandon, if you are worried about fire; it is about 80 ft to the closest building. It is a vacant lot; they could have access to get in and out of there or anything. My son has given his full permission for him to build close to the line.

Mike: It would make it a lot easier on us if your son would sell him an additional 10-15 feet.

Mr. Nelson: That could be a possibility if you put a little pressure on him, eight feet isn't all that much.

Burke Hanks: As a member of the school board, I would ask first and foremost, that you would consider a variance for Brandon. I've heard the discussions and you have created a hardship, granted he should have come up and bought a permit. But, in the meantime, he sat and waited for this hearing. As a member of the school board, my concern lies with tax base in this county and the support of the schools in general and I think it does a great disservice to this county and to the children of this county for you as a board to make it so difficult. I think it would behoove this and the taxpayers and the children of this county that this process be more of a friendly thing and it be sped up. You say that it hasn't created a hardship, I have watched Brandon work in his shop, and it is cramped. I know that he has approached his neighbors for ground and they turned him down. I know that the setbacks are for safety reasons, but at the same time, you as a board, use discretion in making those, you are concerned about precedence. As a school board member, we deal with rules and regulations day in and day out and at every school board meeting practically; we deal with rules and make variances for them. Each individual deserves the courtesy of being treated as an individual. As far as fire protection, I'm not a fire fighter, but I have watched them work and I don't think there is concern there. I don't think there are any neighbors that have any problems. He is a one-man operation, sole proprietor, you say it won't cause a

hardship, I disagree, and as a sole proprietor any additional financial burden creates a hardship. How much of a one, I don't think any of you wouldn't know and I wouldn't know, he would. Growth and regulations, I realize that you are trying to somehow to have control growth or have the growth be organized. I also ask you to achieve common sense. I would like to go on, because as a school board member, and building of new buildings in this town, I would like to address that issue but this is neither the time nor the place. But I would like to be invited back at another time to tell you what our experience was as school board members trying to build a nice new facility for this county for better education. Thank you.

Randy Grover: Brandon's father and also the P & Z administrator in Clark County. I'd like to address a couple of things to the board, because I address them all the time. As we work with the Comprehensive Plan that you guys work with everyday it is really difficult, there are rules and regulations. Sometimes there is something that happens different and we have to have a variance. Number one on the chart says that the parcel of property does not quite fit the mold. Brandon has problems with his property, true, when he bought the property it already existed. On his east wall and on his south wall is a ditch that runs irrigation water that causes sub. The only opportunity he has, is to move it on the north side. If he moves closer to the ditch and has footings three feet deep, the possibility of the water from that ditch will come underneath. So he has to go north where there is no ditch at all. Going back to the animals, the person who owns the property to the east has a 160-acre field so you as a committee can stop him from having animals 8 feet from his property. What is the purpose of a variance? It is when the property does not quite fit the mold, so Brandon just come and said this property doesn't fit the mold, if I can just turn my property to the left and encroach my neighbor if he allows that, he will not have any problem with the property, he is not reaching over his boundaries, he is not causing a fire hazard because the property next to him is owned by his neighbor, it is a vacant lot but it is owned by his neighbor. The neighbor that was here a minute ago said that there is no problem; he doesn't want to sell it to him. He wants to stay in this county and he wants to build in this county. He is a cabinet man, he loves what he does. If he doesn't get this variance, his only option is to move and go someplace else that will allow him to build his business. I would just ask you as a committee to think about that. Not only think about his property think about his livelihood. Now true he made the mistake of not getting a building permit. But he did for the first part, there was a shanty behind it that he thought could be torn down with the first permit, but he was wrong and he admits that. When they came and confronted him he stopped the work right there, he did not continue on and he is doing business in a small area doing the best he can. So he has waited three months for this hearing and now he wants to move on with his life. So it is your decision what happens, so think about it, he is not trying to change the regulations. He is trying to make the mold fit.

Mike: Any one else like to speak on this proposal at this time? The meeting is closed to public hearing and turned over to the board. I don't feel like as a board, in my opinion, that anyone on this board is trying to get anyone, I don't feel like we are trying to drive business away or cause problems that way. As far as procedures, as we found out from our land use attorney, our P & Z committee are held to higher regulations than the County Commissioners, City Councils and the Mayors, and School Boards. The variances that we have are things we might possibly need to address in our code amendments and changes. As of right now, we have codes we have to abide by. I'll turn it over to the board for discuss

Kip: In November, we gave the option to redesign; we did not want to discourage his expanding business. We want him to continue on, talking about a financial burden that could have been avoided by contacting planning and zoning. The only option he has now is to purchase additional acreage or to redesign for us to comply and not make ourselves liable for further lawsuits.

Kurt: Issues came up about propane storage and water faucets, those are minor. When it comes complying with ordinances and state statues. Moving an outdoor water faucet and propane tank can be done in a couple of hours, those are not issues we ought to change or look at as variance, we just going to open up another situation where if we do it for him we will have to do for others, we cannot do that. We are trying to do the best to our knowledge to uphold the code. We want to encourage businesses, most of us are business owners and we have to go by the code.

Mike: Another thing I want to mention to the audience, whether it applies or not, by state law, the Planning and Zoning Committee, you are allowed to sit here and listen to our discussion and if we make our decisions in front of you people. There are no closed doors, no executive session: we don't do it in hiding. We are required to do it all out here in the open. That is a state law that is a requirement. I want you to be aware of that.

Kirk: There is one misconception, when we talk about a variance; it is based on criteria that we have to go by.

Linda: There are other options in this case.

Kirk: There are specifics reasons that we have to look at.

Kirk: I make a motion to deny to variance, because there are other options that are very viable.

Kip: I 2nd the motion.

Unanimous

Recess 10 minutes

Public Hearing – 7 Lot Subdivisions – Chester Area

Rick Byrem/Sid Eliason

Mike: Karen has all the proper notices been provided?

Karen: Yes, notices to the property owners were sent. Legal Notices were published in the newspaper and the property is posted.

Mike: Any member of the board that would have a conflict with this proposal? No member has a conflict.

Karen: Handed out plat maps, then read report. Eliason came in this summer in 2003, Jason Roy Lance from Pocatello came in and he did a project on the property near Chester Dam and was proposing four long narrow lots. Mr. Eliason purchased property and is proposing 7 lots. Read reports. We will need verification from developer regarding development agreement.

Mike: Any questions for Karen?

Rich: In the report you say a 30 foot private easement on the plat it says 20 feet.

Karen: We need to clarify what it is going to be 20 feet or 30 feet.

Mike: Any letters?

Karen: Read letters (see packet). Karen passed out pictures taken in winter & summer

Mike: Any questions at this time?

Connie: Refresh my memory as to the location of the property.

Karen: Gave location and directions to the property.

Mike: I would like to remind everyone any and all statements made this evening are to address the merits of the proposal on this development and should only address the compliance or lack of compliance according to the Fremont County Comprehensive Plan. Time limits imposed to 3 minutes.

Rick: There are a few changes from the first sketch plan we presented in November. On the sketch plan, we showed an easement accessing Mr. Lawrence's property the small triangle of land in the southwest corner of this property, we decided that rather than have the easement go through the middle of the project it is best to have an easement on the south boundary. At the present time, Mr. Lawrence owns that property. It is really small, there are no buildings or improvements on it, it has fishing access on the Henry's Fork. They do not have legal access to the property. By permission, they would drive across the south fence line to access their property and go fishing. One of the things the board requested was to grant a 20' easement along the south boundary of the property to Mr. Lawrence. This access to his property will be a deeded easement and shown on plat. We are going to eliminate the common area. There will be three river front lots, four with no legal access to the river.

Karen: You will need to show flood plain on plat.

Rich: We will do that; it is about three feet above the 300-year flood plan. I will actually go out and determine the elevations on the property and it will be verified and certified on the final plat.

Mike: Any questions for Rick?

None

Mike: At this time we will open to public hearing. I would like to remind everyone any and all statements made this evening are to address the merits of the proposal on this development and should only address the compliance or lack of compliance according to the Fremont County Comprehensive Plan. Time limits imposed to three minutes.

Larry Simmons: I own property at the end of 2950, we run cattle there. I am not for or against the development or this subdivision. Any increased pressure on that road needs to have some increased development. The road is a dead end and turns into a one lane road at the corner of my property that has a turn around on the border of mine and Bills Fuchs property. Any addition building in that area is going to use the river access there that is provided by Mr. Fuchs and myself. Last year we had some serious problems there, with access as a cattle truck came in and could not get through because of cars parked there, he had to back out to Gail Blanchard's house and back all the way back in, that created some problems. Another fisherman from Oregon got stuck trying to access the water, he started swearing and I asked him if there was a problem, he said _____ that the access needed to be fixed up. He acted like I should fix it up for him, I called the Deputy, as I didn't want to cause any more aggression on that gentleman's part, his lawyer might want to find me. The deputy came out, according to the county ordinances there is not supposed to be any parking on the roadway, I asked him to write some tickets, he said I could write some tickets, but they will just tear them up. This was the same deputy that had written me a speeding ticket two weeks previously, I didn't know that was an option or I would have torn my ticket up. Anyway I'm concerned about the roadway there, I'm not against the development. That is county road, with no easements written and the county road ends at the corner of my property. The county maintains it, but in the state of Idaho there is not supposed to be anyone parking on the roads. There is no room to park they have the ditch on one side and the river on the other. As it is you have a 1-1/4 mile cul de sac, which according

to FEMA nothing over 500' should be allowed for health and safety. There are some serious health and safety issues on that roadway. I've talked to member of your county, today, I was in the Farm Service office trying to get help so I won't have the same conflict as I did next year. Approximately April 15th through September, the reserves, too much pressure it is unbearable for that little area. We are currently working toward a solution but it has not been reached yet.

Mike: I have no one else signed up to comment on this proposal, is there anyone in the audience that would care to comment?

Wes Lawrence: I am the owner of that little piece of property that was mentioned earlier. I am concerned about having a right of away. I acquired the property when my dad left town a few years ago, he purchased it from Seeley's, no it was Blanchard's. There was a 99-year lease for a right-of-way, I don't know what happened to that, but there has been a prescriptive easement now in place for 55 years. That has been addressed and I assume there won't be any problems.

Karen: Has Owen been out and checked this site?

Owen: Yes I have, we dug three test holes and it is acceptable for individual septic.

Kurt: I have questions for Weldon.

Mike: Weldon, would you come forward for a moment, the board has some questions.

Kurt: What can the county do since we have the river on one side and a ditch on the other? What can we do to make this access friendlier? What are your recommendations?

Weldon: The County is in the process of developing a master county road plan, identifying all these problems. This is a problem; we are going to have particularly in the Parker-Egin area, where the right-of-ways were designated when it was originally platted because it was used as wagon roads. They moved the canals into the right-of-way. The best way to answer that question is, yes, there are things you can do, and you can go through a process of moving the canal or ditch acquiring additional property to meet the required width. It is going to be a time consuming process and some hard decisions will have to be made, but at some point and time these decision are going to have to be made. That will be one way to acquire additional property, move the ditch so you have adequate room for the road to run.

Kip: Didn't Mr. Simmons say there was not county easement all the way through there?

Weldon: There may not be without going back and actually looking, I couldn't answer that. However if the public has been using it for a period of time, the county has to maintain it, then there is a possibility that under state code you could have a prescriptive use on that.

Kip: Who make the decisions to maintain that road, is it the County Commissioners, themselves, or the private landowner?

Weldon: The County Commissioners have the final say on whether it is maintain or not.

Kip: So they can order that it is maintained even if the private landowner wishes it not to be?

Weldon: I'm going to decline to answer because I'm not a legal expert on that.

Mike: Any other questions for Weldon? Thank you, Weldon. One more time, is there anyone who would like to respond, clarify or rebuttal?

Sid Eliason: No one has more respect for Henry's Fork than I do, I fished for the first time in 1945, came up here on train from Salt Lake City on the train with Wes Wilcox... This subdivision is not going on the block immediately; in fact I might not ever sell any lots, but will build my own house next year. I don't have to sell the rest of the lots; I don't have to sell any lots to be very honest about it. My neighbor is thinking of putting a small crop of hay on it. There won't be any big development very fast on it. During my house construction there will be traffic, but ordinary traffic will be very small.

Rick: The one lane road is well passed the sight.

Mike: Closed for public comment.

Kurt: The 30-foot road that the county maintains, is that adequate?

Dirk: That is to the center.

Mike: Sid, I'm sorry we cannot allow any more comments it is close to public comment.

Kurt: The plan is a well-planned subdivision, the lots are big, and there is no problem with septic according to District 7 Health Dept. I see no reason why we shouldn't approve it.

Dirk: I'm concerned about building too close to the river.

Karen: You are looking at 30' to 50' setbacks. You can make setbacks a condition of approval, what the setbacks would be.

Kip: Should we consider F & G recommendations they discussed and also the Fremont Madison Irrigation District, that water is not developed and used on that land?

Karen: That is state law, they have to have it on the plat map, as to what will happen with the irrigation water.

Kurt: There are no wetlands?

Mike: We can require further setbacks than required on the lots by the river with building envelopes.

Kurt: The Fish and Game recommends 400 meters, which are 400 yards setbacks. That is 1/3 of a mile.

Might as well write down 10 miles.

Mike: I don't think most of the people building out along the river will be shot gunning bald eagles.

Karen: I think your concern is and I need to clarify in the Island Park area we adopted resource maps and now we have to abide by stream corridors and wildlife corridors. In the Ashton and South Fremont area those maps were created but never adopted. The maps Dennis Aslett, a wildlife biologist is requesting we update those maps and adopt them for the Ashton and St. Anthony area, because of the continual pressure on the rivers.

Kurt: Are the setbacks actually 30 feet from the river?

Karen: It is based on high water mark either 30 or 50 feet.

Dirk: I make a motion to accept the final plat for this subdivision with recommendations they put setbacks (whatever is required by the code) on final corrected plat.

Kurt: I 2nd the motion.

Unanimous

**Public Hearing – Twin Rivers Subdivision
57 Lots – Lynn Hossner/ Mountain River Engineering**

Mike: Karen has all the proper notices been provided?

Karen: Yes, notices to the property owners were sent. Legal Notices were published in the newspaper and the property is posted. Correction it should be highway 47 I referred to highway 32 on public hearing notices. We did an onsite at Snake River butte that is where this property started. Handed out pictures, read report, read letters. (See Packet)

Mike: Any questions for Karen?

Dirk: On the checklist you say that 148 dwelling units are permitted. Are you saying that each lot could have multiple dwelling units on it possibly?

Karen: That is entirely up to District 7 Health Department, if they would allow septic system or systems that are in place that would handle another home. We probably can't deny them, but you are approving this for one single family dwelling per lot.

Linda: Can the lots we split?

Karen: I'm not saying they could be split, if they are five-acres or more they could be, but it is up to Lynn to put rules and regulations in place for their covenants stating that their lots can't be split again, but the size of the lots could have two homes. It will be based on Dist. 7 allowing septic systems and the Idaho Dept of Water Resources for wells.

Mike: I would like to remind everyone any and all statements made this evening are to address the merits of the proposal on this development and should only address the compliance or lack of compliance according to the Fremont County Comprehensive Plan. Time limits imposed to 3 minutes.

Lynn Hossner: I'm not sure what I can add to this. I believe we have met all criteria it is available for 140 home sights and we are asking for 58. Bordered by the US Forest Service on the north side, I was working for Congressman Hardy in Washington, DC when I was going to law school, I didn't realize it but I got the trade through congress to trade this property and help square the property up. There is a conservation easement north of this. I'm part owner in this so 1/4 of these 90 acres. I have 10 heirs and if divided they will have 4.5 acres each. We come to planning and zoning because I think that is the way you should do it. Many people could do what I'm doing without going through P & Z, me included. Everyone saying that wants this open space to stay open space, that is a great concept, but it won't happen. When I kick the bucket whether you approve the subdivision or not it will happen, I'm not going to take it with me, it will go to my heirs. We put up roadblocks for something someone wants to do it is not preventable. The answer is to put in some orderly fashion to do it. It costs \$2,000 to come to this meeting tonight to present this in an orderly plat. All the criteria have been met. Anyway we ask you to approve it. It is a beautiful subdivision. Two outfits can pass on that road. It will add to the tax base, it is a win for everyone Fremont County included.

Mike: Any questions?

Kurt: Any update on the road situation?

Lynn: Road deeded to the county. So it is up to them to make the road improvements.

Bill: When we first started you had concern about the right away for Fall River Electric.

Lynn: We gave them an easement at no charge, makes it an orderly development so far it is coming together nicely. Weldon and I are working on the road down by the river that they claim the county has a 60-foot easement, not recorded, for the Stone family. We are working on recording that easement.

Mike: Any other questions?

Kirk: Have you considered any on the fish and game provisions, with filing claims against Fish & Game for damage that some of the wild life might possibly cause?

Lynn: I can't hear very well, I haven't heard about Fish & Game. We have a right to file a claim against the Fish & Game.

Cathy: Gave him a copy of Fish & Game letter

Kirk: I can see some conflicts arising from it.

Lynn: I don't think we would do that on your property.

Kirk: Heck no. I don't agree with Fish & Game, but I see the potential for problems developing in the future with some people.

Lynn: The North Fork Highland property owners have not said we can buy this lot, we are the owners of this lot, we are not going to file any claims against Fish & Game. I'm not going to file a claim against Fish & Game unless they violate some right that I have.

Mike: Any other questions for Mr. Hossner?

Karen: I have a drawing downstairs that I asked Mountain River Engineering to draw up for us showing the steepness on the lots. I need to get that so it can be reviewed.

Mike: Open for public comment. I would like to remind everyone any and all statements made this evening are to address the merits of the proposal on this development and should only address the compliance or lack of compliance according to the Fremont County Comprehensive Plan. Time limits imposed to 3 minutes.

Peter Young: I have no problem with development but on behalf of the directors of the North Fork Highlands Property owners association I would like to state our concerns that pertain to the road leading up to our subdivision as well as this development. It is our understanding that the road is now in the possession of the county.... Current property owners in North Fork Highlands are bearing the cost of snow removal themselves, I realize that concerns of the feasibility of snowplowing at this time has been presented by county road and bridge Supervisor Weldon Reynolds. It is our hope that the county will give this road considerable attention this year: 1. That the county can begin snowplowing as early as next winter and 2. That it will be safe to travel on year around. With this proposed development will come more cars on the roads and we would simply like the county to help us keep it safe.

Scott Christianson: Most of the letters have addressed what I was going to address. I wanted to emphasize, I don't know how serious you take Fish & Game comments. I think it is very serious when they are saying there will be a direct loss of wildlife with the building of the subdivision itself through site preparation, new roads, etc. Cumulative effects that the two subdivision, North Fork Highlands and Snake River Butte already this cumulatively this project will add significant adverse effects to wildlife in this area. That is pretty serious, we are not talking about me going out there and saying a bunch of wildlife has been killed or driving off wildlife, these are experts that are dealing with this. They are paid, it is their job, they are biologist and they are saying that this is potentially going to cause some huge problems for wildlife. I'm not saying we should scrap the idea

of a subdivision at all, we need to look at alternatives for subdivisions, as far as clustering, proving area for migration with animals coming through, more open space, at least looking as more alternatives before we go through with this. The big picture of this entire this is there are going to be more people up there in the future. Are we going to be good stewards for the land, these are a lot of reasons the people want to be there in the first place. Essentially we will be killing the goose that laid the golden egg. I'm not going to deny this will happen in the future, we need to proactive and progressive and look at different alternatives and we can do this to make everyone happy. I will be willing to draw up some proposals for clusters or to maintain more open space up there. In regards to natural resources maps, these areas there growing like crazy, it is imperative that we look at these maps before we approve everything that comes through, I've talked to Dennis Aslett he is willing to help and we at Greater Yellowstone Coalition will help get funds to get some of the maps completed. I think it would be very forward thinking and progressive to look at some more alternatives before going forward and do this in a more sensitive way.

Gene Kantack: There is a 67-acre land trust property immediately to the north of this, set up for a wildlife corridor. It is also important to note, thanks to Greater Yellowstone Coalition and a few others we have a pack of wolves in that area and I guarantee you that there are not going to be any elk and deer come down on that flat land... Snowmobiles in winter pretty much keep stuff up in the forest and in the easement that is already there, they are doing well up there, we checked them out. Moose do winter there. The habit there is a noxious weed encroachment in the area part of the clean up of the area will help with the weed control. I think the baby boomers are all wild life lovers. I think the people will protect.....

Mike: Owen, have you been up there?

Owen: I have dug several holes and I'm satisfied.

Mike: It meets all the requirements?

Owen: Yes

Weldon: Road & Bridge supervisor – the situation we are talking about up there is being played out in other areas of the county in the fact that the area that is being developed in the past has been a summer time use road only, and ag use. We are seeing subdivisions, requests for subdivisions on the fringe areas that are on jeep trails where the roads are going to have to be developed. The people in this area have gone a long ways in deeding the property to the county. We are passed the good old boys days, we want all the paperwork in place and documented before the take care of the roads. That is in the process not only in this area but other areas. We have in excess of over 5 million dollars in improvements requested at this time that is over and above our normal maintenance budget for the year. We are in a 3% increase cap. The road will be improved within 1-3 years.

Mike: Any questions or more comments? Closed to public hearing.

Karen: Showed map, I want you to see the steep slopes and know that we have lava rock going down. My concern is not necessarily today, we would get a property owner that will come right out here and try to build on the cliffs. My concern is down the road, this property becomes investments, people buying and sell and they don't build on it right now. But we could get people that think wouldn't it be nice if my deck went over further so I can have a nice view of the river. I think we do want building envelopes on some of these narrow lots. We don't won't people from out of town that want to take construction to the ultimate. In my recommendations it was Block 1 lots 18-22 you may want to do more.

Kurt: Any lots that have a slope of 15%+ will have to have building envelopes.

Kirk: Take lots 12 for instance, are you saying that 7.4 of those acres would fall within the envelope that they could not build on?

Karen: That would be the entire lot.

Mike: Any more questions?

Karen: I want to clarify, Scott Christianson asked for clustering, until we get specific information on inventory resource maps, which we need to do, you can only table your decision for 60 days on a project like this. It is going to take us months to get inventory resource maps done and we vitally need to look at but you can't hold a project up for 60 days because we don't have inventory resource maps.

Kurt: If we put approve a subdivision in close proximity to another subdivision it will help the county determine the road schedule of events to precede in a timely fashion for these areas.

Karen: Hopefully we will get some of those issues resolved with a transportation plan, but again you can't hold a project up no more than 60 days It will take Weldon more than 60 days to put a transportation plan together.

Kurt: We went out to the property, we know where it's at, and it looks like the lots are nicely planned out. I make a motion to accept it with the stipulation that with any lots of slopes more than 15% will have building envelopes on it, along with the conditions in Karen's report.

Karen: What do you want to do with the recommendations from the Fish & Game, they make recommendations, and it is up to you to make them a condition of approval. Bear proof containers are already addressed. We can't enforce wildlife corridor since we haven't adopted one, but we want to look at that down the road.

Rich: According to Fish & Game the wildlife corridor is north of the subdivision.

Connie: I 2nd the motion.

Unanimous

ADMINISTRATOR'S REPORT

Karen: We have to discuss the meeting dates; I have to by law put out a calendar what meeting we have all year long. I can't sit here and feel as uncomfortable as I do over Wednesday nights and I do feel very uncomfortable. You guys made a point of getting here tonight but what is going to happen next month? As long as there to many school activities going on, if Monday works better for most of you I need to go with the majority of what you guys can do.

Group Discussion

Connie: I make a motion to move meetings back to the 3rd Monday or each month.

Bill: I 2nd the motion

Kurt and Rich: Voted no.

Vote Passed

Karen: There is a holiday conflict in February.

Connie: I make the motion to meet on the 9th on Feb.

Dirk: I 2nd the motion

Kurt: opposed

Rich: left

January 21, 2004
P & Z Minutes
Page 16

Karen: I'm trying to get a meeting with Nancy Taylor in February to do a workshop meeting. She has been hired by the city of St. Anthony; they are trying to come up with a date. If I find out the date I will send a letter of call to see if that works for you and we can sit down and look at holes that need to be plugged in the code. It will be cheaper if we share the expense with the city.

Mike: I think it will be a good thing; we need to make some changes.

Karen: As soon as I find out anything about dates I'll let you know.

Linda: I make a motion to adjourn

Connie: I 2nd the motion.

Unanimous

Meeting adjourned at 10:38