

**FREMONT COUNTY
PLANNING AND ZONING
Minutes
Monday, March 15, 2004**

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

OTHER ATTENDEES: Owen McLaughlin

WELCOME: Mike Davis called the meeting to order at 6:35 p.m.

MINUTES: Connie motioned to approve the minutes as written for the March 1st meeting. The motion received a second by Bill Smith and voted unanimously to approve.

**Final Plat – Chester Homesites on the Henry’s Fork – 7 Lots
Sid Eliason/Rick Byrem**

Mike: Karen

Karen: Please look at the plat, this is centrally located on 2950 East, near Chester, 7 lots, completed public hearing in February. He is only asking for a cul-de-sac to access the 7 lots, looking at individual well, individual septic. Owen is here if you need to talk to him about sewer. Rick Byrem and Sid Eliason are both here if you need to ask them questions. On the south portion of the plat, you will notice there is a private easement to Mr. Lawrence’s property. There is also a note in the plat that refers to this being a private easement.

Mike: That was deeded and recorded?

Karen: Rick, did you file the deed?

Rick: The deed will be filed concurrent with the plat. There is a place on there where we will file in the instrument number.

Karen: They can actually record the easement the same day they record the plat, then they can fill in the instrument number.

Mike: Does anyone have any more questions for Karen?

Bill: The only change is the access?

Karen: Yes.

Mike: Owen would you like to comment on this proposal?

Owen: It is suitable for individual wells and septic.

Mikes: It meets all your requirements?

Owen: Yes.

Kirk: Did we talk about setbacks from the river?

Karen: They have to be 50 feet from the high water marks.

Kirk: Does the watermark need to be shown on these?

Karen: It probably wouldn't hurt, because it is going to be in the flood plain area. There is just a minute portion that will be in the flood plain. We would need specific elevations to be done to really know. You can ask them to show the 50' setbacks.

Kirk: It's only going to be 2 lots.

Dirk: So are these lots going to have irrigation?

Karen: I'm not sure what Mr. Eliason chose to do with that, by state law he has to have a note on the plat that there are irrigation rights and what he will do with them.

Mike: Rick would you like to comment on anything here of answer some questions?

Rick Byrem: The subdivision is basically the same as you last saw it, the only information that has been added to the plat is technical details, including location of 500 year flood plan, the flood plain does not fall within the boundaries of the subdivision. The bank at the river is about 10' high, above the normal high water line the meandering line of the boundary of the subdivision is up on the top of the bank. As far as setbacks, we did talk about 50 foot set backs, if you look closely there the high water line is roughly 25' from the boundary of the subdivision and the rear setback according to code is 30' so that will be 55' from the high water line so we did not require any special notations. The standard county setbacks will make it more that 50" from the water line. Regarding irrigation plan: We have submitted an irrigation plan to the Fremont Madison Irrigation District and I spoke to Bill on the telephone about it and they haven't sent anything back in writing that they have approved it, but I tried to get touch with them today and were unable to.

Mike: What is your proposal?

Rick: Basically, the property is now flood irrigated and will continue to do that it will require using the ditch on the north side of the property that turns into the head gate there and that waters the whole western side of the property, lots, 3, 4, & 5, then the rest of the property is a little bit lower and that is watered about 20° northeast corner of the property there is a culvert that comes right about where the cul de sac is the land there that runs from the east to west. We are basically following the same plan of flood irrigation. We have irrigation even with some of the property lines so they have ditches around there so they can catch water as it is flooding, so the neighbors won't be flooding each other, it will all be surface. That is ok with Fremont Madison just as long as we don't plan that shows we are going to maintain the water rights. Mr. Eliason is going to build on lot 4 and for the foreseeable future that land is going to remain in hay and pastured out and plans to remain that way.

Initially, we will cut the ditches out as the lots are sold. There is no need put all these extra ditches in now as it is watered fine and that one house will not really impact that.

Mike: So are you planning to have each individual property owner with a water shares?

Rick: I guess?

Rod: The homeowners association or it has to be private right?

Mike: I would think so.

Rod: You will have to form a homeowners association and own it all together won't you or you will divide it out right?

Rick: Right, that will be up to the homeowners to decide?

Karen: Have you put together covenants and restrictions?

Mr. Eliason: Yes, don't you have a copy of them? They will be filed with plat.

Karen: I don't have a copy of the Covenants and Restrictions.

Mr. Eliason: I'm sorry; I have and will file with the plat.

Karen: I do have a letter of credit when he decides to go through the process of plat before the County Commissioners, we have a letter of credit for \$15,000 to complete the roads and we are in the process of completing the development agreement before it goes to the County Commissioners for final plat approval.

Mike: Any more questions?

Rod: You said last time we could make some recommendations to add certain things into the Covenants and Restrictions.

Karen: You can, but let me remind you that you have already had the public hearing and put your input and that would have been the most precise time to do that.

Dirk: Made the motion to accept the final plat on Chester Home sites.

Rod: 2nd the motion

Unanimous

Public Hearing – City of Newdale – Zoning Districts for Impact Area - Sandy Edwards

Mike: Karen

Karen: I sent each of you a colored map, we haven't made any changes from we went to sketch plan as to what zoning district that they wanted surrounding the city of Newdale. Do we need to go through and restate the zoning district?

Mike: Karen has all the proper notices been provided?

Karen: Yes, sir, they have.

Mike: Any members of the board have a conflict with this proposal?

No one had a conflict.

Mike: Is there anything else you would like to report on Karen?

Karen: No, the only thing I want to do is, let's go through the plat. This area is going to be ag ground in the orange color, the green represents low density, the blue areas are the Village Center which is along highway 33 and that is going to be the Village Center. We also included proposed roads, and want to emphasize they are proposed. Can you think of anything else Sandy that you want to add?

Sandy: I think we pretty well have covered everything, unless someone has some questions.

Mike: Karen, did you receive any letters on this proposal?

Karen: I did not and the classifications that they are asking for the impact area zoning district are already in their zoning book, both the county and the city have to add a chapter in our development code that refers to who will be handling the zoning districts. The county will handle the zoning on this but it is going to be based on what they already have in place inside their city limit as they annex property in then the city will take the zoning part of it over and we will already be doing the building permits. As long as the property is still getting taxes paid to the county then it's the county's responsibility I think the city of Newdale was in agreement.

Sandy: Yes.

Mike: Does any of the board members have any questions?

Kirk: At what point through the development phase would the city of Newdale look to annex some of this then? Any ideas?

Karen: What ever they choose to annex is going to have to meet state statutes for annexations requirements and right now there is currently 3 different types of annexation, there is a bill sitting out in legislation right now, but I just read today that it is sitting on hold, they would actually ask the people if they want to vote on annexation and it is sitting in limbo right now. They would have to meet one of those criteria's for the property depending on who is requesting it and how much they are requesting and what kind of property it is.

Kirk: So if this village center is to be developed, it could be in the county and not the city?

Karen: Well, they could request to be annexed.

Kirk: But it could also stay in the county?

Karen: The city could go out and annex it themselves or the property owners would have to right to ask to be annexed. As long as they have property they are providing services to which we discussed last time was Walters.

Sandy: They are not in the city at this time but Walter's is using 2/3 of sewer.

Mike: Any other questions for Karen? Sandy, have you anything you would like to add or clarify to what Karen has already reported on?

Karen: If you want to go through and explain about the pivots that are already existing out there.

Sandy: (Referring to map) All of this ground right here (in Yellow) is actually in pivot irrigation, the only ground that is hand lined is this section right here, that is where we anticipate the growth, the property owner of this section deeded it over to his son, they wanted to put a pivot there and the son said no, he didn't want to see a pivot on the property. This area is actually owned by Walters and assuming it will stay agricultural there with warehouses and such as that. And so we just want to stay with the one road access on to 33.

Linda: Sandy, are you saying this piece is going to stay in agricultural or do you think he will want to develop that?

Sandy: It can stay in ag, because he can have one to two family dwellings and can have multiple family dwellings even if it is ag he can still develop it. Right now it is actually farm ground. This might help just a little bit, our village where our ag district, which is right here. Agricultural service zoning district permits a mix of industrial, commercial, and residential uses that reflects Newdale's role as an agricultural shipping point. This kind of covers everything.

Kirk: Is there anything in your codes, I mean, I'm looking at Walters, and their industry and a subdivision moving in there and I can see a potential conflict between homeowners and Walter's. Do you have any plans to address that in the future if that takes place? And maybe this isn't the place to ask it.

Karen: No, this would be the place to ask it.

Sandy: Our interpretation of it is, Walter's was there first and homeowner and developer pretty well knows.

Kirk: That is a pretty good try but so was Scaar's feed lot. That is a concern I have. I can see some serious potential in the future when this starts to be developed and for the protection of Walters'.

Karen: Maybe make a recommendation to have a buffer around Walters' property? Setbacks from their boundary line.

Linda: The buffer isn't going to stop the smell, there is definitely smell, we own Sun Glow and there are odors and there is trouble brewing because of that. And Sun Glow has been there a lot longer than some of those houses have but people don't understand that.

Bill: It will come too.

Dirk: Do Walters' have sediment ponds for their wastewater or does it all go into your sewer system?

Sandy: It goes into our sewer system.

Brett Levitt: They have ponds but they are not in use at this time.

Linda: Those ponds are a lot of the trouble because (everyone talking at once, cannot understand)

Kirk: I think now is the time to clarify so as this development is being built they already have it established that Walters' was already there and there is a potential for odors and that these people if they move in needs to be spelled out right now because if it is after the fact there is really nothing they can do, but I think if as you are developing it if you put it in that there is potential there that Walters was there, that it is industrial based and with industry comes certain side affects, industrial problems. noise, truck traffic, odors, things of that nature and I think it needs to be spelled out before it happens, because if it is after it's going to be a conflict.

Mike: That is a little different than falling under the right to farm.

Karen: Say that again.

Mike: Where Idaho has the right to farm law, this with Walters' warehouse would fall under a different category wouldn't it? It isn't really farming, but it is ag related.

Karen: Not being an attorney, I can't answer that. I do know that there would be an issue with the property owner that may want to develop this property around Walters, that you may be looking at a takings if you try to be to stringent as to what can be done around Walters and that would need to be taken into consideration.

Sandy: In answer to your question, Theresa brought up a good point, that Walters, where they actually acquired city services, water and sewer, once our area of impact is in place we can actually annex them into the city, not just in our impact zone, also within our zoning district in our city we do have buffers that are required once they become part of city.

Kirk: Do you think buffers will help?

Linda: That doesn't keep the people from complaining and saying hey we don't like this.

(Everyone speaking at once)

Sandy: The property owner is planning for the ground not to be used as farm ground. I'm not sure when, but in the future

Karen: So read to me your agricultural requirements.

Sandy: The purpose of?

Karen: The definition of what uses can be under the ag.

Sandy: Permitted uses are 1 and 2 family dwellings, commercial uses are compatible with the purpose of this zoning district, including home businesses that comply with the detailed performance standards of Appendix D. The purpose of the zoning district is to mix with industrial, commercial and residential use that reflects Newdale's role as an agricultural shipping point.

Karen: Very broad.

Sandy: It is.

Kirk: Wide open.

Sandy: It also says, expansion of existing industrial uses, except where a Class II permit for expansion would be required, accessory uses and buildings customarily associated with the uses permitted in this zoning district, including the conditional uses. This will address Potato Cellars, that kind of thing, farming sheds, this is type of uses that are created in this zoning district, minor utility installations that is a whole other thing we have listed under utilities. Residential and commercial use may be contained in the same building as the ag services. Conditional uses are sub divisions, multi family attached dwellings, commercial uses or industrial expansions that involve the use or storage of hazardous materials for which a permit is required by the Uniform Fire Code. New industrial uses, that are compatible with the purpose of his zoning district and any large-scale development. Those are conditional uses. Does that answer your question?

Karen: I think we need to be realistic here; most impact areas are going to have to be reassessed as growth comes in to the area. State Law says that you need to reassess them every 10 years, but depending upon what kind growth they would have you can do it anywhere from 3-5 years. I'm not so sure that down the road that where Walters is that you may not want to come up with an industrial zoning district all itself. Where it won't allow residential home right next to them.

Kirk: It also flags the area, so it somebody comes in and looks at that, not only where their facility is, but lots or the potential kinds that they own, also needs to be flagged as industrial. That is going to make people aware of what is there. A lot of people are going to come in and purchase those lots and then start to build and then they will come back and say well nobody told me what was going on there. It happens, it happens all the time.

Karen: You don't know of any plans Walters has of expanding?

Sandy: No

Karen: But you are looking an annexing the property in as soon as the impact approval is given. Your impact area of boundary is in place, so you could annex them now.

Sandy: Anyone with city services we are looking to annex in. Just because that is part of the state statute, if they have city services it is OK to annex in and square up the city.

Kirk: Do you have an industrial classification within your city zoning?

Sandy: Actually we do but it is going out of our book, we have a higher density residential zoning district, but it is even vaguer than our industrial, we are just throwing it out.

Kirk: Now is the time to look at it and leave it in. The industrial portion of it I would think. That is a major industry you have sitting there and you have that track of elevators there too.

Sandy: That's how come with the elevators and the railroad and everything and the warehouse that is why ag got put into the book. Which kind of covers that area. Also we have homes there and we have a major mix already there.

Mike: You would think anyone that would look at that property, even think about building around that warehouse and grain elevator that they would think of the possibility of smells, dust, noise, that, people are funny, need to put something to protect that.

Kirk: It will save you a lot of headaches in the future, you, the city and the potential developer too.

Sandy: What your suggestion is taking Walters section and the property along side of it?

Kirk: Maybe create an industrial area, industrial zone.

Sandy: Here is the definition for higher density for residential zoning district: may be used to provide areas where a mix of housing types is permitted, but protected from conflict with commercial and industrial uses. Conflict between different densities of residential development within the high density residential district will be avoided or mitigated by requiring approval of a Class II Permit for subdivisions, mobile home parks, and most multiple-family dwellings. Home business are permitted in the high density residential district, but only in compliance with performance standards that require such businesses to be compatible with neighboring homes. Schools, churches, day care centers, and parks are also allowed, but only after public review and approval of a Class II Permit ensures that they are compatible with a residential environment.

Karen: So what that is saying is, if a residential subdivision comes in to play they would look at it at that time and decide what needed to be done.

Kirk: To make it compatible with the residential developments.

Karen: I think I have a tendency to agree that you might want to look at that now.

Linda: Too late

Kirk: A lot agrees that it is too late, but I think

Dirk: I don't necessarily think it's too late on this.

Karen: What I'm saying is, you can approve it the way it is as of right now and you can place a condition on that within a year from now that that needs to be readdressed and redesignated as industrial use or ask them to take this back and go through another public hearing.

Dirk: I don't think we want to do that.

(Everyone speaking at once)

Kirk: Have you talked to Walters?

Sandy: Actually, Shaun was the chairman of P & Z and dropped out.

Karen: Have you heard any discussion from him at all? Any public comment when you guys held your public hearing.

Brett Levitt: Let me go through this, based on what your seeing in front of you, what are your recommendations as far as a buffer, if we need to rewrite this, how far out do we need to go into this area that we have already proposed development?

Karen: Who are the consultants you have been working with?

Sandy: Basically, Dick Dyer.

(Everyone talking at once)

Karen: If you take that out, you will have absolutely no protection at all.

(Everyone talking at once)

Kirk: I think that is definitely the way to attack it, but buffer zones is not going to buffer the huge problem which is going to be odors, most people, are going to live with the truck traffic and that, but those odors day after day people tend to get a little test over it.

Dirk: If their wastewater is going into the sewer there are not going to be that many odors. Like Linda said most of the odors are going to come out when you clean out the pond.

(Everyone talking at once)

Kirk: The other problem is when you clean those ponds and land apply it then it is huge.

Cathy: When everyone is speaking, talking all at once I cannot take minutes. I'm sorry.

Karen: You may want to look at it, make the suggestion that they may want to have open space, a park there or something that would be

?????? Keeps them out there by themselves

Karen: Exactly, and the housing would be clustered further away so you would have open space closer to where Walters is, so you don't have somebody's house sitting 100' away from their property, that is one way to look at it, but ?

Sandy: I have another question, say the property owner's butts up Walters' warehouse; we say they need a buffer zone.

Karen: You can still pick up property and develop it, but we would like to see open space in this particular area because we have concerns. If and when you get to the point, contact a land use consultant and ask their recommendations.

Sandy: Not just going from Dick Dyers recommendations.

Karen: Right, we all need to understand that this is going to change. You have to start somewhere, you have to get some zoning districts in place and you need to realize that things are going to change as the plan goes on.

Sandy: This is just a proposal. Walters' could come in and buy the property.

Karen: Right, that could be an option too.

Kirk: That is what we did; our company went out and bought 160 acres just to stop development.

Karen: To give you a buffer.

Kirk: Sad to say that was probably our cheapest and less complicated way out.

Dirk: Cheaper than a law suit.

Kirk: That is just one way to handle it.

Karen: Is that an option that maybe Shaun maybe going to the property owner and offers to buy the land or you don't know?

Brett Levitt: I'm guessing that they didn't allow Shaun to put a pivot, Shaun has a pivot strung out and they made him gather it up and move to a whole other field. I don't know, my first impressions is that there might be some conflict of issues there, whether down the road he might open it up and allow Shaun to buy it but who knows. But at this point I don't think he will.

Thersa Huntsman: I think we are taking a lot of time on a lot of what if's. Right now we are just trying to get the impact done, I realize you have to plan for the future and everything, but like you said earlier can't we put a clause in or something where within a certain amount of time we have show and effort so we don't have to come back for another public meeting from something that might happen where we are going to come back with ?????, you know like I said because we don't even know right now who is farming it and there are a lot of what ifs that I don't know that it is necessarily work stopping and progress to get this, it is my understanding and maybe I'm wrong, that this try ????????

Karen: Actual zoning district is what you are trying to define.

Theresa: Right. There are a lot of what if's that has to be addressed, not saying there are not important or that they don't need to be addressed. I'm not trying to say that. Because they are valid, very valid concerns, we have seen this go on everywhere.

Karen: You could make a recommendation of time frame you would like to see them readdress that particular portion of your impact area zone. That is an option you can use.

Dirk: Correct me if I'm wrong, you said as soon as this is approved, are you going to annex Walters in, then it is out of our hands, once it gets into you city as annexed then it is out of our hands.

Karen: Ok, correct, that property would be, but what you would have to look at is if they get a project in with the property adjacent to Walters then that is when you have issues at hand. What I'm saying is that property that is going to surround Walters would probably need to be addressed before they have a project that comes for approval.

Mike: I was thinking maybe a specific distance from the west of Walters, then north that would give you some protection from the prevailing winds and smells in the fall of the year. When looking at your industrial zone, I don't know what that distance will be, maybe 100'

Karen: I think that if is approved tonight I think I would say to them that within a year, that would give them time to research to find out if maybe they want to change the zoning on it, say if a residential sub division would come in to play, that we can't put some stricter guidelines in place, like we are going to require them to have open space, a park for the subdivision or whatever. They would still be allowed to do development, its just that you would have a buffer that would be an option they could look at, but I think we need to give them a time frame for them to research it and see there is something they want to change and do different.

Kirk: One thought I have too is if they annex that into the city and don't have their zoning classifications in place right now. How hard will that be to get it hanged industrial are you going to have a lot of residential surrounding you that wants it to stay residential and the fights on. Would it be better fitted to your needs, to envelop your industrial zone and then if it is annexed into the city it's done right up front.

Sandy: Actually we have our high density in our books, but it is not zoned anywhere. There is no actual use for it at the time. And at the time Shaun was on the board he stressed that and that is how it came into place first but it is not zoned any actual location

Karen: It's not zoned inside the city limits?

Sandy: It's in our book but we don't have it zoned.

Brett: Shaun owns all the property north where we think potential growth could be and he runs the farm north of that as well so as far as going north I don't know that we are going to have anything that way unless he develops it himself and to the west we have some issues.

Mike: That is what I was going to ask you as far as the railroad track back there, there doesn't seem like there is anything directly north so you wouldn't have to worry about it. If Shaun owns that it is just about buttoned off.

Sandy: It is Grant Mortensen's property, a family trust has so that is like Shaun's uncle, and the family, Troy & Scott and the two girls, that is they ever sell it, they can only sell to Shaun, it's written up in the papers he wanted to keep in family.

Kip: So we will probably never see development north of the warehouse.

Mike: I don't see a problem with doing it, am I day dreaming Kirk?

Kirk: I think they really need to take this serious and look at it because the day will come and it's not going to be that far away and when it does come it is going to be a horrendous problem to undo. My thoughts at this time if there is anyway you can flag that industrial or do anything and put it into the city upfront it needs to be done.

Sandy: What is the difference in your mind between what we have industrial and what we have in ag.

Kirk: You have a mix; you have industry and residential going together. If you flag it industry

Karen: What he is saying is we need to get rid of the mix.

Dirk: You don't allow residential and industry to mix.

Kirk: Bingo

Thersa: So like where Walters is right now and like to the side of it you want it zoned strictly industry?

Kirk: That's what I'm saying.

Sandy: We have houses right there, right by the warehouse.

Linda: On the west.

Sandy: Yes, right beside the track.

Kip: They are on the west side of the track east of Walters

Sandy: I'm saying we already have a mix.

Kip: They have been there for years, but if you get any new comers, no matter how much you charge for a lot people will think it is a good deal rather than live in the city of Rexburg and they are going to buy and they will be oblivious to the intermix.

Kirk: That is just a recommendation, we can't

Brett: What happens if keep our zoning on the industrial side, what happens to these houses that are already in that area?

Karen: They are grand fathered.

Brett: All new development can come in if they move those trailers out.

Kirk: Right then it is done.

Karen: You need to look at doing more research on this. I'm not saying not approve what you have.

Kirk: I'm not saying to stop the approval by any means I'm just saying this is something

Brett: Before we annex make sure we have all our I's and T's crossed.

Mike: Get that flagged so any newcomers that come in even though those 2 - 3 families that live there existing don't seem to have a problem, anyone else wouldn't be building there. So you wouldn't have any problems, lawsuits and all that nonsense latter on.

Kirk: Then you spell out your industrial zoning, you spell it out any potential problems that can be conceived from odor, to runoff, to noise, to traffic, you know.

Linda: Flies

Karen: I think it would pay for you to talk to a land use consultant and ask for some recommendations for that little corner of the world so you have some idea what conflicts might come down the road.

Mike: Any more questions? We are now open for public hearing and no one signed up to speak. Is there anyone in the audience that would like to comment?

No one.

Mike: At this time we would also like to close it for public hearing and turn it over to the board for there decision. Thank you.

Rod: I'm for approving it and putting in the condition to review it in one year. Reassess their industrial situation.

Kip: Do this upfront prior

Kirk: Prior to annexation

Kip: Prior to annexing that portion of Walters and the tracks.

Karen: At least research and find out, there might be better ideas out there that we are not even discussing that would be a better idea as to what they can do with that.

Rod: I think they have the message now that the importance of reviewing.

Kirk: Yes, they need to look at it.

Kirk: I make a motion to accept Newdale's proposed impact area, zoning district, with the condition that they address the industrial area and possible requirements within to protect industry and residential surroundings and come back to us with their recommendations within 12 months.

Rod: 2nd the motion

Unanimous

Information: Kyle Babbitt – Henry's Fork Watershed Council

Schedule - Upper Snake Province Management Plan for the Northwest Power and Conservation Council.

Kyle: As you know I share information back and forth between different groups of upcoming events and programs that are happening. I just was sharing these with the cities and also wanted to get these to you that the Henry's Fork Watershed council actually is a grass roots community forum which uses a non adversarial consensus based approach to problem solving and conflict resolution with assistance from agencies with varied perspectives. I won't go into the history of what actually the Henry's Fork Watershed Council, if you want more information, it came about basically after there was a flow of sediment in the river and there was the discretion of not have continuity of the agencies. So the Watershed Council was formed, the co-facilitators are Dale Swensen from the Fremont-Madison Irrigation District and also Steve Trapton from Henry's Fork Foundation. So I just wanted to share with the priorities that we came up with this year, there are a number of them, we are finding out more about land use planning in the county what was happening with that and sharing that information back and forth. So I just wanted to share with you the meeting schedule actually tomorrow is a meeting. If you are interested in the minutes we can get them to you. Tomorrow's meeting is going to have a presentation about the farm bill and what programs are available and why I'm also sharing this with you is that in August the field trip this year is going to be focused on land use planning. Looking at the St. Anthony Greenway, looking at controlling noxious weeds, also talking about land use planning in Fremont County and maybe get a chance to look at some of the good things that are happening around land use planning and some that maybe haven't gone as well and discuss what is happening in this area on land use in the area. I just wanted to give you a heads up that that is what the meeting is in August on the 10th and you are welcome to attend and welcome to attend any of the meetings.

Karen: We have specific projects that have been done that they are going to discussing on that date.

Kyle: I'm still putting the agenda together. When it gets closer I will get you guys an agenda of what it is going to be on and see if you are interested in attending. But it is basically a heads up that there is interest, a number of the presentations are topics that come up that people are interested in finding out more about, whether it deals with cutthroat's, whether it's drought management, land use planning, a variety of things. Basically the membership in the Henry's Fork Watershed Council is whoever attends. So it's not a set membership, it is whoever comes to the meetings it is open to anyone to be there depending on the season there are farmers that attend, public that attends, agencies that attend, and when we have our meeting in November we can brainstorm with everyone to think of priorities for the year. It is a heads up that it is happening I'll get you more information and it comes along, we just wanted to broaden the information that people didn't know about with Henry's Fork Watershed Council. Here is information.

Kirk: Where to do the normally hold the meetings?

Kyle: Normally in Rexburg, 9:00 AM-12:00 noon at the Cotton Tree, usually half day meetings, the field trip we will have to see how the time will go on that probably be 10:00 AM – 2:00 or 3:00 PM. Tomorrow the meeting is 8:00 AM

Kirk: What are they covering tomorrow?

Kyle: Starting at 8 o'clock talking about the farm bill, then a quick update on the Moody Creek basin, friends of the Teton are putting in for a grant proposal. There will a subcommittee on Moody Creek, farmers have brought up as being an area of concern so a subcommittee was formed to see what could be done in the Moody Creek area for the betterment of that stretch of creek there.

Kip: What do you do? Contact farmers in the area to tell them of the programs available?

Kyle: I'm not getting what your questions are?

Kip: You have these hearings and you have these meetings and you say there is concern in that watershed area. What is your place? Other than to discuss the problems.

Kyle: It depends on the topic, still trying to get the jest of your question. The meeting tomorrow basically to share with the public and people that are on the membership list. If you want to find out more basically you can get your name put on the mailing list and you can get the minutes from the meetings and the agendas for the next one. The farm bill we had some questions as to where all the programs because a number of the folks that we know are either are farmers through the irrigation district or work with farmers or work with community on conservation easements or a variety of things so we wanted more information on what the farm bill was and so that the basically more information to share with the public whoever wanted to attend.

Linda: If the farmer comes to you and has a problem, what does the Henry's Fork Watershed Council do for that farmer?

Kyle: It depends on what the problem is, Moody Creek was an area that there was concern for water flow in that section, if the farmer comes to either the irrigation district or the meeting and says they have a problem area. (Turned over the tape) a concern to the group, there are enough people that were interested a couple of landowners, the park, so a sub committee was formed. And actually out of that a lot of funds have come in and they have done, fixed 3 or 4 different diversions, they have had 5-6 sections and not anyone of those people could have done something, farmer wanted to do some work on his property, he didn't have the funding so they put in a grant and because all these people where involved and all these agencies they were able get a lot of funding to fix the problem to do it in part, again the Forest Service had some property, Park has some, farmers have some and so their own no one could get anything done, but by forming a sub committee they came up with

a whole bunch of task, they were able to get grants collectively, also taking it to the Watershed Council itself they have on the next page what is called the wire process, that is a way of reviewing prep plans so it you are putting in a grant proposal the group that goes around and goes to these questions and help answer these questions to help either fund a project so there is funding sources, they can offer letters of support and these have helped a number or groups get additional grant funding from maybe somebody else to do a research project or to put an implementation project. There is a grant that went into putting so many gauges on the river because they were concerned about research and gauge flow for drought, management information that FMIB was interested in. So again collectively that was put in and they were able to get some funding for this project, which individually it wouldn't have happened. It's an opportunity to have proposals and grants brought to it and it is also a place to have things supported, water shed councils throughout the state do get some funding and are good support for outside funding and again going through this criteria there is a lot of support for proposals and make them stronger when they go in.

Karen: Who goes through and finds the funding?

Kyle: The person that wants the project. Like Friends of the Teton were working on a data base selection and so they had some funds and they needed more so they are coming through and we are going to wire their project and they are also asking us for funds. So we have some funds that were from the, that go through DEQ I think that go to the Watershed council from, I don't want to misspeak, I think there were mitigation funds from when there was the sediment spill out of the reservoir, so there is still a pocket of funding out of that. The watershed councils in the state get money from the Columbia Basin, Northwest Power and some other funding sources nearby another little trick is we have a small pot which is running out so. There are just these grants and a lot of really pooling in everybody's funding to the agencies to do the projects and a little bit more to complete. Sometimes people power, agent input or research that is done. Again that is some of the projects that have been funded that will give you a little bit more about what the watershed council.

Karen: So the county was on their mailing list, but we are not any longer.

Kyle: Ok

Karen: Can we get back on?

Kyle: Sure can, contact Susan at the Henry's Fork Foundation or through the Watershed Council. Again if anybody is interested further in it you can get on the mailing list to get what the meeting announcements are and the minutes and that aspect it. I will get more to you about the August session as that gets put together. Any other immediate questions, if you want to know anything else about the Watershed council you are always to call Steve Trapton at the foundation or Dell Swensen at FMIB about the Watershed Council itself or projects come up or areas of concern. This is another hat I'm wearing, I'm also consulting with Bannock Technology that is helping the Northwest Power and Conservation Council create a fish and wildlife management plan, these funds are mitigation funds that can be used by the Bonneville Power Authority to possibly find proposals in this area that have to do with fish and wildlife mitigations or restorations. There are 7 meetings, there are 3 sub basins, which are in the upper Snake and include the headwaters over in Jackson over to Arco, are what they call the Upper Snake Province. This flyer gives you some information as to what the Province entails, the planning process for the project and that the plan includes an assessment and inventory management plan and through those management plans were are having a series of public meetings one is going to be in Ashton on the 30th of March, one in Driggs on the 25th and Idaho Falls on the 23rd. Those are the closest ones, they are listed on the back and there is also more information about that, so I'm just sharing this with groups that I work with

and others that I know that may be interested. There is a comment sheet inside, that you are welcome to make comments on, a vision for the upper Snake Basin, that we are looking at some goals for the area and also if you have anything specific on problem areas or projects that would need funding to go you are welcome to share that. I just wanted to give you a heads up that this is happening and you welcome to attend a public meeting and/or sent comment and/or pass it on to someone else that you know that maybe interested and has some information that they would like to share. We are trying to gather as much information as we can for the project. Thanks for letting me share that with you. Did you get enough copies?

Kirk: I have one question before you move is there a need for someone from the county to attend some of these meetings to see what is being talked about?

Karen: Sure, are you volunteering? We used to go to the Henry's Fork Watershed Council meetings, but it got to the point where when we had change over and the Administrator that was there before me was there, he and I were both attending and when he retired, I had no Building Inspector so I couldn't do it all so I haven't gone for 3-4 years. I'm sure that is why we don't get any mailings.

Kirk: Looking at the list of projects, a lot, the majority is in Fremont County, I don't know it is just a thought.

Karen: We should probably get back involved. Is there anyone here that would want to attend either one of these?

Kirk: I might go and sit in tomorrow morning. I don't know if I will stay for the whole time.

Kyle: The agenda for tomorrow's meeting – 2002 Farm Bill programs, till 10, upper Teton data base, till noon

Dirk: Can't hear

Mike: I'll tell you the truth on the Farm Bill it is so complex there are so many different things.

Kirk: Angles

Rod: What about conservation easements and all that stuff? There are humongous amounts of information

Mike: There is so much information you can't sort it out.

Rod: You can't

Dirk: The guys who wrote it don't understand it.

Rod: Not all the regulations have been written?????

Kip: The ??? office in Rexburg are giving the farmers the full scoop on what's available and what the programs are and

Dirk: The Soil Conservation will have their angle on it then the NRCS they will have their angle on it.

Kirk: All within one building

Dirk: Yes, there is a different program that they administer under each agency and that is where their angle is coming from. To sort it all out its

Kyle: It's mind boggling, it starts at 8:00 tomorrow, and the 2002 Federal Farm Bill Conservation Program that are available for land owners, Kim Goodman from the land trust, and Bob Bartholomew, Assistant State Conservationist who oversees the state programs, then they will break at 10:00 then they are looking at the Upper Teton electronic Data Base Project to be wired. Then it will be done at noon. If you decide you want to attend the first part that will be the farm bill.

Kirk: I'll go sit in on some of it.

Karen: OK

Administrator's Report

Karen: We need to change our April meeting, I have a meeting in Billings, on the 18th of April, and can we move to the 12th?

Rod: I make a motion to move the meeting to April 12.

Connie: 2nd the motion

Kirk: Nay

Linda: Abstained

Motion carried 7 to 2

Linda: I read in the paper, it has been such a long time since Mike Vickers has been in here what was that the Commissioners approved for Mike Vickers. What sub division was that?

Karen: That was a new one didn't you read Elizabeth's article? Let me get you up to date. Sawtelle Meadows, which was an old platted, sub division from 1995 that they went to the County Commissioners to vacate it and we didn't wait for the Commissioners to give an answer because they withdrew their vacation. Mike keep coming back in and telling me what he would like to do then Mike would come back in and then he would come back in the tell me there was something else he wanted to do. Finally, I contacted our land use consultant in Boise, Nancy Taylor and she helped write a letter, which I sent off to Mike Vickers Attorney and said here is what Mike ought to do and that brought Mike into my office and Mike was about the same color as Linda's jacket (red) when he met with me. Basically what I said to him was if you are going to do anything different you are going to come back through and do a public hearing. If you are not going to do that, then you are going to at least replat, I shouldn't call it replat, amend the plat because they asked for private easements to get to a couple of lots on the West End, because there was only verbal agreement between Mr. Webster the original property owner which was Webster's subdivision sets to the east and Sawtelle Meadows. They decided they didn't want to use Webster's subdivision road so they at least put in an easement road. Which in accordance to our rules and regulations if there are minor changes, meaning they are not increasing the number of lots, they are not trying to add more roads inside the subdivision, an easement, I didn't consider as a major road being added or major, major changes. I can go through and review it myself and I can give approval, but then it has to go before the County Commissioners to be signed as a plat. Well, they wanted to put the easement in and the original sketch plan had the lots extend to the middle of the road and so Mike wanted that because that is an extra couple of bucks that he could make it look like the lots are bigger. Which didn't change the roads at all its just the boundary lines would have to extend out to the middle of the road, so the plat had to reflect that. So I let him go through and do that and he wanted to rename the roads, I said by all means you will have to plat a new plat because the old road names if you take those away you will have to do a complete new plat. So it actually cost the county and that is my fault, but when Mike was about that color red, I decided that the county would pay for Nancy to review what had happened. So I didn't charge Mike for that so we did make him go through and amend the plat gets it all taken care of. So the commissioners signed it, a few days later they went ahead and recorded it, and my sister-in-law that works at Alliance Title happened to show up and said that when

David Hobbs and Jeff Hunter owned the property and sold it to Mike Vickers and Mark Martin they only deeded the lots, they didn't deed the roads, so they had to amend the deed. They had to get Mr. Hobbs and Mr. Hunter to re deed the roads, which they did, which wasn't a problem. Basically what I told Mike was that we would not issue a building permit until this was all taken care of so one of the conditions his attorney, had to write a letter and give to the Commissioners that a building permit will not be issued until the roads are actually build and completed and it states in the letter they will have them done by the first of June because they have already started construction on them, they just haven't finished them. So, while we going through this with the road issue and everything, Kathy Lords informed me that Mr. Vickers and Mr. Martin had already sold the property.

Mike: What?

Karen: A new developers group bought Sawtelle Meadows, called the Denali Group.

Bill: I thought when we did this way back I thought they were going to be summer homes and big buildings and no maintenance ?????

Karen: Actually they are going to be single-family residence on that and they will allow one – two RV's.

Mike: I don't remember it going that way.

Karen: It has single-family dwellings.

Kurt: ?????

(Everyone talking at once)

Kirk: I thought it was an RV park that they went through?

Karen: That is entirely up to the developers that have it now. If they want to plow the roads to allow someone to have access year around they can do that. That has nothing to do with our rules and regulations that is up to the developer, but it was originally approved with single family dwellings and that is what approved for today, they will allow an RV to come in and stay but it is like 14 days. Well their homeowners association will have to police this.

Mike: Who is it that owns this?

Karen: The new group that bought is called the Denali Group and they had put money towards Jacobs Ranch and one of their investors pulled out at the very last minute and so that fell through, because they were actually going to buy Arrowwood the sub division that Mitch Jacobs owns and so when there investor fell through that is when Frank Vandersloot flew in with his helicopter and landed and said here is some money and so Mitch and Frank Vandersloot are partners.

Dirk: So Mike didn't get you to buy a lot?

Karen: I wouldn't buy a lot

Dirk: He is losing his touch.

Everyone laughs.

Karen: I actually have to commend him because he came in Friday because he felt like he needed to come in and explain what happened.

Karen: I sent flyers out with the last packet when we met on the 1st because there is Planning and Zoning training of a Saturday, all day, but it is really good. Is there anyone that wants to go? Mike & I are going anyone else? I need to know by Friday, I need to get these down to them. Nancy Taylor is adamant that we get started on our comp plan, so I emailed her back the changes that we are working on are loopholes that we absolutely need to get fixed ASAP so the next thing we need to start working on is our comp plan so if you guys

want to come over so we can get started. What do you want to do, I don't know where to start on the comp plan, and I don't know what she has got up her sleeve.

Mike: Better see what she has up her sleeve.

????? I thought that was what we were doing.

????? We are just working on loopholes.

Karen: Well the comp plan really needs to be revised major because it hasn't been changed since 1997 and there are major changes in the state statues that our comp plan needs to be up and going with. I thought we were going to hold off until we got our transportation plan put in place so we could adopt it, but our money is about a year out is order for us to get started on it they were trying to see if they couldn't get the money early and I haven't heard. I guess I need to email Nancy back and say where do we need to start from here and let you guys know on the 12th. For those of you that come on the 12th.

Rod: So are you indicating that you would have her here on the 12th?

Karen: I don't think I can get her here that soon.

Kirk: That would be my concern to, because I don't know that we can really get into depth in a 2-hour meeting.

Karen: What I'm afraid of now that we are starting into summer, all of you guys get busy and there is a lot more major stuff going on and we get bombarded with a lot more projects, we don't have the time to do it at a regular meeting so I think what she is looking at she is hoping that we get additional meetings and if I had know that I would have said fine, get over here and lets get started on it right now. I will email her tomorrow, and if I get some information I will get it mailed out to you so you will know what direction she will want to go other than that I'm done.

Adjourn

Connie: I make a motion to adjourn.

Linda 2nd the motion

Unanimous