



**Fremont County Planning and Building
Planning and Zoning Minutes
August 16, 2004
7:00 p.m.**

In attendance: Rich Zimmerman, Bill Smith, Mike Davis, Chairman, Kip Martindale, Linda Crapo, Connie Otteson, Kirk Mackert, Kurt Eidam, Dirk Mace.

Project Representatives and Developers: Leslie Parkinson: Hog Hollow Estates – Rick Byrem and David Kuhn: Eagle Ridge Subdivision – Lynn Hossner, Todd Hossner, Gary Wight and Gene Kantack: Gravel Mining Operation - Rick Byrem: Black Mountain Meadows.

WELCOME: Mike Davis- opened the meeting at 7:05 p.m. - Minutes from last month- few minor changes- accept minutes with changes Connie motion to accept.

2nd – Linda Crapo
Motion Carries.

Public Hearing - Hog Hollow Estates – Leslie Parkinson- 94 acres-32 lots -2900 east

Mike Davis- Karen Lords, Administrator, has the proper notices been provided? Have the proper notices been mailed out and the property posted?

Karen Lords: Yes, three notices have been provided to the property owners, the site has been posted and the legal notices are in the newspaper.

Mike Davis- Are there any members on the board that would have a conflict of interest on this proposal? Okay if not carry on. Karen, would you report on this proposal then please?

Karen Lords- Yes, I can do that. I'm going to pass out pictures. And I will read through my report. First off, let me pass out the plat. If your remember last month I stated that Leslie appeared to you in 2001 with this proposal and I guess that what your going to have to do is pass this down. This is located on 2900 east near Chester and she is asking for 31 lots on approximately 92 acres. Leslie is here tonight to represent the project. We are looking at individual septic and individual wells, we would have two accesses off 2800 east and I'll go through and give you my report. This is the application for Hog Hollow Heights Subdivision. Leslie and Dirk Parkinson have applied for a Class II permit application for a proposed subdividing approximately 95 acres into 32 lots. Located in the Southwest corner section of 25 Township 8 North Range 41 East Boise Meridian, Fremont County, Idaho. The soil mapping in it suggests that the subdivision would be in Stipe and Jipper, fine sandy loam with slopes to 1 and 6 percent. The soil survey also suggests that the composition of soil contains Stipe soil and similar inclusions of 40 percent Jipper soil and similar inclusions with the 40 percent and contrasting inclusions of 20 percent. Inclusions state that the soils that are similar to this type of Jipper soil do not have a layer of lime accumulation of 5 percent. Soils that are similar to the site of Jipper soils that have 5 to 30 percent rock fragments throughout 5 percent; Nayrib very cobble fine sandy loam on the ridges and terraces 5 percent. Soils that are similar to Stripe Jipper soils have an induced water table in areas of river gravel, 5 percent.

Density for the purposes of determining of the development allowed the site consists of 95.33 acres with 2.87 acres overall average density the lots would be served with individual well and septic systems. The number of dwelling units permitted is 31. Fremont County Development Code requires a density of one dwelling unit per 2.5 acres. The project would be allowed to have 38.12 lots. I recommend a point assignment of “0” on the absolute performance standards and “+3” for relative performance standards. The department would have the following recommendations and conditions. Chapter VI K1- Irrigation System State Law, Chapter VI K2 - Irrigation Systems Runoff. Chapter VI Signs in compliance with Appendix A. Chapter VI-BB - Onsite Sewage Disposal with District Seven Health Department. Chapter VI- CC1 - Private Utilities Access, Chapter VI- C.C.2 - Private Utilities Capacity. Chapter VI- GG – Roads, in accordance to Appendix B.

Mike Davis- Is there anyone on the board who has any questions? Karen, do you have any? Karen, did you receive any letters concerning this proposal?

Karen Lords- We have letters from Fremont Telecom saying they can provided services, which Leslie Parkinson talks about when she gives her report. I also received a letter from Fall River Electric that they could provide services and we also have a letter from Fremont -Madison Irrigation that we probably should read.

Mike Davis – Did you want to read those now or after?

Karen Lords - I can read it now if you like.

Mike Davis- If you would please.

Karen Lords- This is dated August 4, 2004 from Fremont- Madison Irrigation district. It says Dear Karen, Thank you for the letter informing us of the proposed subdivision in the South West quarter, Section 25 Township 8 North Range 41 East. I want to make you aware of the Fremont -Madison policy in regards to parcels of land that are proposed for sub developments. I have Fremont-Madison storage water attached, which is true in this case. The property has 122 acres foot; subdivided property subdivides storage water policy. It is here by the policy of Fremont-Madison Irrigation as dully adopted at its regular board meetings September 11, 1998 that shall apply to any parcel of land to which sharing water is attached prior to Fremont- Madison reorganization is any transfer of storage water which is proposed to be subdivided, the developer would be required to produce evidence satisfactory to Fremont-Madison Board of Directors that a reasonable water system is or shall be in place which shall amply supply storage water to all members of the proposed subdivision. Should there be no water system and if none is proposed by the developer, then the developer shall be required to provide an acceptable proposal of transfer of the storage water to the board for its consideration. If you have any questions, please feel free to contact me. Dale Swenson, Executive director.

Mike Davis- Karen, do you know if that’s been done?

Karen Lords- I do not.

Mike Davis- Leslie, do you have anything you could add to what Karen has said?

Leslie Parkinson- I could straighten a few things out. You do not have in your packet a copy of this letter from Fremont Telecom, which does set forth that they can provided utilities service to that area, now as far as the storage water goes, we do not have a plan to transfer the Fremont-Madison to the person who might purchase the property. It would just be a matter of transferring it back, although I have not dealt with that things it’s done quite frequently.

Karen Lords- What would happen is when she actually went to record the plat, there has to be a footnote by state law, stating that anyone who looks at the plat will know exactly what’s going to happen with storage water rights.

Leslie Parkinson- It will straighten out what will happen with the storage water rights. Does anybody have any questions about this development? We will open with all the requirements the county has set forth in the subdivision ordinances. The reason I have appeared before you again is because I appeared in 2001 and this was approved preliminary and the reason I didn’t finish this project and a final plat approved because its not quite decided on how to proceed on some of there matters, and one of those things is we would like to do some

bridging over the central canal. There is the Chester Canal and there is the Fall River, so we had to decide how to do that bridge and then we just didn't quite decide how to finish those projects. And frankly the market in the area wasn't that strong the last few years so I am hoping that will pick up. The board actually approved this project, so I would hope that you would approve it again. Unless you have any questions, I would be happy to answer them.

Mike Davis- Does anyone on the board have any questions?

Karen Lords- I need to tell you that for each subdivision, because we have had such an issue over water. I sent a letter of a public hearing notice to Dennis Dunn with Idaho Department of Resources requesting him to comment and so far no response.

Mike Davis- Okay any other questions?

Kirk Mackert- I know there was one comment over maybe some control and that. That the lots get out of control.

Leslie Parkinson - I don't have any problems about using control.

Kirk Mackert - I know that was talked about in our last meeting.

Karen Lords- Are you going to have covenants and restrictions?

Leslie Parkinson -Yes, we had planned on covenants and restriction so that would provide control. The county ordinances already requires how many or how much livestock one can have on that size of a lot of course it wouldn't be any different than that kind of a thing but we do plan to have some covenants and restrictions regarding what kind of structures and of course there will be privately maintained water systems, privately owned septic tanks and had the District Seven Health people come out with us and inspect the place and geologically there is no restriction on placing septic tanks in that area.

Karen Lords- Have you done that just in the past two months?

Leslie Parkinson- I have not done that lately. No, I had preformed that prior to the approval in 2001.

Karen Lords- We need to know that now.

???- We have found out that owners do not take care of it, the county will.

Kirk Mackert- Right so we have weed control.

??-A point of clarification on your lot 4, you have two lots 2.

Karen Lords – They are broken up into blocks.

??- Block 4 you have two blocks 2's I mean two lot 2's. Yeah I mean two blocks twos no lot three.

Bill Smith- Three is needed.

??-This block three, one, two, three, and four. This is one, two, two four five, this is probably supposed to be three.

Karen Lords-Oh okay. She can have that corrected.

Leslie Parkinson- Do you want to show me where you are looking, I am not quite with you.

Kirk Mackert -Right here on block 4.

Karen Lords- Which is easily correct by a platted map.

Dirk Mace- Do covenants need to be recorded with this?

Karen Lords- The idea behind covenants is that you record them at the same time you record the plat so that if you sale a lot the very first owner is under the obligation of CC & R's not four or five lots down the road.

Kirk Mackert- Not everyone will change, which we experience in the past.

Karen Lords- Yes.

Kirk Mackert - Okay

Leslie Parkinson- And in fact it doesn't have to be recorded with the final plat. So it's a matter of public notice.

Mike Davis- Leslie has Owen been out and looked at the property?

Leslie Parkinson- Who?

Mike Davis- Owen from District Seven.

Leslie Parkinson- No he hasn't. Jerry came out and looked at it.

Owen McLaughlin- Probably on Record.

Leslie Parkinson- Sorry, I don't know who you are.

Mike Davis- So we are probably going to have Owen go out there and take a look irregardless that Gary did it.

Karen Lords- You will need to have Owen look because Owen will be required to sign on the final plat. So he will need to know that.

Mike Davis- Any other questions for Leslie or comments.

Leslie Parkinson- There was a concern previously about the property having some agricultural use and there is a particular ordinance that requires that you have to have land out of production for a certain number of years, unless it can be shown that it's not suitable for agriculture production. So the last time the project was before you, it had been inspected, several of the members of the commission went out there just to show you how rocky it is. It was determined that and that, the area it's really not agriculture, there is some pasture land mostly. The problem is that is probably the rockiest place I have ever seen. I have been to rocky places, so it was determined at the time that the acreage was not prime agriculture ground so it didn't interfere with that part of the ordinance.

Mike Davis- Are there any other questions?

Kirk Mackert -Just one, it's rather a point of clarification, Class II permit says 30 lots, Karen, your letter says 31, and the agenda says 32.

Karen Lords -Actually, there is 31 lots all together.

Mike Davis - At this time, I would like to remind everyone that their statements and comments made of this proposal should be made compliance or lack of compliance with the comprehensive plan. We would like to put a three minute time limit on comments please. I will call the names please come forward state your name and address and make your comments please. Merlyn Hobbs

Merlyn Hobbs- First off, this is the first time I have ever done this, so I don't know what I am doing. But I do have some concerns and there's going to be a well for each acreage on this plan, which means, there is going to be 30 wells pumping out of our aquifer. And we do have a problem with our aquifer is going down. We would like to know the covenants, because we haven't been able to find out or get any plans as to yet to know what has already been planned. We talked about the antelope and that was pretty well covered. Is there any minimum on the size of the homes, like 1400 square feet on the level floor anything like that make sure that the value of the property isn't going to go down. And also there is an easement throughout the property, I believe at least 6 people that draw water out of that ditch that comes along that property. That wasn't mentioned, Fall River was but not the Chester Company.

Mike Davis- As I understood how the water situation works with canal and that they haven't irregardless who owns the property, the canal does have the standing right going through that claim, I am sure Miss Parkinson and Mr. Parkinson would have that in the covenants to make those people aware of that. We will defiantly find that out.

Merlyn Hobbs- I believe that is all I have right now. If the number of building homes could be stipulated, like on garages, two or three car garages to keep on each home-site, then I can't come up with the work anyway keep the property nice.

Mike Davis- Keep the valuation up.

Merlyn Hobbs- Yes, keep the valuation up. That's really all I had, thank you.

Mike Davis- Thank you Mr. Hobbs. Does anyone have any questions for Mr. Hobbs?

Kurt Eidam- Where do you live compare to the property?

Merlyn Hobbs- Right next to the property.

Kurt Eidam- How deep is your well your drawing from right now?

Merlyn Hobbs- 168 feet.

Mike Davis- How deep is where you draw water?

Merlyn Hobbs- I don't know, I can't remember off hand. But it has gone down; we have had three wells in the area recently that had to be re-drilled.

Mike Davis- Do you know how deep those were?

Merlyn Hobbs- No I don't.

Mike Davis- Any other question or comments? Thank-you Mr. Hobbs.

Merlyn Hobbs- Thank you.

Mike Davis- The next name on the list is Lynn Hossner.

Karen Lords- He is next door, let me go ask him.

Leslie Parkinson- do you want me to make a remark about the canal?

Mike Davis- Just a moment.

Karen Lords- He signed the wrong one.

Mike Davis- Well, we wondered. Is there anyone else at this time that would like to comment on this proposal? Yes ma'am.

Elizabeth Ladden- I am from Island Park News. I just have a question, concern about the water.

Mike Davis- Elizabeth, could you come up to the mic please.

Elizabeth Laden- I just have a question about the after concern that Mr. Hobbs expressed that he is concerned that some wells have dried up or that they might have to dig deeper and if this development is approved, then what happens if the development runs the pre-existing people out of water?

Karen Lords- Well, what happens is, when a property owner wants to drill an individual well they have to get a permit from Idaho Department of Water Resources. The county is not going to police wells, so if they go dry that is going to have to be an issue between the Idaho Department of Water Resources and the property owners.

Elizabeth Ladden- Okay, so the P&Z is out of it.

Karen Lords- We are because that is policed by a state agency, Idaho Department of Water Resources like the Health Department handles the septic systems.

Elizabeth Laden- Great thanks.

Mike Davis- Just a comment Elizabeth, the board is aware of the problem with the wells and the water aquifer. It is always a concern to all of the new wells; some good winters like we used to have would make a lot of difference. It would help us a lot. Is there anyone else that would like to comment? Leslie you have a comment?

Leslie Parkinson- Just correcting your remark as far as I understand the Idaho State water law. The canals cannot be interfered with. There are two canals, the Chester Well Ditch Canal and then there is Fall River Canal and neither of those can be interfered with because there pre-existing and part of the water system in the Snake River valley, and they will not be interfered with as far. There are some parts of the Chester Canal Company and also the Fremont-Madison Irrigation Company, and it's all kind of combined as you all understand. But the water shares are a little different, but just because those water shares would be transferred back to the Fremont-Madison Irrigation system does not mean that the canal will be closed, because it cannot be closed. The canals were hardly ever closed because they have got to serve the people who are down stream of them. So you probably don't need to have a concern if the Chester Ditch will be able to deliver water, because it will be able to. Those rights do still exist and they will continue to exist for the maintenance in that area and that was some of the concerns that we would have to bridge those two. Because they have to be bridged and culverts don't work they don't let enough water flow through, we have to be aware of that and as far as covenants and restrictions there will be perimeters set as size of the house and dwellings and an account number of garages and that sort of thing. That document will be available at the final plat hearing.

Mike Davis- Could you give Mr. Hobbs any ideas for just to rest his mind that you do have some size and things in mind.

Leslie Parkinson- We do have in mind to have a minimum dwelling, minimum size dwelling because of course our concern is not to devalue the area and that's everybody's concern to not devalue the area. So we do have a minimum size and probably something 1500 Square feet but it could be different than that. We've got to do a little more evaluation and probably at least a double car garage, but we have to consider our evaluations and that document like I said would be the final plat stage.

Mike Davis- Karen, any other questions or comments?

Kirk Mackert- Are you going to put the road to the subdivision and that?

Leslie Parkinson- Well, of course we would like the county to do that, but the county doesn't like to do that as I understand it. So, it's our intentions to have a private organization to do that that would take care of the payments of the road.

Mike Davis- Any other questions or comments for Leslie?

Kirk Mackert- Would any of the individuals that are on the banks or ditches of these canals have access to any of these water rights or water to their property?

Leslie Parkinson- The way I understand this and I've had several conversations with the people at Idaho Department of Resources. We don't have the intention of splitting up the water right that is associated with those canals and then certain an irrigation system that's kind a big pain in the neck. We don't actually have an intention to do that right now the intention is to transfer the water rights back to the Fremont- Madison Irrigation. Now I understand and can't represent these Departments of Resource position now, what I understand people can just kind of water their acreage just off their domestic well and that goes on all the time. And there is a concern about the aquifer and that is a concern throughout the whole state and if they don't show up to remark I can't know what they want.

Karen Lords- Mr. Hobbs, I guess you need to understand that way last fall we had an assistant from Idaho Department of Water Resources come and speak to the planning and zoning board and he said that they were in the process of policing properties that they could only water a half acre from a domestic well, now how they were going to police that is they were in a process of getting a grant from NASA. And they have a satellite and it goes around every 24 hours. Idaho Department of Resources gets that and that's one of the ways they are policing water and where it's showing up properties that are being watered that are illegal.

Merlyn Hobbs: I know that there is a problem there because we had a huge irrigation problem a billion years ago. And every time they would start that pump for that irrigation unit, it would shut the advert dry around it and it would take several hours for the aquifer to fill it back up. This had been 20 years ago, so we know there's a problem in there. When you hook 30 wells in there, plus their lawns and everything else, that there is a lot of water.

Karen Lords- Like I say, it's out of our hands because the property owners were asked to get a well permit from Idaho Department of Resources and I am going to assume that with all the well laws that they keep track of, they are going to be able to identify problems. I always send a letter to them asking them to send comments and we did not get a response back on this project.

Rich Zimmerman – Shallow irrigation water type of 30 ft. is not even close to 168 ft down at the aquifer, another aquifer. Most of your irrigation wells are not 168ft down.

Mike Davis- any other questions or comments? Thank you, Leslie. Is there anyone in the audience that would like to comment on this or rebuttal or anything? At this time then we will close this to public hearing and turn it over to the board and their decision.

Mike Davis- I think Owen needs to make a road trip to make sure he is in agreeance with Jerry's findings of three years ago.

Kirk Mackert- Just to update everyone, to protect everybody. Just a current. An approval of water to go with the final plat. I think that needs to be resolved.

Mike Davis- Yes.

Kip Martindale- Maybe in the covenants it should state just as a reminder a half acre limit per watering a yard or area.

Mike Davis- That kind of puts you in a catch 22.

Karen Lords- You don't have the jurisdiction or the authority to state what needs to be in the covenants. That's a private agreement between the property owner and the developer.

Mike Davis- It would be a code change. A catch 22 with the size and what they allow irrigate with I understand there are all of these concerns. Any other discussion? Do I hear any motions or questions?

Linda Crapo- What will happen to those people who will build there house along the canal, they will understand they can't just plop a pump in those canals.

Kurt Eidam- Without purchasing a license.

Dirk Mace- You can tell them and tell them. Unless there is someone standing there policing it 24 hours a day that has to come to the honest of the people living along there not to do that. I know we all know somebody who has plopped there little pump in a ditch and they don't have water rights, but they do it anyways.

Mike Davis- That's where the position of the water master on that canal and it's a dirty job sometimes but that's where he has to keep the delegation authority that has to take care of that.

Kurt Eidam- I make a motion to accept this proposal of the 94 acres, 32 lots on 2800 east. With the stipulation that the health department will make another visit to make sure everything is all right.

Mike Davis- With their approval.

Kurt Eidam- Covenants be recorded with the final plat and the water.

Karen Lords- Please state that again Kurt.

Kurt Eidam- That the water situation is worked out prior to the, is resolved so it's recorded with the final plat.

Linda Crapo- 31 lots

Karen Lords- Okay, what are you saying Linda?

Linda Crapo- it's 31 lots not 32.

Karen Lords- Correct, 31 lots

Kirk Mackert- I will second that motion.

Mike Davis- We have a motion that has been seconded. That we approve this proposal with the conditions stated in Karen's letter. Conditions pertaining to the water and District Seven of septic system. Will you please take care of that Owen? Those in favor? Those opposed? Okay, the motion carries

Public Hearing – Proposed Subdivision- Eagle Ridge- Rick Byrem

Mike Davis- The next item on the agenda this evening ladies and gentlemen, proposal of 146 acres, 50 lots.

Karen - have you posted the proper notices?

Karen Lords- Yes I have posted the property. I have sent notices out to the property owners. Legal notices have been placed in the newspaper. I have given out three copies of the preliminary plat and I will also pass out pictures that I have taken so you can be looking at those. I have Rick Byrem here to represent the project.

Mike Davis-Are there any members of the board that would have a conflict of interest with this proposal? Does the board have any questions for Karen? Alright, Karen would you give us all the information that you have please.

Karen Lords- This project came before you last month. This is located on the old Shotgun Road, it actually is north of Centennial Cove and South Shores. If you look on the right hand side of the plat map of the vicinity map, it will give you an indication as to where it is in reference to the old Shotgun road as you pass Jacob's Ranch, the rodeo grounds. You're traveling south and as you make the first corner to your right, the project begins on the south side of the road. We are looking individual wells, individual septic. As we see the overall 125 acres, and the overall average is going to be 2.5 acre lots. I will read you my report. The proposed Eagle

Ridge Ranch Subdivision and South Shores Subdivision, these developments in the proposal are located on the north shore of Island Park Reservoir. The legal description is in Section 22 and 23, Township 13 North, Range 42 East Boise Meridian, Fremont County, Idaho. The nature of the application is for a Class II permit, proposes 50 residential lots near the old Shotgun road; the cul-de-sacs meet the distance requirements for the amount of lots being accessed. The proposal also provides for a loop access for additional lots near the western area of the subdivision. A road has been proposed for access if additional development were added. The soil for the proposed Eagle Ridge Ranch Subdivision is 1 to 4 percent slopes inclusions, soils that are similar to the Shotgun Soil but have 15-25 percent stones throughout (10 percent): soils that are similar to the Shotgun Soil but are in depressions and are more than 40 inches deep over bedrock (five percent); Rock outcrop (5 percent). In accordance with the Natural Inventory Resource Maps, the proposed subdivision does not lay in a wildlife corridor. Density: for the purposes of determining the density of development allowed, the site consists of 126.5 acres in dwelling units of one in 2.5 acres. The number of dwelling units permitted would be 50 lots for a cumulative score +3, for a total of 50 units permitted. Letters from the utilities are required stating that they have adequate right-of-way easements and adequate capacity to serve the proposed subdivision. I make recommendation of the Eagle Ridge Ranch Subdivision be approved with 50 lots with the following conditions. Chapter VIII, BB - Signed with accordance with Appendix A, Chapter VIII, GG - onsite sewage disposal with approval of District 7 Health approval, Chapter VIII, HH.2 - private utilities capacity, Chapter VIII, LL - roads in accordance to the Appendix B, Chapter VIII, NN.1 - fire protection, fire department comments which we did not get. I was adamant about trying to get comments from the fire department because of the issue that we are looking at with the fire mitigation plan and we did not get a response back from Island Park Fire Department. We did get a comment letter from Idaho Fish and Game, Fall River Electric, and also Fremont Telecom.

Mike Davis- Would you care to read the one letter from the Fish and Game?

Karen Lords- Yes dated August 10, 2004 from Idaho Fish and Game. It says, Dear Karen, We have reviewed the Natural Guardian Limited Proposal to subdivide 126 acres on the Old Shotgun Road North of Island Park Reservoir into 50 lots of approximately 2 ½ acres each. This area has had a number of subdivisions and other developments started in recent years and now is in an area that appears more “developed” and less open space than it appeared even five years ago. The small lot size will result in a loss of most wildlife habitat values on this property other than backyard wildlife. However, it preferable to see this development occur in an area already experienced home developments, rather than further west in Shot Gun Valley where there is still valuable open space and wildlife habitat. This area of sagebrush grass vegetation provided important habitat for a number of wildlife species. The open space characteristics of this area, is beneficial for sage grouse, raptors, antelope, and mule deer. Sage grouse, a species in decline throughout the U.S., use this area as late summer brood rearing habitat. Long billed curlews are also known to nest in this area. The overall Shotgun area is important spring-summer habitat for antelope, mule deer, elk, and moose. Some waterfowl may nest on the uplands nearest Island Park Reservoir, especially near the small unnamed ephemeral creek that passes through the proposed development. Sand hill Cranes are also common in this area. Bald Eagles, a federal threatened species are known to nest within several hundred miles. Reports of grizzly bear (a threatened species) activity within five miles of the proposed subdivision are not uncommon. In general, residential subdivisions in what was previously undeveloped open space or agricultural land are detrimental to most wildlife species. We recommend the developer cluster the lots as close as possible to retain some areas of open space especially near the creek/riparian area. We also recommend that the utilities lines be buried as this will minimize the incidence of bird power line collisions and mortalities. This is especially important being so close to the Island Park Reservoir and all the birds which utilize the reservoir waters. We recommend the following additional features be included to further minimize potential negative impacts to wildlife and wildlife habitat in this area of Shotgun area. Plat notes should include an agreement that landowners cannot file a claim against Idaho Fish and Game for wildlife damage to their property. Plat notes should include language prohibiting the feeding of

wildlife other than song birds and bird feeders should not be accessible to bears. Plat notes should require pets to be restrained and directly attended to at all times. Garbage should be kept in bear proof containers and removed at least once a week. A growing threat to wildlife habitat is noxious weeds. As required by Idaho Code, noxious weeds must be controlled by all landowners. Areas of ground disturbance are at high risk of noxious weeds infestation and should be closely monitored until construction and re-vegetation is complete. Construction equipment should be thoroughly cleaned before entering project site to reduce the risk of spreading noxious weeds into the proposed development. Thank you for the opportunity to comment on this proposal. Robert Sabin, Regional Supervisor.

Mike Davis- The letters from Fremont Telecom and Fall River state that they can provide service?

Karen Lords- Yes, but that there is capacity and capable of providing that service and you should have handouts with those letters.

Mike Davis- Is there any questions for Karen?

????- Do you know where the creek is their talking about?

Karen Lords- No.

????- It doesn't show anything.

Karen Lords- When I was out there doing an onsite I didn't see anything.

Mike Davis- Okay any other questions? For Karen? Do you have any more to add Karen?

Karen Lords- I do not.

Mike Davis- Rick will you come forward?

Rick Byrem- My name is Rick Byrem. I represent the property owner and I prepared the documents you have before you. There isn't any kind of stream running through the property. The Fish and Game probably was misreading their map a little bit. There is a runoff area; they call it something like a seasonal runoff or something.

Mike Davis- Okay is there anything else you would like to add to what Karen has already said.

Rick Byrem- She has pretty much covered it. Nothing has changed since we were here last month. One thing, we are restricting, is there won't be driveways. The cul-de-sacs will be the road, not the road down the middle.

Mike Davis- Any questions? For Rick?

Rod Dalling- You have on here a 30' easement, part of lot measurement, so they would be owning part of the Shotgun road?

Rick Byrem- The property lines currently run down the middle of Shotgun road. The Bureau required easements when they built the Reservoir back in the 1950's. It's a descriptive easement. We will dedicate half the county road easement for our side of the property.

Kirk Mackert- Is that a county road?

Karen Lords- Now, state that again, I missed it.

????- Shotgun Road is 30 feet and is basically the owners, whoever buys that land is going to own 30 feet of county road.

Karen Lords- I guess, I would have to check with the county but I am going to have to assume that there is not descriptive easement.

Rick Byrem- Well, there is descriptive easement; there is no written easement to that road. It is descriptive meaning it's been there a long time.

Karen Lords- Right.

Rick Byrem- The County has maintained it so you've got whatever you got probably 25 feet of easement.

Karen Lords- You aren't counting on this being open year round?

GROUP DISCUSSION

Karen Lords- Are you planning on continuing plowing it for this project?

Rick Byrem- We will keep it open as needed, and I am sure they will be happy.

Karen Lords- Right, I think we all know where this is going.

Dirk Mace- To extremely limited resources I doubt the county will ever do it.

Kirk Mackert- Right.

Dirk Mace- Unless that state law changes.

Rick Byrem- There will be a homeowners association in fact and they have to maintain the interior roads so they will have to plow the main roads to get to the interior roads that is what is happening out there now.

Karen Lords- We have had other projects that have taken part of county roads or roads that the county maintains and they have deeded to the center of the road. This isn't the first time. Sawtelle Mountain.

Dirk Mace- If I am not mistaken my own property runs through the middle of the road.

?? – You're not going to allow them to put a driveway out to that road, yet they are going to own that road.

Karen Lords- so you're showing shared driveways off the road. They are showing cul-de-sacs, is what I am getting at. We are going to start getting a little more sticky about that.

??? – Rick which lots are you talking about?

Rick Byrem- Many of them along Shotgun road.

??- along the top side.

Karen Lords- There being accessed by little cul-de-sacs, we would rather have that than individual driveways off each lot.

Bill Smith- How are you going to keep them from doing that?

Karen Lords- Because Weldon is really starting to get nasty and saying if you build it; he has actually had to enforce it and had the people take it out.

Kirk Mackert- Does it need to be included some place and stated?

Rick Byrem- It will be a plat note.

Kirk Mackert- Hopefully they abide by that.

Karen Lords- you should state that you want a plat map stating that be included for sure.

????- Bill brings up a good point. Roads will be privately maintained except for the Shotgun road. You have got to take out Shotgun road because that is saying that the county will plow that.

Karen Lords- Yes. I think you need to make a motion of whatever and have that sent to the county commissioners decide on that.

Kirk Mackert- That will be the county commissioner's call.

Rick Byrem -It could be called county road or something else because it's a public road it's an easement.

Karen Lords- Right, but we don't want people to be led to believe that when they go buy property and they are looking at the plat that the county is going to be maintaining it year round.

Mike Davis- Yea and that's what that states right there.

Rick Byrem- We're open to suggestion on what kind of notes.

GROUP DISCUSSION

Mike Davis- Rick, make sure I am understanding correctly, these two cul-de-sacs that you are showing originally going onto the Shotgun Road, they have to come down and access onto the loop road that comes through?

Rick Byrem- No, they will access off that Shotgun Road.

Mike Davis- Those will be the only ones?

Rick Byrem- There will be a total of four cul-de-sacs coming off the Shotgun road.

Karen Lords- Which cul-de-sacs are you referring to?

Kirk Mackert- Just the cul-de-sacs.

Karen Lords- Maybe you should make a recommendation and actually designate which lots will be using cul-de-sacs roads and that these cul-de-sacs roads have to be maintained by property owners.

Mike Davis- Does that answer your question?

Rick Byrem- I could make a wordy plat, I have done it before, something to the effect that the Shotgun Road is a county road and apparently there is no maintenance at the time the plat is filed. Homeowners association will be responsible for providing road maintenance on this road until such time if the county is ever. A disclaimer to buyers, so they are not expecting anything.

GROUP DISCUSSION

Mike Davis- Any other question?

Kirk Mackert- Is there a concern with the fire and safety issue coming before us that we need to possibly address on those one with providing fire services out that far or is that?

Karen Lords- Well, they would have to be within six miles of the fire station. These property owners, if they didn't meet that requirement, would have the right to ask to be annexed into the fire district, which requires a hearing, and all the paperwork goes to the state tax commission.

Kirk Mackert- Are they within six miles?

GROUP DISSCUSION- Yes.

Karen Lords- I think I will just have to be a little more firm with the fire departments from here on out.

Kirk Mackert- I believe based on his all applications for class II permits shall be referred to the Island Park Fire Protection District for review and comment. If comments are not received before or after scheduled hearing shall be assumed that the district had none.

Karen Lords- A copy, the hearing notice goes to the fire commissioners and to the fire chief not just one letter. We are sending two out.

Mike Davis- Any other questions or comments for Karen or Rick? Thank- you Rick. At this time we would like to open this to public hearing. At this time we would like to remind everyone again that his or her statements address the compliance or lack of compliance about this proposal within the code. So at this time we will open it for public hearing. The first name on the list is Mitch Jacobs. Please come up and state your name and address Mitch and comment please

Mitch Jacobs- Hammer, Idaho - I just wanted to say a few words to testify on behalf on this project. Everything is positive. I just wanted to take a minute to tell you as a planning and zoning group that I think what you are doing is right and it's what the state of Idaho has encouraged economic development in Eastern Idaho by approving these subdivisions your creating so much more of a tax base for Fremont County. When they build homes on these divisions, on these lots, there is so much more taxes that can be paid in Fremont County. So Fremont County is a winner and the state of Idaho is a winner. As you read in the papers and everything I have heard on comment. My comments are that we should encourage our road and bridge, and our people to make these roads available for all the extra income that is coming into Fremont County from all these developments because without these developers in Island Park and these extra taxes are being paid. The people of Fremont County in general, I don't think are really aware of how much money is brought in by the tax payers that build these homes. I just congratulate you and approve a project like this. It's done in a good way, it's done right. These subdivisions that we have in Island Park are planned out have been used as example throughout the state

and throughout the nation as an example of how to do developments. If we keep these developments on a high level as you are doing, everyone becomes a winner and as a neighbor that borders this whole project I certainly give it a good recommendation.

Mike Davis- Okay Thank you. Is there anyone else who would like to comment? Yes sir, would you state your name and address?

Thaddeus Sweet - 3841 Sawtelle Meadow Drive, Island Park. I have a question or a comment about the comments provided by the fish and game and this concerns wildlife. When you read the letter Karen, if I heard it correctly, they made some recommendations. One of the recommendations was to consider cluster housing and leave more open space. They make a recommendation they are in charge of wildlife, I would like to see that considered by the planning commission. In doing this there will be more development in Island Park, the benefits are going continue. Mr. Jacobs said promote economic development in Eastern Idaho. But remember why people move to that area and it's not because they need a place to live and wildlife values are a very important part to the value for people going into that area. There is almost no place in the country literally except in the Yellowstone ecosystem where you can see the variety of large game and wildlife. You should also know that the sage grouse is severely diminished and threatened throughout the West and that property is one of the areas that have the self sustaining population sage grouse. They way it used to be before development. My question, I think many of the people in Island Park want to see these developments done in such a way that we maximized the opportunity to see wildlife, what's wrong with seeing a mule deer walk through your back yard or an elk or whatever. This is an important part IDFG said something different there have been studies done in different parts of the country. There could be more realistic profit in clustering houses in open areas that are conducive to wildlife then there is in more traditional conventional plat layouts. Now, I am not the final word on this, I am not a land use planner, I am not a biologist but if IDFG and presumably these people in this area make suggestions could that suggestion please be taken into account by the planning commission and a developer as a positive alternative to make good developments into better developments. The value of the property is going to depend on wildlife and recreational values there is no significant agricultural left in Island Park area. Let's keep in mind why people are coming there and what is going to keep them there and what is going to keep the values. My question is will you please give this alternative situation and ask the developer to consider it, thank you.

Mike Davis- Thank- you. Karen, do you have any way you would like to respond to cluster housing?

Karen Lords- Well, basically a developer can get more bonus points if he clusters. It is encouraged, but it is not mandatory. We would like to see that with the type of zoning that we do. They also discussed the four requirements that they are asking you to look at. Plat notes should include an agreement with the landowners not to file a claim against Idaho Fish and Game. You could make that a recommendation. The other one was to include language prohibiting feeding wildlife other than songbirds and birdfeeders should not be accessible to bears. Plat notes should require pets to be restrained or directly attended at all times and garbage should be in bear proof containers and removed at least once a week. In our zoning requirements for solid waste, it asks for the homeowner to use bear proof containers and that language has been in there since 1991 so that's not a new requirement. It applies to homes, it does not apply to a subdivision but you can cask the developers to put those notes on the plat.

Mike Davis- I have one more question for you, Karen. This is in regards to clusters.

Karen Lords- Well, the idea would be on if I could show you a drawing. You are asking the developer to cluster all the homes over on one end of the parcel and leave a larger area as open space. Which in this particular circumstance he didn't leave any open space but that's up to the developer.

Mike Davis- How does that work with our acreage minimum our size?

Karen Lords- They still have to meet the over all average of 2 ½ acres.

GROUP DISCUSSION

Karen Lords- Instead of putting lots through the whole entire thing they are saying ½ of this is all going to be open space which their reducing down the number of lots and their clustering down at this end.

Kirk Mackert- Aren't those lot sizes able to shrink down at that time?

Karen Lords- They would end up reducing down the number of lots that they would be able to have.

Mike Davis- They would have reduced number of lots and they would be smaller also but yet they would have to maintain the one-acre minimum for the specs.

Karen Lords- Correct. There are stricter guidelines for the Island Park area. With the scoring part of it they don't get any plus points and I didn't give them any negative points. I gave them zero so they didn't get anything for not clustering. The developer did so like when Mitch did his project for Arrowwood. He purposely worked the land use consultant and they made sure there were lot's of wide open space so he would get lots of bonus points for working that direction but you can't force a developer to do that.

Mike Davis- What is the bonus points?

Karen Lords-If they got enough bonus points they could actually get more dwelling units.

Mike Davis- That's the benefit.

Karen Lords- Correct. That's the benefit of it.

Mike Davis- Maybe I'm not out of line bringing this up. But I just wanted to clarify.

Karen Lords- you have every right to ask.

Mike Davis- I just wanted to clarify at this time because it was brought up and its something that we should be maybe looking more at is encouraging them to cluster in open areas.

Karen Lords- You would like to encourage the developer to do that.

Mike Davis- Ok

Kip Martindale- How do you go about that.

Karen Lords- Sitting down with them one on one and having them present their project to you and making recommendations to it. That's the best you can do is make recommendations to it. You can't tell them that this is how they are going to do the project.

Dirk Mace – As a planning and zoning commission there is probably things that we would like to see different but we walk a fine line between requirements and a taking, and taking is a very expensive proposition for a county.

Mike Davis- I apologize for that.

Karen Lords- Not a problem.

Mike Davis- Is there any other problems or questions?

Scott Christianson- My comments are probably no different than Thad's. I just have one thing that I would like to say to the representative or developer whoever is here tonight. Natural guardian has a big chunk of land that is not included in this development. Just to throw it out there I would be more than willing to help you guys facilitate and sort of a conflict issue with the nature concerns. That's one of our main focuses in Island Park is to try to work directly with developers and landowners. SO whoever it is that is involved in that I just wanted you to know that it's an option especially, there is a very good chance sage grouse could be listed.

Mike Davis- Okay, thank you. Is there anyone else that would like to comment or rebuttal anything that has been said? Okay, at this time we will turn this over to public hearing and comment and turn this over to the board for this discussion.

???- I would like to see that all the recommendations one through four be added to the plat from the Fish and game would like to see that on there.

Karen Lords- I think you need to talk to Owen.

Mike Davis- Excuse me. That was my over site. Owen have you been up to this site and checked it out.

Owen McLaughlin- There is a problem with shallow soil but I think that everyone of these lots is going to require an enhanced system.

Mike Davis- Unless they can dig on a specific spot and show something different.

Kirk Mackert- How is that addressed then? Would they have to evaluate each lot individually?

Owen McLaughlin- There is probably going to require an enhanced system unless they want to provide me with test soils.

Rich Zimmerman??- You just randomly dig for and they all came up like that?

Owen McLaughlin- And because they were so consistent.

GROUP DISCUSSION

Kirk Mackert- Is there any concern on the direction the ground water flows.

Rich Zimmerman??- It all flows into the lake.

Kurt Eidam- Lava rock is very unpredictable.

Kirk Mackert- It could drop clear down or it could be shallow.

Mike Davis- These systems they put in. They go and inspect each and every one of them.

Kip Martindale- You have to subscribe to certify. How often do they check those Owen? Those enhanced systems?

Dirk Mace- Karen, is this area the county wants to study, is going to be done within the year, out in Shotgun area for sewer systems. Do you know what I am talking about?

Karen Lords- This study. The Grant money the county got.

Dirk Mace- Does that include this area.

Karen Lords- I am not sure how far out. I mean they are saying the Shotgun area but I can't tell you if they are going that far out or not. I think it is going to depend on how much money they get. I think that it is going to depend on DEQ. I think the county can make a heavy recommendation that they would want this area to be studied.

Dirk mace- There is enough development out there that should be a good idea.

Karen Lords- You as a P&Z commission could write a letter saying that you would like to see that area.

????- Who would we write it to?

Karen Lords- The County Commissioners.

Kirk Mackert- I think it needs to be addressed in the future just because of the growth that is being experienced in this area and the new growth potential there. I am concerned what's in 15-20 years down the road. What has happened to the aquifer? What has happened to the lake and just looking down the road into the future and taking steps in protecting the environment and anything we can do at this point would be a positive note. So including this area in this study would be a definite plus for us and Fremont County and the development of that area.

Rich Zimmerman- Chances are if they are going to put a sewer system out in that area they are going to have to put a pond in that area anyway.

Mike Davis- It's in your hands. I have all the confidence in District Seven in what I have seen them do and what they require. I don't know how you can do it any safer at least with what we have right now. Do I hear any motions or concerns?

Kurt Eidam- I think the concerns are all discussed we just have to make sure with our motion to include everything.

Rich Zimmerman- Eliminate except Shotgun road off the plat. That phrase in parenthesis under road will be maintained. I will make the motions to accept the final plat contingent on Fish and Game recommendations one, two, three, and four be incorporated on the plat and an elimination of except Shotgun road on the plat.

Kurt Eidam- I second that.

Mike Davis- We have a motion that has been seconded and we accept this proposal with the recommendation of the Fish and Game one, two, three, and four and they eliminate Shotgun road and Karen's recommendations. All in favor? Any Nays? Kip Martindale - nay. The motion carries.

GROUP DISCUSSION

Rock Crushing with Gravel Mine Operation- Warm River – Lynn Hossner

Mike Davis- Ladies and gentlemen the next item on the agenda is for rock crushing with gravel mine operation at Warm River with Lynn Hossner. Karen did you make all the proper notices?

Karen Lords- In this particular hearing notice I want to clarify that this needs to be in section 11 not 12. I think there are some documents that refer to section 12 and it really needs to be in section 11. This project if you recall, is from last month is for gravel mine operation for Twin River Subdivision and Snake River Butte Subdivision to be able to crush material to cover their roads. There's a parcel of ground, I am going to pass out pictures of the actual site where this will be done. They are proposing to actually chip away enough to make a building site and then they will cover the roads with the material. I made a point of calling the Department of Lands and talked with Chris Morris and he is stating that as long as the developers are looking into making this into a building home site, there is no reclamation requirements as if you were actually digging a pit for a gravel mine operation. So that is one reason why he will not be required to get any permits by the Department of Lands. Now, if he receives word that this is looking more like a gravel operation not a home site then he will thoroughly investigate it. For what definitions he has received from the developers and my comments he still would not require him to get a permit from the Department of Lands. Troy Hicks from Rocking T Construction has already submitted what permits he has for the rock crushing operation. Then we also received, you should have in your packet, this was actually blown up by Schiess Engineering as to how the slope needed to be for the building home site pad, so that's what they would have to achieve in the end once they had finished mining. So I have Gene Kantack, Todd Hossner, Lynn Hossner, and Gary Wight, if you have any questions for the developer they are available,

Mike Davis- Again, I will ask if there is any members of the board that would have a conflict of interest with this proposal? Okay, thank-you. Does any of the board members have any questions for Karen on what she has reported on so far? Karen did you receive any letters?

Karen Lords- I did not and I purposely got a phone call from Lynn Hossner and I just wanted to clarify that it states in the code book if the site is not visible enough for people to see the sign then I have the right to find an area that looks more public for people to see. I actually posted this down by Stone's Bridge where I knew there was going to be a lot of traffic and we did not receive any letter or phone calls. But the site basically was posted even though it was off site, and legal notices have been put in the paper and property owners have been notified.

Mike Davis- Thank you Karen. Any questions for Karen? Lynn are you representing?

Lynn Hossner- Yes I am. The question I had for Karen was the sign was posted about a mile and a half away from where we are going to do the crushing and I didn't want someone to say they didn't know we were going to do the crushing up here. I was concerned that the sign wasn't close enough for people to know the site and that we weren't trying to crush right there at the end of stone bridge. Karen and I worked that out very nicely. So I think rather than each of us taking 30 minutes all four of us can go over this.

Karen Lords- I need to do my report first.

Mike Davis- Go ahead Karen.

Karen Lords- The proposed gravel mine operation with gravel crushing would be northeast of Ashton; the property is located in Section 11 Township 9 North, Range 43 east Boise meridian, Fremont County, Idaho. The

application requests a Class II permit for approval crushing gravel which would operate for preparing material for surfaces roads in the proposed Twin River Subdivision approximately 4-6 weeks at a time. Materials produces would be the road base plant mix aggregate a complete cornet aggregates in here and actually that should be deleted. Cover coat materials and pipefitting should be removed. Operating hours would require following Appendix J – Detailed Performance Standard for gravel mining operation for Fremont County Development Code. The project would be located on applicant’s property, Department of Lands stated to the developers that when gravel mine operations will be located on the owner’s property and use for owners needs, the Department of Lands does not require a mining operation permit and as I explained I did call Department of Lands to get clarification on that. Determination of whether the statement applies to the additional subdivisions, Snake River Buttes, road construction cannot be made at the time of the report and I received a call back from Chris Morris after I had typed this up. The ground water plan is required and the contractor Troy Hicks has provided this office with a copy of the Division of Environmental Quality opening and closing notification form, a copy of the ground water plan has also been provided. Slope information for reclamation of the property has also been provided. After the completion of the road construction for the two subdivisions, the property would be reclaimed with build-able home site. All contained crush material would be hauling to the Snake River Butte Subdivision and Twin River Subdivision. I make the recommendation with the Absolute Policy score of zero and Relative Policy score of zero. The gravel mine and rock crushing would meet the requirement of Chapter VII, North Fremont Zoning District with the following conditions of approval: Chapter VII. L- Air Quality State and Federal Regulations. Chapter VII.P. - Weed control, Chapter VII.R.1. - Noise, Appendix J Commercial and Industrial Use – 70dba any time. Chapter VII.R. 5. - Industrial Commercial solid waste. Chapter VII. X. - Gravel Mine - Appendix J - any permits required by Division of Environmental Quality. Chapter VII X Signs. - Appendix A, Chapter VII.H.H. - Off street parking and loading areas. Chapter VII. KK. I. - Public access existing. Chapter VII.KK.2. - Public Access - Provisions. Chapter VII.LL. - Fire protection and that would be with comments from the fire department. I did not receive any.

Mike Davis- Does any of the board members have any questions for Karen? Lynn, do you have any comments you would like to clarify?

Lynn Hossner- She did it very nicely.

Mike Davis- No questions for Karen from the board?

Kirk Mackert- We have in the past put requirement on gravel pits to operate from 7-7.

Lynn Hossner- That is what we proposed here.

Kirk Mackert- Okay

Mike Davis- Any other questions? Thank you, Lynn. At this time we will open this to public comment. We ask you to keep your comments to the compliance or lack of compliance. I will call your name, come forward and state your name and address. Please limit your comment to three minutes. Gene Kantack.

Gene Kantack- I really don’t have anything to add except this is probably a beneficial thing for the county road and bridge and the property and everyone. Thank you

Mike Davis-Any questions Gene? Okay, thanks Gene. Is there any one else in audience that would like to comment on this proposal that hasn’t signed up? At this time we will close this to public hearing and turn it over to the board for their discussion. Board Members?

Kirk Mackert- A question came up in our last meeting about the gravel. Could the gavel be applied to the adjoining property and that’s been resolved. Not just the property owners.

Karen Lords- Right. I guess if we closed this to public comment we should have had Weldon comment.

Group- Can’t we have Weldon come up?

Mike Davis- Would the board like to hear from Mr. Reynolds?

Karen Lords- You closed it to public comment.

GROUP DISCUSSION

Mike Davis- Should we make a motion to reopen it?

Karen Lords- Ask your councilor.

Mike Davis- Could we legally ask to re-open it to public comment so we can hear from Mr. Reynolds?

Trent Grant- Sure

Kirk Mackert- I make a motion to re-open for public hearing.

Dirk Mace- Second Motion

Mike Davis- We have a motion to re-open and it's been seconded. All those n favor – all those opposed? At this time we will re-open for public comment public comment. Mr. Reynolds.

Weldon Reynolds- The reason I didn't sign up for comment is, I have no problem with what they want to do I think it will work fine. I was looking at the possibility of using some of that material to build a road for access to there, but if we do they have got to go after a permit or somebody does and so it wasn't presented that way tonight so, however, if it were possible for the county to use some of the material to build that road up, it eliminates hauling across that bridge and eliminates the long hauls so it would be advantageous to do it, if it could be worked into it

Mike Davis- Karen, what type of special permit would that require?

Karen Lords- With the Department of Lands, what you could do is make a condition for approval, if this project goes to the point that the county can help out, that they make the requirement, nobody goes forward until they get a permit form the Department of Lands, in order to work on the property. The county needs to work on. Which you probably ought to explain what you're looking at wanting to do.

Weldon Reynolds- Two things that we would like to consider. One is there is a rock point that goes up just above the river, that goes up around that first bend. Take that and haul it down, break it up and make it smaller, useable product. The second would be some of their load base and so forth out of there and I don't know if that is a possibility as far as the property owners are concerned. As far as the permit with the State Lands, I don't see it as a big problem; I think they would approve it. The difference would be in the quantity removed.

Mike Davis- And you talked to Mr. Hossner?

Weldon Reynolds- We talked about it some and yeah, we would like to do it. It was an oversight on my part that I didn't realize that it wasn't included in this and it wasn't Karen's fault she tried to get a hold of me, I have been busy I didn't get back.

Karen Lords- Your looking at crushing the gravel that from the rock next to the county road.

Weldon Reynolds- It would actually be on the right-of-way so it what it would be hauled to the crusher sight, broken down then stock piled to be hauled back.

Kirk Mackert- Basically what you are saying is the material that's going to be crushed, is going to be removed from the hill side that you need to fix anyway.

Kurt Eidam- That is a nasty corner. Any improvement even if it's an inch, is an improvement on what we have right now.

Karen Lords- Well, we talked about this at the sketch plan. I talked with Chris Morris and he didn't see any problem with it either.

Kip Martindale- How are you going to protect that home that below the road, if there is blasting?

Weldon Reynolds- There are some people that can do that. I have seen them blast within three feet of a basement foundation and not crack it so I think they can do it.

Kirk Mackert- Would the county scheduling work with Lynn Hossner's scheduling timing for having the crusher set up onsite in meeting a common goal?

Weldon Reynolds- That probably is the biggest problem but yes I think we could work it out.

Karen Lords- So basically you guys are going to blast the rock, you're going to haul it up to the crushers, it's going to crush it, then you're going to turn around and lay it back down, but you're not changing the site location?

Kip Martindale- Is there a cost limit for a county or I guess County Commissioners have to approve it.

GROUP DISCUSSION

Weldon Reynolds- Mr. Chairman Kip, It is going to be a cost no matter how you go about it. But if we can shoot that rock, then use our county equipment to load it and haul it approximately one mile and then back a mile and we do have the equipment to do it, its time is what it is. It is a doable thing; the big thing is that I don't want to slow Mr. Hossner and partners down in any way.

Kirk Mackert- that road is a safety concern anyway.

Kip Martindale- I wondered if there was any limits to. Maybe why the Road and Bridge or County Commissioners choose that it's alright to go this amount of expense and trouble.

Karen Lords- The problem is Weldon has had to reduce down the weight limit on Stone Bridge and with the amount of concrete trucks or other types of trucks that are going across that bridge. It's only a matter of time that they are going to have to replace that. They don't want to have replace that bridge due to the fact gravel trucks are going across that.

Kip Martindale- I understand that, I am more thinking the cost of the county to facilitate access.

Kirk Mackert- I think what Kip's getting at, is it looks like the county is repairing that part of the road just because of the development.

Kip Martindale- Correct.

Weldon Reynolds- Mr. Chairman, Kip, to respond to that, the people up there went to the work and effort to acquire the additional property that was needed for road right of way, at their expense and deeded it to the county so they have put considerable money and effort into that with the understand that the county would still work it into their schedule as soon as possible but that it wouldn't automatically jump to the top priority or maybe this year. With the crushing opportunity to do part of that work at a reduced cost, considerably reduced cost, therefore it seems like it reasonably feasible and logical to take advantage of that cost savings if we can.

Karen Lords-These gentlemen went before the County Commissioners and discussed with them upon getting land traded so the county could get a right-of-way easement through there, with the understanding, the commissioners said yes. They totally understand the risk of how bad that corner is. that if the county was going to take over and accept that road then that corner definitely needed to be fixed and repaired which Weldon is saying that what wasn't repaired isn't going to be a top priority. Eventually they would get to it but the commissioners are totally aware of what has got to happen to that road.

Lynn Hossner- There would be about three advantages to the county working with this at this time. One of them is we are going to have to dynamite an area to blast this rock for our road. He has given the bids to the county to do the dynamite work down on this curve. The county decided they are going to move this fall or next. The second advantage is there is a crusher there and we are paying about \$10,000 to mobilize that crusher and if the county can use the crusher up there they don't have to pay that \$10,000 to mobilization fee. The other thing is if the county pays the mobilization fee then they don't have any place to put that rock, their material because the way it is they can haul material to our property put it there, crush it, stock pile it, haul it back . The county doesn't own any property over there which to actually do the mining operation the county to do what they want to do they would first off have to mobilize the crusher, second they would have to find someplace to put that portable crusher that might be a pretty good trick over along that river, then across they have got to find a place to stockpile the gravel. All of those things are here, just simply because the county has decided to fix that road, which incidentally I think is a good idea, but at the same time there going to save on dynamite cost,

mobilization cost, and we are paying the mobilization of the dynamiter, track, drill, up there and all of that mobilization and the county, we appreciate what there doing so we say bring your rock on, run it through the crusher, haul it back, stockpile it whatever you can before that fix it project. It actually is a pretty good savings, I think the county is saving 15-20 thousand dollars if they were to do that themselves, plus they would have no place to stockpile the material when they got done with it. It's a good situation its good for us but especially the citizens of north fork island, the Walker Subdivision, and indecently all those people who like to park along the snake river. That's what Weldon and I have discussed.

Karen Lords- Probably, maybe what you could do Weldon is explain to them that it's not the only section of that road that you are trying to improve due to the fishing, fisherman that are parking there.

Weldon Reynolds- Mr. Chairman, May I take a little bit of time and explain that.

Mike Davis- Yes.

Weldon Reynolds- Not only would the two developments up on that side is going to increase the traffic through there very much. We set some counters up there this spring and left them up there for a month including Memorial Day and the average daily count across that bridge for the month was 312 vehicles. That's a lot of dust and traffic along the river there. The Henry's Fork Water and Park and Recreation are working with the Stone family to acquire a side to make a parking area and boat launching site and we need to expand that whole thing along there to accommodate not only the people in the subdivisions but also just the summer traffic that comes through there as fishermen, floaters, recreation people, that are using that portion of the road from the Highway 47 down and across the bridge to the "Y" where it goes up and of course, the recreation people go up and down the river at that point on where the other one goes up the hill to the subdivisions. It's an area that we talked about and in fact looked at improving that whole North River road but we do have some major concerns and problems with it. We have got a major dip there by Ed Howell's old place, at the end of the oil, going east of Highway 20. The next one is the Hell Canyon area, it's a pretty steep climb out of that, with a hairpin corner and then dropping into Blue Creek or going out the west side on the top of the hill there is about a 14% grade that going to be a major, at some point in time, with the development. Over there, that's going to have to be addressed to do so we are trying to prepare for this. One other quick thing, for your information, Karen is involved in that we do have grant funding for a master transportation plan for Fremont County that we will develop over the next two years. These things will be addressed and identified. I wish that all of the developers were as gracious and willing to work with us as these people have been and trying to help us acquire right away and establish materials and so forth to accommodate the needs that are coming there.

Mike Davis – Thank you Weldon. Is there any questions?

Bill Smith- How far away is the existing gravel pit from there, in miles?

Weldon Reynolds- The closest thing I have right now is what we call the CC Bridge up by Fall River, where you go across from Green Timber to the Reclamation Road, that's the closest county pit that we have at this time.

Bill Smith- Some distance.

Weldon Reynolds- Yeah, and that not a good source its either sand or river rock, nothing in between or very little in-between.

Mike Davis- Any other questions for Weldon?

Kirk Mackert- Has it been determined that there is enough material in the area to what you need for the project and what is needed for the other two projects.

Weldon Reynolds- I think the other two projects take top priority but I am thinking depending on how much they want to pull that hill down, there probably is additional material there if they so choose.

Kirk Mackert- Would that change their final requirements that have been phased in here.

Karen Lords- There is not going to be removing more material from that particular job site. They're going to have to blast material next to the county road and haul it to the site and crush it and bring it back.

Kirk Mackert- If that is indeed the case, then you are not going to be removing any materials for this project and just utilizing the crusher.

Karen Lords- Basically, that's all the county is doing.

Kirk Mackert- Then would there be a need for an additional permit?

Karen Lords – Well, Troy already has the permits, which he needs which is form DEQ. Are you going to require one from the Department of Lands from your guys to be able to blast that and crush it?

Weldon Reynolds - No, we won't need one for that.

GROUP DISCUSSION

Weldon Reynolds- Mr. Chairman, one question if I may? Not knowing for sure what could work out there, if the county purchasing say 10,000 yards from this location would that throw what these gentlemen here are trying to do, out of kilter?

Kirk Mackert- That is the question.

Karen Lords- Chris did not seem to think that that was a big issue.

Mike Davis- We could make a condition.

Karen Lords- That they have to get those permits in place before they start.

Mike Davis- Any other questions? Thank you, Weldon. We had re-opened this to public comment. Is there anyone in the audience that would like to comment, rebuttal on Weldon's comments. Any more questions that the board might have before we close this? With no further comment we will re-close this to public hearing, turn it over to the board for their decision.

Kirk Mackert- I make a motion that we approve the gravel mine operation for Lynn Hossner and also for the county to utilize the crusher operation for there needs, contingent upon any additional permits that may be needed for the county to remove gravel from the site for the county road and also Karen's Recommendations.

Dirk Mace- Second the motion.

Mike Davis- Weldon Reynolds and county can use that site and should any permits be required for further approval they must be obtained and so the recommendations Karen has listed in the file. Did I miss anything? Those in favor? Those apposed? The motion carries. The next item on would have been our Code Amendment to change the real estate signs but they have cancelled for this evening.

Code Amendment to Change Real Estate Signs – Country Wide Properties

Karen Lords- Correct, they have withdrawn.

Sketch Plan - Black Mountain Meadows Subdivision -

Mike Davis- We will move along to our Sketch Plan for Black Mountain Meadows Subdivision with 10.2 acres flat mountain meadows. Rick Byrem is the representative. Karen would you like to report on these.

Karen Lords- If you can remember back a couple of years maybe it's only been a one year, up on Highway 87, Kim Lolo and John Hopkins purchased some property and created four lots right next to Yellowstone Acres. Doug O'Brian that owned the surrounding property by Yellowstone Acres, had a fire sale here back in July. So, several different people bought property. Kim Lolo was able to pick up an additional amount of acreage. He is asking to plat four lots on 10.2 acres, so if you recall Yellowstone Acres has its own sewer system but it was designed to handle the subdivision lots in site there and so we can't mandate that he hook to their sewer systems because it's a sewer system privately owned not county owned. Kim Lolo is proposing individual septic and individual wells. Rick Byrem and Kim Lolo are both here tonight if you have any other questions.

Rick Byrem- Karen explained the project pretty well, there is four lots being proposed. This is not on the highway like the other subdivision was last year. It's up on the hill up against the well site. The well site is

owned by the homeowners, Yellowstone Acres at Henry's Lake. There have been access easements to the adjoining un-platted properties. There is a little computer sketch in your packet where the roads come in, there is an access easement that comes off the bottom of the property of O'Brian drive that runs along the northerly border of the subdivision that was done last year. The other easement comes off the top of the property comes off Yellowstone Drive that enters the property off the highway. We have access in two directions and it's only a four lot subdivision. Mr. Lolo is proposing the property be accessed from the north, but that will need to be approved. Should the person, who is trying to close the 18 acres, I don't know what they are going to choose to do with this. They might choose to subdivide it if they do they would have the opportunity to complete the loop. We are not talking about building Mr. Lolo is not going to commit to building this road that crosses that 18 acres, I don't feel that necessary. As new owners of the property, there are agreements that they have the right can they work out, with the property owners of Yellowstone Acres, and they can tie into the water and sewer system? He doesn't anticipate tying into the sewer system at all. He is going to consider the possibility of hooking into their water system. However, we want to get permission to subdivide this with individual wells and septic, in the event those negotiations don't work out. We are asking for permission to do individual wells and septic.

GROUP DISCUSSION

Karen Lords- Are you talking about Yellowstone Acres community sewer. Okay, when it is privately owned they have to form their own system.

Kurt Eidam- I understand that, but the possibility should be explored.

Karen Lords- Do they have permission form Yellowstone Acres to use their road?

Rick Byrem- Yes, that is part of the sales agreement and they will be required to participate in the maintenance of the road. These are all privately maintained roads. They will be assessed like all the other lots owners and if they do choose to hook into the water and the sewer, it's the same thing.

Mike Davis- Any other questions?

Karen Lords- It was only designed to handle the amount of lots that Doug O'Brian basically platted in 1995 so there was no anticipation for the rest of the subdivision to hook into day or additional property I should say.

Rick Byrem- There would have to be extensions.

Karen Lords- It would be like Last Chance or LID.

Kirk Mackert- Kind of off the subject but do you know how those system work Rick?

Rick Byrem- Yes, I do at this point, there is a lot of maintenance.

Karen Lords- And they have to have somebody on duty to take care of it to meet DEQ's requirements.

Kirk Mackert- Going to have to have a certified operator.

Karen Lords- Right. Pinehaven has a system.

Mike Davis- Any other questions or comment for Rick? Thank you, Rick. Any questions for Kim is there anything Km you would like to add to what's already been brought forward.

Karen Lords- You could make a motion that you want that question answered; hat would need to be your suggestion.

Kurt Eidam- Make a motion to go ahead with the next step which would be public hearing.

Bill Smith- Second the motion.

Mike Davis- We have a motion that has been seconded to go forward. All in favor?

The motion carries.

Administrator's Report

Karen Lords gave the administrator's report. Group Discussion. The meeting was adjourned at 9:55 p.m.

