

**PLANNING AND ZONING
AGENDA
Monday, January 10, 2005
7:00 p.m.**

P & Z Members attending: Mike Davis, Chairman, Rich Zimmerman, Bill Smith, Kurt Eidam, Kirk Mackert, Rod Dalling, Kip Martindale, Connie Otteson, Linda Crapo, Dirk Mace.

Others in attendance: Karen Lords, Administrator, Molly Knox, P & Z Secretary, Owen McLaughlin, D7HD Advisor. Representatives of projects – Marvin Smith, Attorney; Karl Lewies, Fremont County Prosecuting Attorney;

Mike Davis opened the meeting at 7:05p.m.

Mike Davis - Good evening ladies and gentlemen, we are running a few minutes late. Welcome to our Planning and Zoning meeting for this evening. The first item on the agenda is the minutes for approval or disapproval for the November 15, 2004 P & Z Meeting. Board members have you had an opportunity to read through that novel?

Rich Zimmerman – Yes I have Mr. Chairman, and I have to say that I have to give Molly a hand here on the great work that she did on preparing these minutes. 42 pages long, good work. I find nothing wrong with them.

Mike Davis - I couldn't see any problems

Karen Lords - we've misspelled Kurt Eidam's last name

Mike Davis – Is there anything else?

Rich Zimmerman – I will make made the motion to accept the minutes as written.

Bill Smith – I will second that.

Mike Davis – We have a motion and it has been seconded that we approve the minutes as written. Those in favor, those opposed, ok the motion carries. Thank you.

Decision for Woodlands at Bill's Island – 59 Lots - Wilderness Group, LLC - Mike Vickers – Representative

Mike Davis - Next item on our agenda this evening is the decision of Woodlands at Bill Island, with Mike Vickers. I would also at this time like to make the public aware that this is a board decision there is no public hearing upon it tonight or no public comment. It is for the board discussion and decision. So I thank you and at this time I will turn it over to the board.

Kurt Eidam – Mr. Chairman I would like to be excused from this project.

Mike Davis – OK, Molly please note that Kurt excused himself due to conflict of interest.

AUDIENCE – Could you talk louder or turn up the volume?

Mike Davis – OK we will go forward and turn this over to the board members. Are there any comments or discussions?

Rich Zimmerman – Well, Mr. Chairman I have read and reread the letters from everyone packet that we were presented with at the last meeting and there is I would say 99% of them that are against it. There's maybe 1% that is for it. It was brought up at the last meeting that we can't throw emotion into this and I can understand that. There are a lot of points in this development that are really unanswered when it comes to the DEQ and what they are saying or what they have said before and we've got two writings that talk about the soil. One lab says one thing and another lab says that it's something else. There is a lot of inconsistency in a lot of the reports. It's a real problem that I see. One of the bigger problems is what I have brought up at the last meeting and that's the scoring. I think it's been scored wrong. Bills Island is in a water quality vulnerability area, it has been called out by the DEQ by our Development Code and our Comprehensive Plan. And that has been addressed and it's not right. I see a sewer system really needed for that island, not individual septic tanks. Also the access to the island, and exit, mainly the exit for emergency purposes, there's only one way in and the same way out. That's also a part of the scoring system, I will get into the scoring system in a minute here but I will let some of the other board members talk about it because I don't want to carry the whole meeting.

Mike Davis - OK

Rich Zimmerman – But those are some of my issues.

Dirk Mace – I had a question for Karen..

AUDIENCE – Could we have whoever is speaking stand up so that they can be accounted for?

Dirk Mace – I just had a question for Karen the existing Loop Road, is that a private road?

Karen Lords – The existing road that is there now, yes that belongs to Bills Island Home Owners Association. So each property owner on the island pays fees to help maintain that road, so it's not a public road as the county takes care of it. It's privately owned by the Bills Island people.

Dirk Mace – So according to the county code the developments are supposed to have two entrances or exits to a county road. Is that right?

Karen Lords – Well probably for interpretation purposes the intent is for that. For an egress and ingress to come out onto a public road, not a private road but this development has two, it's providing two accesses. But they are not on, you have got one that is on the south...

Dirk Mace - One that's on the South East corner which basically accesses it to a private road.

Karen Lords - It does but so does the direct entrance straight off the causeway, you are crossing a private road to get to the causeway. So it's not actually accessing right onto a public road.

Mike Davis – Kirk do you have any thoughts?

Kirk Mackert - As I have read this and reread it we have had plenty of time to do it as a board. Some of the concerns have been spoken of tonight already. I think that the difference of opinion between Schiess and JUB raise a large question in my mind. There was a difference there. That was presented to us, which was information in testimony that we could use in our packet, there was a conflict there. The Health Department took a little time to discuss these enhanced sewage systems too. The comment from Kelly of a potential for a 50% failure rate on those. That is a concern in my mind, because of the sensitivity in this area. Can we deal with a 50% failure rate? To me that was huge. It brought up a question in my mind. I had a question on the causeway too; I know they did a great job in laying it out with the three lanes making sure that there wouldn't be a bottleneck there. But that causeway would have to be changed there would have to be some widening done on that. It was stated that they had submitted to the Army Core of Engineers and was waiting for a response on that. At the time of our last meeting, I believe that there wasn't a response on that yet. I had a question and concern on that access there on can it be achieved with what was presented and what was given to us in the last meeting. Those are the points that I had Mr. Chairman.

Mike Davis - OK thank you

Karen Lords – This is Karen Lords, can I take a minute to read to you what the Island Park Zoning District talks about for access?
OK.

1. Points of access to public roads shall be constructed in compliance with the standards of Appendices B and C. Developments with points of access to a state or federal highway shall obtain approval for those points of access from the Idaho Transportation Department.

This particular project is not entering onto a highway.

2. All developments are encouraged to minimize their number of points of access to arterial roads and highways, while complying with VIII.KK.3. -2/0(5).
3. All developments containing six or more dwelling units, or with a distance of more than 660 feet from a public road which is maintained on a year round basis, shall provide a minimum of two points of ingress and egress from the public road or highway serving the development. "Loop" systems that return to a single point of access to the public road or highway may be acceptable for relatively small developments (1,000 or less projected ADT).

Mike Davis - Thank you Karen, Kip do you have any comments?

Kip Martindale – Yes, Mr. Chairman the DEQ's evaluation of this project as we went through the literature from November was not compared to Bills Island soil types or hydrology. DEQ compared it a Northern Idaho analysis no research was done on Bills Island, in addition to what everyone else has mentioned our fire code says that we need two accesses; Bills Island has one narrow access exit. We touched on that. District 7 Environmental Health Director admitted a 50% failure rate with individual enhanced sewer systems. This Commission's responsibility is to protect and preserve the rights of each citizen. Each project can impact the community and the County as a whole.

Mike Davis - OK thank you. Rob, Connie, Linda, Bill anyone.

Bill Smith – I guess I should have spoke before these folks did, every point that I had a question about they answered. I guess that all I have to say is I agree with them.

Mike Davis – Rod

Rod Dalling - That's the same way that I feel Mr. Chairman, the topics of the points have been mentioned that I have had problems with and I would have to agree with especially on the scoring. The DEQ question the difference of opinion.

Mike Davis – Linda, Connie?

Linda Crapo – I would have to agree with what's been said. I to was really concerned with the 50/50 thing with the sewer. In my mind I question if it's going to fail then who is going to be responsible. I am also concerned about the fire; I would hate to be on that island on a dry summer.

Connie Ottesen - I agree also with everyone else on the board, with fire code, access, septic systems, and failure rates.

Mike Davis – OK, Rich you said that you had something else you wanted to add.

Rich Zimmerman - The septic system failure rate was a point. The other thing is that Kelly did state in her presentation and I asked her point blank who would be responsible to oversee that failure rate and make sure that it did not happen. And even though the Health Department would oversee it, she said, they didn't have any way of doing it. So that is another issue with those septic systems. Back to the scoring system on the water quality vulnerability under, if you go to the scoring section under 8.F, Karen scored it a 0, and I am saying that it should be scored at least a -2. It is in a water quality vulnerability area and the comp plan and the code state that it should have a sewer and there is no sewer plan. I am saying a -2 on that, which would bring the score to a -8. Also on the egress access to island which is under 8.KK.2 again that was scored as a 0 that's on page 5. I am saying that it should be at least a -1; we should have two accesses onto that island for state ingress and egress. That score would bring it down to a -5 which means the whole scoring would be a -3 for a total. Which means that this shouldn't be acceptable at all. I would like to make a motion that we change the check list and the scoring to what I just stated.

Karen Lords – Rich can you tell me which was the first one?

Rich Zimmerman – O I am sorry on page one of your check list, water quality vulnerability 8.F

Karen Lords - OK and you want it to be what?

Rich Zimmerman – A -2 not a 0 which would mean it was a -8 in the score. And on page 5 under 8.K.K.2 under state access arterial a -1 for a score of a -5. That is my motion Mr. Chairman.

Mike Davis - OK any more discussion.

Bill Smith – I will second it.

Mike Davis – OK we have a motion it has been seconded, that this be turned down because of the disagreeing with Karen's scoring and based on how Rich has discussed it during the discussion. Those in favor,

Board – I (all)

Mike Davis - Any opposed? Motion carries.

AUDIENCE – Applause

IV Public Hearing – City of Teton – Area of Impact Zoning

Mike Davis - The next item on agenda is the Public hearing for the City of Teton, Area of Impact Zoning. Karen would you please...

Karen Lords - In your packet you should received the public hearing notice but you should also I provided you a black and white drawing of what they are proposing for the zoning inside their impact area. And I also have a colored map pink is ag yellow is high commercial and green is residential. Standing at map talking.

Mike Davis – I apologize, I didn't ask if there was anyone who would have a conflict of interest with this proposal.

Connie Ottesen – I do Mr. Chairman.

Mike Davis – OK please note that Connie is excused.

Karen Lords – And yes, public notices were posted in news paper and in the courthouse.

Mike Davis - Thank you

Karen Lords – What I want to do is hand out, and before I do that. Talking to Jolyn Briggs: In your code book you have actually described what you want done **with ?** And there is a question I have on some of the areas that you have put into your code book. changing what is in code book, so if we agree to what is on the map we will definitely have to change what is in the code book. The types of zoning, because when you guys talk about agriculture you actually defined as residential/ agriculture. So, when you redo the map you need to make it the same as what is in your code book. OK, pass these down. These area actually the definitions of what their zoning district describes with the exception of residential/agricultural which they are splitting now. These go through and give you the definitions of what those districts mean in comparison to what is in the code book. How many are here from Teton? So the Agricultural District is defined as:

2.a. A Agricultural District

The purpose of the A District is to permit current agricultural, large lot rural residential and other types of open land used to be maintained, and to protect agricultural land from spasmodic, disorderly and indiscriminate development. This district is also established to control the infiltration of urban type development, which could adversely affect agricultural operations, until such time as property owners desire such development.

So you are designated that it could be for rural residential but at the time they are not making any major changes they are leaving it as Ag. Then R-A which is actually described in their code book, they are either going to have to change their code book or we are going to have to change the zone part on their map.

2.b. R-A Residential – Agricultural District

The purpose of the R-A District is to create, protect and maintain a living environment composed of single family, detached dwellings on lots of reasonable size to be able to maintain the minimum distances required for set back, drain fields, canals, property lines in areas now so developed or to be developed.

2.c. HC Highway Commercial District

The purpose of the HC District is to provide for the location and development of businesses and service establishments which are incompatible with other districts in that they involve enterprises which depend primarily on motorized vehicular traffic and require outside activities, relatively large lot sizes and easy highway access. These districts are normally located along highways leading into the City and are characterized by buildings set well back from the right-of-way.

Mike Davis - Do any of the board members have any questions for Karen?

Kirk Mackert – That highway commercial area, is that the existing gravel pits that are along 33?

Jolyn Briggs - Yes, High Valley Concrete.

Kirk Mackert - It is yes, High Valley Concrete, Madison County is in that area there. Isn't it Madison county that has a pit in that area?

Rod Dalling – It is only in the yellow zone which would limit it to High Valley.

Karen Lords – You can ask their representatives from the city to come up and they can clarify on what I have found so we have total complete clarification on what they are wanting.

Mike Davis – Whomever would like to come forward please.

Suzette – If I do not know the answer then I can ask the Administrator Jolyn. Did you have a question?

Mike Davis – Did you have anything to add from what Karen has already reported on this proposal.

Suzette - We have attempted to do this for quite awhile, to get this impact area zoned. The purpose of that being so that we can monitor and direct further development outside the Teton City limits. The cream, yellow colored area there is zoned commercial out by the old High Valley Concrete plant there and the gravel pit.

Mike Davis - Is it across the river or is it in Madison County? On Pole line Road just north of where High Valley is now.

Rod Dalling – Actually they would be in the impact area wouldn't they?

Suzette – I honestly do not know how far, Jolyn can you help me?

Jolyn Briggs – I do not know.

Suzette – This is that small canal that you cross over to get to Pole Line Road. This is actually extending past there so it would encompass that Madison gravel pit there but the rest of this area is farm land.

Mike Davis – There is another one just across the river North of Madison County is the Eldrage and he also has a pit in there.

Karen Lords – I guess for the benefit of actually making an accurate correct map we are going to need to know exact distances.

Mike Davis – I don't think that it matters does it Karen

Karen Lords – They are going a little further beyond the canal and in order for us to correctly map it we are going to have to know exactly how far.

Mike Davis – I am not talking about distance but it would not matter if there are gravel pits in that area.

Karen Lords – No, because whatever the existing zone is in any of these areas they stay as they area until some one wants to change the zoning. If they chose to do that and they are truing to do something different from what it is already zoned then they would have to go to the City first and ask for a zoning change then it would be brought to you then you would also agree or disagree.

Mike Davis – OK I was just wondering is all.

Suzette – That's not a problem for us to get an exact dimensions there.

Rod Dalling - Do you think that you can hold all of the commercial development to that area for the City of Teton?

Suzette – This area here? This section and when we actually had our public hearing there was no comment on any of this and when we have discussed this as a Planning and Zoning we do not feel that there is an issue here, that is going to stay right there.

Karen Lords – And you don't feel like there will be any commercial on either side of this city boundary?

Suzette – Not within the next 5 to 10 years, not for Teton. We see more of the residential on the outskirts then anything.

Rod Dalling – Sometime you may have to revisit that, if there is a demand for commercial.

Suzette - O definitely

Kirk Mackert – In some of your residential area next to the Teton that they are looking at there is that down lower, is that a flood plain area in that too?

Suzette - Yes it is.

Karen Lords – They can actually build in a flood pain area

Kirk Mackert – But they have to be aware of that.

Karen Lords – Stricter guidelines to be in that area.

Bill Smith – A question that has probably been asked before, but the city of Newdale there, what type of sewer system does it have?

Karen Lords – Newdale has a community sewer system . Teton has just barley put in a community sewer and it runs all the way into Rexburg.

Suzette – It goes all the way to Rexburg.

Karen Lords – Do you have community water?

Jolyn Briggs – Yes.

Karen Lords – So anything that would be developed in this area would have. I guess that's the other question, you have it set up in the development code forgive me I didn't read far enough ahead, but if you have a development that comes into this area do you have a certain distance that they know that they have to put in a sewer system. Asked Owen.

Jolyn Briggs –

Karen Lords - To a certain degree but then you yourself can also designate that you want the distance on a property. What I am saying is that you could probably say that you want more of a distance than the Health Department requires. What is the distance from a community sewer system that you guys would start requiring individual septic?

Owen McLaughlin – They would have to be reasonably accessible and it is based on cost.

Karen Lords – So if they have projects close to boundaries if they came to you would you require them to go to DEQ?

Owen McLaughlin – **Inaudible** - Generally it is 300 feet. We wouldn't want to extend it farther than 300 feet.

Jolyn Briggs – The big reason for zoning this for annexation for several developments to be hooked up into systems. **Inaudible**

Karen Lords - And how far out is that?

Mike ? In time or distance?

Karen Lords – Both

Jolyn Briggs – Within five years. We have 3 developers now waiting.

Karen Lords - For this part?

Suzette – We are starting to see some growth on east

Kirk Mackert - Does that main sewage line to Rexburg follow 33?

Mike? Yes

Kirk Mackert – You are aware that I think it was Newdale that thought of growth and expansion to the West also. As we have met with Newdale.

Suzette – There was at one time that they wanted us to head our impact area to the East and for them to bring theirs to the West and pretty much connect.

Karen Lords – And that may happen but state statues says that they should revisit it like every 10 years but depending on how fast they bay go back in 5 or 3 years and want a change.

Suzette – Because of Sugar City expanding and Rexburg expanding we see most of the growth right in there (pointing to map).

Karen Lords – Have you guys already gotten approval from Madison County.

Suzette - No. We are on their agenda for February 10th

Mike Davis - Any other questions? Thank you. Karen any letters?

Karen Lords – I did not, I received no phone calls and no letters

Mike Davis – Do we need to talk to Weldon on any possibilities on roads?

Karen Lords – Yes, I think that it wouldn't hurt because part of our transportation plan is going to come and look at those items as to where we want future roads to go.

Kirk Mackert – I guess I have a question at that point. Is the city of Teton, if that's their impact and development do they have the roads or are they still county? To develop a road system to that impact area.

Karen Lords – Until they annex the property into the city it still falls under county jurisdiction.

Kirk Mackert – And at the point of a subdivision going in would that be annexed into the city then with water and sewer at the city?

Jolyn Briggs – New subdivisions would be required to have their roads line up with the city's roads.

Kirk Mackert - Has there been any discussion with the county on that from the city yet?

Mike Davis – Weldon do you see any issues that we need to address pertaining to the roads?

Weldon Reynolds – Mr. Chairman I really don't. I think that our roads are pretty well established and any development would require new roads if it was annexed into the city.

Mike Davis - Thank you, Owen, would you address the issue of a possibility of septic systems this would be pertaining to the distance required to connect to a central system.

Owen - We do not have jurisdiction inside city limits, a subdivision would have to go through this process. **Inaudible.**

Mike Davis – OK any other questions?

Kirk Mackert – I don't have one for Owen but back on the road situation that has already been discussed that there is a potential for some subdivisions to come in the area. If that's not annexed into the city then it comes to the county for approval for of those subdivisions. How would we handle the road situation? Could we or would we have them put those roads in particular areas to continue their street access through?

Karen Lords – Well I think if they... If we are going to ask for city comment if project came that close to city. And so we are going to ask for input from everyone and I would hope that the city could clarify to developer what their intent is for roads. And we would also ask Weldon input also, because the roads inside the subdivision I don't think we would take over.

Kirk Mackert - Just the access to subdivision.

Karen Lords – Exactly. And then if the city annexes it then it would actually become into our jurisdiction.

Kirk Mackert – I see a grey area of time in there while a developer is trying to get a development up and running before it is actually

Karen Lords – But when we are doing an impact area still going to have to do a hearing for both entities. So hopefully at that time. We have everybody impute in knowing what we are doing with the transportation by that time. Are you going to go through and propose roads in the transportation plan next to the city?

Weldon Reynolds - The best way to answer that is we will look at potential areas for development. I don't know if we will post any roads. But what we will look at is an area and the type of development the access points to existing roads to best facilitate the access and the flow of traffic. Our plan we hopefully be finished in the next 12 months.

Mike Davis – Ok any other questions? Alright thank you Weldon. Ok if there are no further questions for the board, Suzette or Karen then we will open this to public comment. We have one individual signed up for comment, Suzette.

Suzette – I just signed up to be sure I got to speak.

Mike Davis – OK is there anyone else in the audience who would like to comment on this proposed impact zone? Weather you are signed up or not. OK, then know at this time I will close this to public comment for the board for discussion. Board members.

Dirk Mace – Looks like a fairly good plan to me straight forward I don't see any problems with it at this time.

Mike Davis - Looks good to me.

Karen Lords – Well somewhere approve or deny. If you approve it they will have to clarify in their code book, so you will probably want to state that in your decision.

Rich Zimmerman – What to make that change R-A.

Karen Lords – No, I mean they don't want it that way in here they are asking for R. So they need to clarify in their portion of impact area inside their development code book.

Rod Dalling – And their exact distances were a concern to you right?

Karen Lords - Yes for a actual map we need to know what the distances are. Because it becomes confusing when someone comes in inside that impact area you have to know that fine line of them being out of one zoning district and into another.

Kirk Mackert - And that's not following any type of road system or anything there. You would like each area with in the impact area defined individually.

Karen Lords – Yes. We have to know defined distances and measurements.

Dirk Mace – Do we need to have those distances before we go forward?

Karen Lords – I would at least make it a condition.

Mike Davis – Any further comment or discussion? Do I hear any motions or.

Dirk Mace – I will make a motion to accept the Teton City area of impact with conditions that their R-A residential be clarified and also the distances from city and of the residential and Ag boundaries and the highway commercial district be provided to Karen.

Rod Dalling – I will second.

Mike Davis – OK we have a motioned and it has been seconded to accept the City Teton area of impact zoning with the conditions of exact distances from zone to zone for mapping purposes and change R-A clarification. Those in favor,(all) any oppose? Motion carries. Thank you Suzette.

V Final Plat – Silverhawk – Phase I - Division 3

Mike Davis – The next item on the agenda is the final plat for Silverhawk Phase 1 Division 3. Karen

Karen Lords – We have Steve Hart in audience who is representing the developer for Silverhawk Subdivision. What I have with me and I am going to pass it down and let you look. The original plat for Silverhawk was approved clear back in 1995. Then with some litigation over access over Island Park Damn and the developer choosing to do in phases, that's what we are kind of slow doing some of these phases. The first phase was approved by the Planning and Zoning Commission in August of 1998, and that was for 10 lots. Then the second phase we approved for 10 lots and that was in November of 2003. So if you need to clarify and see what was done originally I have this map here. Handed out maps showing all of the divisions on it, which is kind of confusing because they are shaded differently for the different types of divisions that were done. So if you will notice thru the agenda here for division 3 we are looking at kinda hatched marks going criss cross. So these lots, these lots thru here and here (pointing to lots on map). Then all of these, and these were approved for individual septics and individual wells. And on block three and block two these lots... How many lots do we have all together?

Steve - In phase one there are 69 lots.

Karen Lords – We are asking for tonight.

Steve - 49.

Karen Lords – Because I didn't take time to count them

Steve - All the lots will be completed tonight for phase one.

Kirk Mackert - So then they are done.

Steve – Phase two is still out there, but phase one will be completed.

Papers being passed around

Discussion of what will be completed.

Karen Lords – Yes both divisions have homes on them already. Not all of them but they have started construction on homes. So are you familiar with where Silverhawk is somebody was asking about clarification.

Kirk Mackert – I was.

Karen Lords - Island Park Damn Road turns just North of Ponds Lodge follow it through and you will cross Island Park Damn and turn to the right.

Kirk Mackert – Is that the only access?

Karen Lords – Yes, and they have approval through the Forrest Service to cross Forrest Service land to get onto this development.

Discussion as a group Inaudible

Dirk Mace – Actually Karen I have a question, so why it's confusing because we've got division one, division two, division three and you have got lots all over the place.

Karen Lords – Well in the very beginning in 1995 when this was brought to the County Commissioners, they were asked to do it in a more formal setting so there wasn't so much discrepancy over which phase was done. And the County Commissioners gave the go ahead when they did the first division to them when they scattered the lots throughout the development. It is something that we have tried to not do since then, because clarification becomes very confusing down the road. As right now when you are on to this final one.

Kirk Mackert – So Karen this is just phase one of division 3, and there is talk of a phase 2. Has that been discussed at all?

Karen Lords – Well it is on the original plat, this was all started before I was around. Steve can you clarify for phase two?

Steve – (showing where it is located to Kirk and Karen)

Kirk Mackert - So phase two is water frontage then?

Steve - There is water to all of them except the corner pieces.

Rod Dalling - Where is our average density?

Karen Lords – It meets the 2.5 it had to, because what you don't see on this project is that they transferred development rights with a piece of property that was located out West of Ashton. That was the very first transfer of development rights that was every done with Planning and Zoning. Then in 1997 Lee Nellis changed our transfer of development rights and made it so you had to transfer property that was in the same zoning district. So to transfer property in Island Park it had to be in Island Park, Ashton, Ashton.

Mike Davis - Are there any other questions for Karen or Steve?

Bill Smith – I make a motion we approve.

Rich Zimmerman – I will second.

Mike Davis - OK we have a motion that has been seconded that we approve the final plat of phase one division 3 Silverhawk. Those in favor, all, any opposed, motion carries. Thank you Steve.

VI Final Plat – Hollow Estates – Kevin Thompson/Delyn Hathaway

Mike Davis – Next item on our agenda is the Final Plat for Hollow Estates, Kevin Thompson, and Danny Hathaway.

Karen Lords – OK the next final plat, this is Kevin Hathaway he represents Thompson Engineering he is representing Delyn Hathaway, Hollow Estates this is out on the infamous 500 North. If you recall Delyn went back and reduced the number of lots and I believe we are now at 9 and he was asking for 12. Delyn Hathaway is the developer. Because we have 9 lots we have two that are going to be accessed from County roads. Lot 8 will be accessed from 500 north, and lot 9 from 2800 east and the remaining will be by the cul-de-sac. So its individual septic and individual wells. And you will have covanance, correct Delyn?

Delyn Hathaway – I did not bring them did you need a copy?

Karen Lords – When you get ready to record this after it gets approved if it gets approved tonight and then if it gets approved before the County Commissioners we will want a copy of your covanance when you record them.

Kurt Eidman – Inaudible

Karen Lords – And Weldon is here and he could answer that question.

Mike Davis – Weldon.

Kurt Eidman – Was the concern ever brought up to you about the exit from the subdivision onto the county road?

Weldon Reynolds – On the Cul-de-sac? Yes and in fact the one that I have been looking at is not the most desirable but it is a better site distance then the intersection on out county road a mile west of there. And we can do a couple things in there, we can clean up that barrow pit and improve that site distance and I really don't see it as a real problem. We did go look at it 3 or 4 times to see what we could and couldn't do and we but I don't think that it is a problem. Or so on? The one that we looked at, we didn't see it as any more safety issue then several others along that same road.

Karen Lords – The roads are done and completed, I just went out and checked it.

Mike Davis – OK are there any other questions for Karen, Kevin or Delyn?

Kevin Thompson - (hanging map)

Karen Lords - Kevin has brought up a bigger map, for if you are unfamiliar with the area.

Kevin Thompson – Just a quick little rundown. On May 17, 2004 met and presented sketch plan for 12 lots. There were quite a few of the neighbors here that voiced their concern about safety and access on and off the County road and the water and sewage. On April 12 met again for a preliminary plat reduced lots from 12 to 9 to help alleviate the direct access and combined two lots to give more road frontage. We dug test holes we had an independent licensed engineer and a soil geologist go out there, met with health dept. We took care of those issues that we had a lot of the neighbors concerns were resolved. The county still wished to go out there and view it themselves, mainly due to the road right here(pointing). The County Commissioners scheduled a meeting to go out there. I believe on July 19 met again for decision obviously the plat was approved at time, in July. And now since then the roads have been constructed in here, here we are again.

Karen Lords - Blacktop is not a requirement. It is the developer's choice. Actually going out and doing an inspection on the road your sight being able to look either direction onto the highway is not as bad as I thought it would be now that the road is constructed. It is built up enough that it gives you a higher view then what we were originally dealing with, with the little dirt trail.

Rod Dalling – Will the school busses go in there and turn around, do you know?

Kevin Thompson – I will be honest with you, I don't know if school buses go down private roads or not.

Mike Davis - Any other questions or comments?

Kurt Eidam - I make a motion to approve the final plat of Hollow Estates.

Discussion

Kip Martindale – I personally don't feel like I can vote on this project. I think there are too many lots still and as the Environmental Health Director, Kelly Egar, has testified of the 50 % reliability rates on these enhanced sewer systems and given District Sevens on site inspection and lack of soil in some places might be 6-12 inches, some may be lava rock. There are proposed additional residents in close proximity to existing neighboring residences. They are upset with the neighboring lots not to mention the vulnerability of private wells.

Mike Davis – Thank you Kip , in lieu of Kip's comments is there any other discussion? Ok Kurt do you wish to go forward with the motion?

Kurt Eidam - That is well taken due to there are also those wetlands underneath there too. To have 12 individual sewers that have the 50% failure rate...

Linda Crapo - Is that the same type of system as the last one we were talking about on Bills Island? Is that the same type?

Mike Davis - It would depend on what Owen determines on the permit, wouldn't it Karen?

Karen Lords – It would.

Kevin Thompson – I could answer that. Owen and I have talked about the enhanced systems, we have also talked about sand filters also talked about all of the different types of systems that are available out there. Even the plat may be approved, some of the people who get a building permit, the first step is to actually get a sewer permit from Owen. We discussed about 8 maybe they can find 6 foot of top soil out there. We dug, I believe a total of 12 test holes some of these test holes were 6 foot deep some of them 4 feet deep. There may be a place where they could do a normal septic system; it just depends on the depth of the top soil. There are varying levels of degrees of treatments packages out there. I guess I will throw this out there, when they say enhanced system fails is that because it is less then what they claim its going to be? They may claim, I hope 80- 90% and if they are 80% that is still a tremendous amount above what the normal septic system is, but because it is less than what they claimed it would be then classified as failing. Is that correct?

Owen McLaughlin – I think that there was a misinterpretation of what Kelly stated, she said that there was a 50/50 chance of one particular type of system that had a failure rate.

Kip Martindale – Well Owen, you stated before in Madison County where they were required to have enhanced systems, it has not been a very good success rate.

Delyn Hathaway - Enhanced system, when did that come around, like 10 years ago? You take 90% of the homes in this county right now would be completely failed. The enhanced system has just started and that is something that they area working on, 40% of the homes that we sell in a year, they are requiring an enhanced system. Where 10 or 12 of their neighbors right next to them probably have a 50 gallon drum, but are grandfathered in.

Kirk Mackert – But what is your definition of an enhanced system?

Delyn Hathaway – It's got to be up above the level of the water at its highest point.

Owen McLaughlin – Generally the enhanced system can reduce certain parameters like BOD, TSS it does levels higher of what a standard system would do. **Inaudible**

Kirk Mackert - Or a pump stops or equipment failure or something of that is what was discussed before. Is if you had an equipment breakdown or failure and then your system is not functioning the way it was designed or developed to function. Which reduces the efficiency level of that system.

Kevin Thompson – I actually have an enhanced system at our house and we have had to do is to sign an easement, stating that that company can actually come onto our property and check.

Kip Martindale - **It's** required to, you have to sign an agreement and they come once a year, but if they check in December and it breaks down in January and they don't check until next December?

Kevin Thompson – Well the homeowner has to take some responsibility, I know when it's working because I can hear it running. Another problem that Jefferson County had is that homeowner would state that they were building a 4 bedroom home with unfinished basement and in that basement there were two additional bedrooms so the system size for four bedrooms a year later and the system is over capacitated. And what Ray has done is said let me see the house plans and I don't care if it says the basement is unfinished or not because you al know that at some point in time its going to be finished and you are going to expect the system to do the same. You can't over work the system either.

Kirk Mackert – It has also been given to us that the system will keep running and the system will continue to flow into the ground if the pump stops, after a certain level, they area not going to back up into the house. They will go into the ground if the pump stops. And then it foes into more of a conventional septic system when that happens.

Rich Zimmerman – It's not a total disaster.

Kirk Mackert – Right, it just loses its efficiency level where they claim it. And the reason and the location and the sensitivity of why they were required to be put in, in the first place.

Owen McLaughlin - Inaudible

Kirk Mackert – But I think that the question that was raised earlier couldn't that system actually run for a year if the homeowner wasn't a responsible individual. In between annual surveys of the system?

Owen McLaughlin – It depends on type of system.

Kirk Mackert – That was the one system that we are talking about with the pumps and all that, that was presented to us. Is there a different system here that we need to be looking at?

Delyn Hathaway – Well right now the only system that we have is the enhanced system and there are an awful lot of people who use them.

Kevin Thompson – There are other septic systems that could be used.

Mike Davis – Well then like they said they can put in different systems for the different lots. Conventional may work, for some it might be sand filled.

Kevin Thompson – But its Owen who writes the permit and knows for each individual lot.

Dirk Mace – I think we are way over our heads trying to decide on what system we think ought to go in. That's why we turn it over to DEQ and District 7.

Rich Zimmerman – We have a motion on the table.

Kurt Eidam - My motion stands.

Mike Davis – Second still stands?

Rich Zimmerman – Who seconded it?

Linda Crapo - Seconded

Mike Davis – OK we have a motion that has been seconded to accept Hollow Estates. Those in favor, all but Kip Martindale. The motion carries.

Recess for 5 minutes

VII Final Plat – Timberline Golf Estates – Carl Bates

Mike Davis – Next item on the agenda is the final plat for Timberline Golf Estates – Carl Bates, Karen can you give us the information please?

Karen Lords – I can. This is a project that we originally started in 2001 and Carl entered in to a development agreement with the County Commissioners to do his roads which he completed this fall and he is now asking for final plat approval for five lots and I only have one drawing so I will pass this down. There is a smaller version in the packets. The road to get to Timberline Golf Estates is K-Falls road and his access is just before the county road turns into a dirt road. Carl has had a golf course that he has been slowly improving over the last several years and he has chose to put these lots together that will border the golf course. So to explain better, this is a road that is around his golf course that is in existence. His golf clubhouse basically sits up in here, then these are the roads that are going to be used to access lots one two and three. So we have asked him to make improvements on these roads to gain access to lots one two and three then you would have to continue on the existing road going around the golf course, and he has built this access for lot four and five. The roads are done and completed. Same scenario this will be individual well and individual septic. Are you going to have convance on these five lots? Those will need to be recorded at the time that you record the final plat if this project is approved. And Carl is here and also his attorney Marvin Smith if you have any questions for either one.

Rod Dalling - Why are they so small?

Karen Lords – Well he has several, we are encompassing the density of the golf course as well.

Mike Davis - Carl do you have anything that you would like to add to what Karen has already provided?

Carl Bates - It has been a long time and with some interruptions with the weather and a few things with the landscaping that has held the roads up but now they are finished and as far as I know we are all ready and here to give this information to you.

Mike Davis - And Owen has checked on the individual septics?

Owen McLaughlin - No I have not but Jerry Woods did.

Karen Lords – I was going to say when we originally started with this project Jerry Woods was the one who had actually done the inspections on the project itself in the beginning.

Owen McLaughlin - I know that Jerry did.

Carl Bates - As far as I knew that is all behind us, sometime ago.

Mike Davis – And I am sure that Jerry looked at it thoroughly.

Karen Lords – Well we would have never gotten his preliminary plat.

Mike Davis – Do the board members have any questions for Carl or Karen? Marv do you have anything to add?

Marvin Smith – I do not.

Kirk Mackert – Just one question for maybe Karen and Carl, the golf course is located?

Karen Lords – Well it encompasses, (showing where it is on map) it actually in some cases goes through the golf course but as a loop goes around to an existing access road. That actually goes onto K-Falls road.

Rich Zimmerman - This is all course in here.

Kirk Mackert - This and this?

Karen Lords – Yes, Carl has cabins and a house that he actually rents further up here and a RV park that is back in here and his club house is back up in here. And there is another home here and I think there is a shelter back in here that is on private property. Does anybody else need clarification as to where it is?

Kirk Mackert - I was just trying to get an idea.

Mike Davis – I been there. Any other comments or questions?

Rod Dalling – Mr. Chairman I move we accept the final plat of Timberline Golf Estates.

Rich Zimmerman – I will second

Mike Davis – Ok we have a motion that has been seconded to accept the final plat of Timberline Golf Estates Carl Bates. Those in favor, (all), any opposed? OK motion carries. Thank you Carl.

VIII Sketch Plan – Plat Amendment – 3 residential lots and splitting Block 2 - Island Park Village – Rick Byrem

Mike Davis – Next item on the agenda is Sketch Plan for a plat amendment of 3 residential lots and the splitting of block two in Island Park Village, Rick Byrem, Karen.

Karen Lords – This is a project that the representative is Rick Byrem and also Rich Zimmerman, I would imagine that you would like to be excused.

Mike Davis – Rich would you like to excused yourself?

Rich Zimmerman – Yes I would like to excuse myself.

Karen Lords – I apologize, I should have gotten one more drawing. Let me do a quick explanation, this is IP Village and so you have the golf course that's running through here, the condominiums sit on this parcel, but they are only sitting on this particular side of block two on this block 2 splitting block two. What they are proposing is to split block two there is nothing that would be built on this at the present time there are no existing condos. They have filed as state statute for Idaho requires a condominium declaration. So they will have to amend that because when they do that they are showing a footprint of where all the condominiums will need to go. So they will need to amend that portion of it. So there are no condominiums built in here this is all empty. The next item is they are proposing three lots which this was originally one large lot. They have their own community sewer and water so they can go down to ½ acre lots because they have their own systems. The roads are already in existence and there are several homes already built in Island Park Village. And I guess the question would be is the overall master plan of block 2 what are they proposing if they are not going to put condominiums.

Kirk Mackert – What is the minimum size of a lot that they could have to have their own system there?

Karen Lords – Half acre, because they are hooked to Macks Inn sewer system and they have their own community water system, our code allows them to go down to a half acre.

Kurt Eidam - If I read this right block six is right across from the tennis court and the clubhouse right?

Rich Zimmerman – Right. Right next to those three lots is our well lot.

Discussion

Rich Zimmerman - 2a has nothing on it.

Karen Lords – That is what he is proposing to create.

Rich Zimmerman - The reason we are creating 2a is we almost got ourselves in a bit of a pickle up there with block 2, in the sense that block 2a does not have anything being built on it and at one point in time just recently a developer wanted to come in and put condominiums in there. We have two associations in the resort, one Timbers Condominium Association which controls all of the condominiums. We wanted to separate the undeveloped halves with the developed halves so if a developer were to come in it would be under a different association and not part of the Timber Association which already in existence. And that's why we decided to go with these lots 2a, to draw a line there and to make that separate. That way it still falls under the master association of the Island Park Village Association IPVA, but they would have to have their own association to report to.

Mike Davis - So then that might be something that a developer could come in and do.

Rich Zimmerman – Ya if anything were to be built in there it would be condominiums because that's what's called for in the declaration as Karen pointed out. It is recorded with the county that way and it is stated so on the zone that way for condominiums only.

Mike Davis - Any other questions?

Karen Lords - So the small lots are being proposed for residential homes.

Mike Davis - Is that over on that side where there is a little bit of construction going on?

Rich Zimmerman – It overlooks the golf course, there are two new homes going in right next to it.

Discussion of where club house is

Rich Zimmerman – Yes, actually directly across from that is a recreational piece ground that we are going to put a mini put in.

Mike Davis - Is that Island Park Village going to be filled up will this, will it be completed?

Rich Zimmerman – Ya there is not a whole lot more space we have to develop anything in there as far as residential goes, those are the last three.

Mike Davis - Is there any commercial in Island Park Village?

Rich Zimmerman – The only commercial that I have thought about I was nixed on about three months ago, we won't bring that up. Ya we do have 5 acres of commercial ground out on the highway.

Mike Davis - I was just wondering. Any other question for Karen or Rich or Rick?

Kurt Eidam – I make a motion to accept the sketch plan for with the plat amendment for three residential lots block two in Island Park Village in Island Park.

Dirk Mace – I will second it.

Mike Davis – Ok we have a motion and it has been seconded to accept the plat amendment for three residential lots block two in Island Park Village in Island Park. Those in favor (all) any opposed? (none). Ok thank you.

Mike Davis - One item brought to our attention of Karl Lewies to be present and help us out.

IX Administrator's Report

X Adjourn

Connie

Linda at 9:26 pm

Items to Discuss:

Karen Chamber of Commerce for St Anthony would like a workshop for us after Feb meeting to discuss things before meeting with chamber.

Schedule CAFO Workshop January 31st commissioners room 7pm

Schedule Comp Plan Workshop to schedule a meeting at the Feb 14th meeting.