

**PLANNING AND ZONING
AGENDA
Monday, March 21, 2005
7:00 p.m.**

Attending: Mike Davis, Chairman, Rod Dalling, Kip Martindale, Dirk Mace, Connie Otteson, Linda Crapo, Kurt Eidam and Kirk Mackert.

Representatives: Michelle Allred, Rick Byrem, Kirk Mackert, Dave Peterson, Karen Lords, Administrator, Molly Knox, P & Z Secretary, Kathy Thompson, Code Enforcement Officer, Owen McLaughlin District 7 Health Department, Weldon Reynolds Road & Bridge.

Mike Davis, Chairman, welcomes everyone and begins the meeting at 7:05 p.m.

Minutes of the past meeting held on February 14, 2005 were reviewed and approved with the motion made by Connie Ottesen and seconded by Rod Dalling

Public Hearing – “Rezoning of a residential parcel belonging to Hal and Michelle Allred. Parcel is inside City of St. Anthony’s Impact Area. Hal and Michelle Allred are requesting the zone be changed from a “Residential with allowing one horse” to “Light Commercial Zone” of their parcel located at 447 North 2300 East, St. Anthony.

Mike Davis – Karen have signs been posted and the proper notification been given?

Karen Lords – Yes they have, the signs have been posted and letters have been sent to all property owners within 1000 feet.

Mike Davis – Are there any members on the board have a conflict of interest of this proposal? Karen would you report on this proposal, please.

Karen Lords – OK, if you will note up here on this easel, I have a small photo of the area of impact of the City of St. Anthony. There is a blue line that follows the outside limits of the City of St. Anthony and this is the impact area. When this was adopted by the Planning and Zoning Commission of the County and the County Commissioners, we put it into zones. The property that we are talking about tonight is the property of Hal and Michelle Allred. It is located next to US Hwy 20. If you are headed south towards Rexburg and we have a little tiny sliver of property that sits on the east side of US 20 that falls into the category of R-1-8 which is described as residential home that allows one horse. Well, the Allred’s have commercial businesses going on their property currently, they have storage units, they have a single wide trailer and they also have a commercial sign on property. I am going to pass pictures around so that you can see the property. What they are requesting is to have the commercial sign that they have on their property and actually propose having it become a billboard sign.

Because it deals with the impact area of the City of St. Anthony, we have adopted the City of St. Anthony's zoning. They do not have a sign ordinance. So they would be able to place a billboard placed on their property. So they are requesting tonight to change this property from R-1a to C-1 which is light commercial. I will read you my report.

Hal and Michelle Allred are requesting a zone change for their property located at 447 North 2300 East, St. Anthony, Idaho. The legal description of the property is Southeast ¼ of Section 11, Township 7 North, Range 40 East Boise Meridian, Fremont County, Idaho.

The rezone request is due to the original impact area map of the City of St. Anthony was mislabeled and this particular piece of property was classified as R-1a. This zoning district allows a residential home with a horse and is in accordance with the City of St. Anthony's zoning laws, which were adopted inside the City of St. Anthony's impact area.

Hal and Michelle Allred have approximately a dozen storage units existing on the property currently, along with a commercial sign at the end of the storage units located next to US 20, south of St. Anthony. In order for the Allred's to make changes of the commercial use of their property the rezoning classification needs to be changed. The Allred's would like to take the commercial sign and increase the size to a billboard size. A commercial sign company would like to take the commercial sign and increase the size to a billboard size. A commercial sign company would be replacing the sign. At the present time, the City of St. Anthony does not have a sign ordinance. The property would be under the City of St. Anthony's zoning requirements.

The Allreds's have also expressed the desire to expand their storage units. If this occurs, they would be required to receive the City of St. Anthony's zoning approval and would also be required to meet the building requirements and purchase a building permit through the County. If a billboard was placed on the property, the sign would be required to receive the City of St. Anthony's zoning approval and building permit through the County. The past use of this property has been commercial and would still be classified as commercial, but due to the impact area approval, the property now has the classification of R-1a and needs to be rezoned to a C-1 or light commercial use. I make the recommendation for approval, with the following conditions of any additional improvements to the property be approved by the City of St. Anthony for zoning and Fremont County for any construction placed on the property.

The Allreds are here if there are any questions.

Mike Davis – Does anyone have questions for Karen?

Rod Dalling- Does it fall under our requirements for the county for signs?

Karen Lords – No, because all of the property that falls inside the impact area we have adopted the cities zoning. So the property inside still belongs to the county and those people still pay county taxes they would have to be annexed into the city to follow the cities building requirements. But the city has adopted the counties building codes and so all building permits for the city go through our office. What happens is when a person decides that they want to build they have to apply through the city to be approved for zoning and then come to the county office to actually apply for the building permit and then we collect the fees for the city and pay them.

Mike Davis – Are there any other questions for Karen? Karen did you receive any letters?

Karen Lords – No, I have not.

Kurt Eidam - Does the city have any plans to make a sign ordinance?

Karen Lords – They have actually hired Nancy Taylor from JUB Engineering, who is also the county's land use consultant, and so they are in the process right now to do some Comprehensive Plan revising. So I would imagine at a later date they will be coming up with some newer guidelines.

Kurt Eidam – But there is nothing at this time.

Karen Lords – No, there is not. And the city of St. Anthony is not alone; there are other cities in the county that do not have sign ordinances. It wouldn't really matter except the city impact and zoning was a nine-panel committee and Mayor Bill Beck drew with a marker and we had map as he drew it and that is what they adopted.

Dirk Mace – It is mostly business any way, not much residential.

Karen Lords – Yes, it is mostly light commercial, industrial, regular commercial.

Kurt Eidam – There are already signs up there? This would be a professional who would put it up and it would look nice?

Karen Lords – Yes, they have already had Lamar and Young Sign Companies contact them to find out what they would have to go through for a permit and inspections as it was being built.

Mike Davis – Are there any more questions?

Kirk Mackert – And as far as expansion and growth of storage units?

Karen Lords - They would have to go through planning and zoning, but they would also have to go through the city.

Kurt Eidam - If there is something there to encourage people to stop in St. Anthony for local businesses, I think would be great.

Mike Davis – Okay, Karen no letters right?

Karen Lords - No

Mike Davis - Are Hal and Michelle representing themselves?

Karen Lords – Yes they are.

Mike Davis – Is there anything else that you would like to add to what Karen has said?

Hal Allred – Not that I can think of anything that needs to be added and we would like to add more storage units and as for sign that is there I do not know what size would be considered a billboard but we would like a bigger nicer one that is lighted and move it 30 or 40 yards.

Mike Davis - Does the board have any questions?

Kirk Mackert - What is the size of the property?

Hal Allred – It's about 3/4 of an acre or so.

Mike Davis – The billboards would not cause any blockage to the drivers would it?

Hal Allred – No, it will face the road.

Kurt Eidam - Does a billboard need to go through the State because it is a state highway?

Karen Lords - We will need to check with the state just because of setbacks that they will have to meet. As well as the county setbacks.

Mike Davis – Are there any more questions for Hal or Michelle or Karen? If not we will open to public comment. We have a sign up sheet and there are two people on it Michelle and Hal.

Michelle Allred - Why is county so anti billboard?

Karen Lords – Because in the early 90's they hired a professional consultant to help put some laws into effect. They took the county sign ordinance to the public and the public decided that they had the best view of the Teton's, compared to any other counties along US 20 and even on county roads and they decided that they did

not want to take that away. So when it was adopted, they allowed any billboards that were there to stay and be maintained and upgraded but no new billboards were allowed. There is actually a proposal from the St. Anthony Chamber of Commerce to review our sign ordinance and going over tonight.

Mike Davis – Are there any others like to make a comment concerning Michelle’s question?

Dirk Mace - I would like to talk about it later.

Mike Davis - Hal Michelle anything else to add? Is there any one in audience who would like to comment? If there are no further comments, I would like to close to public comment and open to the board at this time.

Kurt Eidam – I have thought over and over and because it is in the impact area of the city this will encourage people to stop due to what businesses are there.

Mike Davis – I have no problem with what they want to do.

Rod Dalling – It’s pretty straight forward.

Mike Davis – Are there any motions or discussions?

Karen Lords – Because you are not familiar with zoning districts you need to understand that you need to be real specific as to what you are approving of reclassification of R-1a and rezoning it to C-1; light commercial when you go to approve.

Mike Davis – Which would benefit the people of that area?

Karen Lords – Now they are only asking to rezone Allred’s property not the whole area. So with the city of St. Anthony zoning laws they will be allowed to do the signs as they want to if it is rezoned to the C-1; light commercial.

Mike Davis – So what is the difference between C-1 or a light commercial?

Karen Lords – It is the same.

Kirk Mackert- It’s to clarify both ways that the C-1 is light commercial.

Rod Dalling – I would like to make the motion made from R-1a to C-1; light commercial.

Connie Ottesen – I will second that.

Mike Davis – A motion has been made and seconded to re-zone the Allred’s from a R-1a to a C-1; light commercial. Those in favor, all, none opposed. The motion carries.

Public Hearing – Cotton Wood Subdivision (Renamed to Whitetail Meadows) – Kirk Mackert

Mike Davis – The next item is a public hearing for Cotton Wood Subdivision for Kirk Mackert. Karen have all of the proper notices been provided?

Karen Lords – Yes, the land has been posted and certified mailings have been sent out to the property owners with in 1000 feet.

Mike Davis - Is there any one on the board who would have a conflict of interest?

Kirk Mackert – Yes, Mr. Chairman I would. May I ask to be excused? (Sits in audience)

Mike Davis – Yes, is there any one else who would have a conflict? Karen, would you like to report on this proposal?

Karen Lords – Kirk Mackert was proposing on his property four lots with a common area totaling approximately 12-acres. Maps handed out. Okay, I will read you my report.

The proposed subdivision is located South on U.S. Hwy 20, turning right on 400 North, continue traveling West for approximately 1.3 mile to intersection of 400 North and Cottonwood Drive. Site location is on the right hand side of 400 North. Access to two-lots will be off 400 North and two lots will be accessed off Cottonwood Drive. The property is in Section 10, Township 7 North, Range 40 East Boise Meridian, and Fremont County, Idaho. The application for a Class II permit proposes four-lots and a 1.25 open space area on approximately 12-acre parcel. The soils map indicates that the soil type is St. Anthony gravelly Sandy loam, 0 to 4 percent slopes. Inclusions state that the soil is similar to the St. Anthony soil but have less than 15 percent coarse fragments with in a depth of 21 inches. Allwit gravelly sandy loam and Fluvaquents soils that are similar to the St. Anthony soil but have bedrock within a depth of 60 inches; soils that are similar to the St. Anthony soil but have a water table within a depth of 40 inches because of sub irrigation during the growing season. The developer proposes to subdivide four-lots and an open space area containing 1.25 acres from a 12-acre parcel. Individual wells and septic systems will be proposed for each lot. The overall average density is 4.08 acres. The proposed development indicates four-lots will contain over 2.0 acres or more and open space acre will contain approximately 1.25 acres. This project proposing less than six lots and will not require a cul-de-sac for access.

I make the recommend a point assignment of “0” on all absolute performance standards and a “+6” for the relative policies as shown on the attached South Fremont Zoning review checklist. Total dwelling units permitted for this project is 4.3. The developer is requesting four-lots. I make the recommendation that proposed subdivision meets the requirements of the South Fremont Zoning District with the following conditions of approval:

- 1) VI.E.1. – Wetlands: State and Federal Regs. – All developments shall demonstrate compliance with state and federal wetlands protection.
- 2) VI.F.1. – Stream Corridors/Floodplains: Setbacks – The development setbacks required here shall be clearly shown on the final site plans and final subdivision plats. In subdivisions, the setback line shall be located by a permanent monument on each lot line that runs more or less perpendicular to the stream or lake and at the center of each lot that borders the stream and lake.
- 3) V.I. F. 3. – Stream Corridors/ Floodplains: Chapter XI – Developments in the Floodplain Overly Zoning District shall comply with the performance standards of Chapter XI.
- 4) VI.H.1. – Wildlife Hazards: Individual Structures – for individual structures, including single family dwellings: provide a fire defensible space of at least 30 feet around the home or structure. A defensible space is one which trees are thinned so that crowns do not overlap or touch, woody brush is removed or substantially thinned, and dead fuel is removed. Maintenance of the defensible space is a requirement for continuing compliance with this ordinance. Note should be made of plat. I also think that something needs to mention in their covenants, if covenants are provided.
- 5) VI.K.1. – Irrigation Systems: State Law – All subdivisions shall demonstrate compliance with I.C. 31-3805, as amended, which provides for the approval of subdivisions by irrigation entities (I.C. 31-3805 appears in Appendix F.) Compliance shall be attained by the transfer of water rights or the installation of a central irrigation system maintained by a community by a community association. Irrigation systems installed in subdivisions improvements. Note should be made on plat.

- 6) VI.X. – Connections – All developments shall be designed to optimize functional connections with adjoining developments, including shared access to arterial roads, shared parking and service access, shared buffers and open space, and shared pedestrian circulation. Note on plat indicating shared driveways.
- 7) VI.X. – Signs – Signs shall comply with the detailed performance standards of Appendix A.
- 8) VI.B.B. On – Site Sewage Disposal – All on-site sewage disposal systems shall be sited, designed, and constructed in compliance with state standards. Must meet District Seven Health Department requirements.
- 9) VI.C.C.1. - Private Utilities: Access – 1. Adequate rights-of-way or easements for service by proposed private utilities shall be provided. A written statement of compliance with this performance standard shall be obtained from each utility. Utility easements note indicated on preliminary plat – must be shown on final plat.
- 10) VI.C.C.2. - Private Utilities: Access – 2. Written certification that capacity to serve the proposed development is available shall also be obtained from all proposed utilities.
- 6) Continued – VI.FF.1. – Safe Access: Arterials – All developments are encouraged to minimize their number of points of access to arterial roads and highways. – Must share driveways – note on plat.
- 6) Continued – VI.G.G. – Roads – There shall be safe all-weather road access to all developments and all lots within any development. The requirement for all-weather road construction does not imply that roads must be maintained through out the years. The design and construction of roads shall be in compliance with the detailed performance standards of Appendix B. B Refers to driveways.
- 11) VI.II.1. – Fire Protection: FPD Comments: Comments from the South Fremont Fire Protection District shall be considered in determining the development’s compliance with VI.H. , VI.Z., VI.GG. and VI.JJ.

In going through the plat that is before you, the large plat I had to go through it for floodplain requirements. And there is a discrepancy on it if it is in the floodplain or not. You should have with you a small paper that actually has staples, there is a fax coversheet and on the very last page, it is actual flood plain map and it is indicating that the property on the upper left hand corner, which is close to where Kirks property is, is not in a floodplain. The County now has the ability to take the floodplain zone maps and overlay it with a particular parcel and see that part of Kirks property, on the corner of Cottonwood Drive that adjoins his property some of the lots are in floodplain but not a whole lot. With talking to Rick Byrem he came up with a buffer that is sitting before you, that is colored, will indicate where Rick has shown a buffer on there. So when someone purchases this property they will have to abide by these buffers when they build. They will have to build back from the buffer. It would protect us just incase the property is in a floodplain. Now the overlay that we use with the floodplain maps does have an error rate of plus or minus 50 feet. So in this event, you also have an indication from Chandler Insurance that states they did not require Kirk to have flood insurance on his home, his house is located north of this property. You could use this as a guideline. You were also provided a FEMA standard flood hazardous flood determination form that is used for loans from Wells Fargo, it also indicates that is marked on line D that “Is building/mobile home is special flood hazard area (zones containing the letters A or V?)”, and they have indicated that this property is not located in a flood zone. So I will leave it up to your digression to decided weather this property is in a flood zone and if the buffer should or should not be left on plat.

Mike Davis – So at the time that Kirk built his home, his existing home is now, we did not have the ability to do the overlay with your computers, so it was just kind of a guess?

Karen Lords - We would have had the paper floodplain map and that was the only criteria that we had. I would imagine that they would have looked at this and said that he was not in a flood zone.

Mike Davis – So when they changed and went to where you can look at the computer. So from paper to computer that's where the difference came?

Karen Lords – We can actually download the floodplain data straight the FEMA website. And we now have the capability to place the flood plain information right on the parcel we are looking at and it shows up in blue. It indicates that a small portion of lots 1, 2 and 3 are in the flood zone.

Rod Dalling – All of these are FEMA though so which is right? Is your computer generating the right information?

Karen Lords – All of these have an error rate of plus or minus 50 feet or more because there is a control point layer that we have to use to say where the section line lays.

Mike Davis – So is the computer technology or general maps better in your opinion?

Karen Lords- I think in general the computer is better for general information but don't quote me, also on that for absolutely correct floodplain info. There is a reason to look at it. But you also have a developer with information stating that it's not in flood zone and has also gone the extra mile as to providing a buffer if you determine that it needs one. Then also on the smaller plat map, I had indicated that we needed to have utility easements he drew in where those were. Fall River has not called back to let them know of that exact area. Also common area is wetlands a small ditch that drains into area couple months out of the year, also buffer around common area just in case of high water and in future if someone wants to build.

Linda Crapo - What would the buffer be?

Karen Lords - You could make it 25 to 50 feet, these are big lots.

Mike Davis – Are there any more questions for Karen?

Dirk Mace - So the dotted line is where the utility easements are?

Karen Lords – Yes, well actually they are building envelopes.

Mike Davis – Something else concerning flood plains is we have not had winters or weather like we have had in the past.

Karen Lords - What are setbacks going to be? If he comes up with covenants & restrictions, he can have more restrictive setbacks than county. I think we are drawing a line in sand and determining on saying yes he is or no he is not in a floodplain.

Mike Davis – I think it needs to be addressed just if the opportunity to see a bad winter again

Linda Crapo - If it did happen would county be liable?

Karen Lords - Because the county has adopted the FEMA program and what happens is, if someone builds in a flood plain they have to abide to FEMA requirements which include no basements, stem walls higher, and vents for water to flow through if needed.

Mike Davis – Are there any other questions for Karen? Did you receive any letters?

Karen Lords - Yes and you should have received the letter from Fall River Rural Electric to be able to provide access. Fremont Telecom can provide phone.

Mike Davis – Are there any individual letters?

Karen Lords – Yes, letters from the Bartchis and Hawks. See letters on file.

Mike Davis – Are there any other questions for Karen? Okay, Rick do you have anything you would like to add to what Karen has presented?

Rick Byrem – I would like to talk about the floodplain and the discrepancy. In talking to Karen the discrepancy of what the of the FEMA and County maps shows is a significant difference. What we would like to, as from the planning commission to deliberate on is to whether or not we can have the floodplain requirements in Karen's reports waived due to discrepancy between our information and Karen's. When Mr. Mackert built his home and his neighbors built their home the lending facilities would have required them to have floodplain insurance that they were not required to have. The blue line is my best ability to extrapolate the information off of the FEMA map onto the subdivision, when I originally completed the preliminary plat there was no problem with the property and none of it was with in the 100 yr flood plain but then Karen found something on the county map and this discrepancy was found. As a licensed surveyor in five states, I am not an attorney; I am taught that the legal document is that document prepared by FEMA. What you have to understand is that when it is downloaded into a computer and digitized and layered or sandwiched in a computer it is information from many offices or areas it is typically scanned or digitized and then put into more detail. The property maps are calculated in the Assessors office and are typically good. But there are other areas that the maps are digitized 1 inch is = to 400 feet. Half the size of a USGS quad sheet any slight error in information set up be the computer is magnified.

Karen Lords – These are not digitized maps, actual download straight from FEMA. Not saying that there couldn't be an error rate there could.

Rick Byrem – Was there any kind of, I don't think we are comparing apples to apples, I looked at a map in the GIS office today and there was a map that had a Bureau of Reclamation point on it and it showed an area of Inundation not sure if it's a 100 year flood plain map or not. If you look at map it shows that the flood plain is entirely to the west on the riverside of Cottonwood Drive. Except where 860 feet north of the section and that is north of the boundary to the subdivision I have that on my Bureau of Reclamation. The road is the same place it has always been. It shows that the flood plain does not cross Cottonwood Dr. Digital reference even though it's a download from FEMA there can be error. Example from other instances.

Karen Lords – This has nothing to do with the FEMA program. (Examples of other instances)

Rick Byrem – Okay, but if you want me to continue I will.

Dirk Mace - Mr. Chairman, I think we get the point that he disagrees with the county map.

Mike Davis – I get the gist of that and I think the disagreement is a FEMA paper map versus a FEMA computerized map from Karen Map.

Karen Lords – I did not provide you a copy of what is on the county map, what you have been provided is a FEMA plat map paper copy. I did not provide you with anything, all of this information is from Rick.

Mike Davis- Okay on this map where is the FEMA?

Karen Lords – Basically, where he has drawn the pink line on the map is roughly where it showed up on the aerial map that we use and Kirk's property is drawn in, in accordance to his legal description and then the FEMA map is overlaid over the top of that so the pink line is and it is our best guess or Rick's best guess of the county line is.

Rod Dalling – But there could be an error rate with this map.

Karen Lords – Well, there very well could be because when the FEMA's people came in and created the flood plain maps, basically drew a line with a marker. It could very well flood here and there. The County does not have the money to have FEMA come in and re-decide what you think might flood. If people have an issue on what they think might flood they can have people like Rick come out and do what we call certificates of elevation. And that is submitted to FEMA and if they have been forced to pay flood plain premiums then FEMA can reimburse those 6 months with the appropriate evidence.

Kurt Eidam – All of this would not prohibit anyone to build would it?

Karen Lords – No, they would have to abide by specific guidelines and depends on who lending institute is they would have to pay flood insurance. What it boils down to, is who the lending institute is, they have people to go out to determine this information for the banks.

Kurt Eidam – So none of this is of our concern anyway.

Mike Davis – Are there any questions for Rick on this. Would you care to go forward with your proposal? What the board is going to have to decide as a board is what to do.

Rick Byrem – That's fine and I am trying to do is give you as much information as I can. It is my professional opinion that the FEMA 100 year flood plain map is the official legal indicator used for the county. Also on requirements of shared driveways, I understand that it is a required for arterial roads in Fremont county. It is a question in our mind of if this is truly an arterial road coming down off of the bench is posted with 25 mph speed limit unlike other roads in Fremont County that are posted with 50 mph. As it turns onto Cottonwood Dr. it is a local road there are only 2 homes down there and once this is approved there will be a total of six homes the road ends in a cul-de-sac turn around down by the river, where it is a recreational area? Does it really require shared driveways? We will have two driveways on the 400 north rd. and two on Cotton Wood Dr. What we request the board to waive requirement on shared driveways in this subdivision. And allow each to put in their own driveway. We ask for you to please consider that request. .

Mike Davis – Okay, as long as you have mentioned that would you mind Mr. Reynolds address that?

Rick Byrem – No, not at all.

Weldon Reynolds – In looking at this plat earlier today and trying to protect what we could have down there in the future. We don't know what is going to happen to property on the south side of the road, to get two shared driveways as part of it. The one lot with access on 400 north will have to have its own the other three, are on the corner or around the corner to the north. My recommendation would be to locate the one on the corner would have to share a driveway with the adjacent lots (2 & 3 or 2 & 1). Two reasons that I would recommend this, is if the Birch property is developed in the future, this would help with traffic in the future. Another two reasons are snow removal, we always have a problem with snow removal and the reason of it is if we require it in other areas then why not here. If the board decides that they want to waive that then yes we can live with it, but if the board decides to waive that I would still like to see the corner lot have to share with the adjacent lot.

Mike Davis – Are there any questions for Weldon from the board?

Rick Byrem – One more thing clarification of status on wetlands, that is called wetlands, which is a man made pond that was dug out years ago. When the ditch has excess water in it, it gets turned out and overflows to the Bartchi's property and sets into this depression. The access water waste water then goes back into the river; it is not a natural wetland. If there is no water in the ditch there is no water in the depression it is man made. The question in my mind if it's not truly a wetland. What Kirk would like to do is when there is water in the ditch in the summer he would like to improve that area and have it be a feature for those lower lots. In terms of one of

the conditions approval is to abide by the states and federal regulation about wetlands, I am not sure what that means or what we would have to do about that requirement. We have set aside that property as common area and put a 50-foot buffer around the area so no building will be done on this intermittent wetland/pond area. Would that be enough for the board and would it be sufficient to you. How to satisfy requirement?

Mike Davis - Are there water rights and water shares to this property?

Kirk Mackert – That would be a yes, Mr. Chairman.

Mike Davis - Have you planned on sharing those water shares with the other four lots, would there be an opportunity with for the others to buy water shares and continue to run that water if their choice?

Kirk Mackert – There is a portion of those shares that would stay with the open area to continue to supply water to it when it is available. But not all the shares on the property would go with that lot.

Mike Davis – The question is if they would there be enough water to be able to make a fish pond?

Kirk Mackert – There is not enough there now, Mr. Chairman

Kurt Eidam - In past years, I have worked with wetlands and all is determined by plants that are there. Wetland plants will only grow if there is a consistency of water underground. If there are and questions call Corp of Engineers. I doubt if it is wetlands but if there are any questions in your mind I would call them.

Dirk Mace – NRCS (Natural Resource Conservation Service) can help find out if it is a wetland? Are there are cattails in the pond? If there are cattails, there are a few government agencies that would say it is.

Kurt Eidam – If there is only one plant like cattail, it will not qualify as a wetland. It has to be a series of plants with consistency.

Mike Davis – Do you have any specific questions concerning on if it is a wetland?

Karen Lords – If we need to know specifically what is there, then we can ask them to contact the Army Corp of Engineers and if they are too busy, they will give us list of people who are qualified to make that decision.

Mike Davis – I know that if you have a real good rock pile and enough water you could make a wetland if you let it go over a period of time.

Rick Byrem – I am done if you do not have any more questions for me?

Mike Davis – Does anyone have anymore questions for Rick or Kirk?

Kurt Eidam – I have questions for Kirk, coming back to the common area; I want to be sure that we are not creating a fire hazard. Other areas have said that they are going to do a common area and it ends up being a mess.

Kirk Mackert – We would like to leave it in its natural state.

Mike Davis – Has Owen been down?

Owen McLaughlin – I have been there and everything would be okay for individual standard septic, no problems.

Mike Davis – You wouldn't have a problem with a standard system on any of the lots?

Owen McLaughlin – Now that I think about it, there is a greater wetland area on one of the lots, but I think that is would be fine.

Mike Davis – Are there any other questions for Rick or Kirk?

Rod Dalling – I have a question, on the area that water will be maintained, how will the water be paid for?

Kirk Mackert – Probably through the Home Owners Association.

Karen Lords – What are you looking at for covenants?

Kirk Mackert – It's going to determine at looking at this floodplain line. When I purchased this property in "97", I came into the county and looked at the FEMA maps. At that time there was no problem of me building there. I built in "98-99" proven not in floodplain, and in 2001 the interest rates went down and refinanced it with no problem. This pink line I was made aware of last Tuesday at 3:00p.m., as I was leaving out of town on business. So I was scrambling to get the documentation of proof to support my history of use on this property. I built my home and refinanced it twice. My neighbor to the North of me built his home on the information and we were not required. There is potential there, if the pink line is, if that is the line based on the county and not the blue line, then this goes right through my home and my neighbors home. The potential is there, I am not saying that it will but the potential is there, we haven't surveyed that far yet. I do not have a problem with doing setbacks at all, but the discrepancy is the difference between the two lines, the 150 feet. If we need to compromise with that with line, we can work with that. I would like to show blue as floodplain line because that has been the history of this property, that is the line I have used to do all of my activity on that's the clearance that I have used. That's the testimony and documentation to back it up that I was asked to supply for this meeting by Karen. She said give me proof I hope that that is sufficient proof.

Mike Davis – Are there any other questions for Kirk? We will open this discussion for public comment. We ask to address merits with compliance or lack of please. The first name on the list is Dennis Birch, Dennis.

Dennis Birch – My name is Dennis Birch and I represent my mother Rayola, we live to the south of where this property is located. We have a couple of points that we would like to address, we feel that the subdivision should have its own access off of the road into the subdivision. This is a very hazardous road that has a drop off about 15 feet into the canal, no berm, nothing to stop someone from sliding off. It is a busy road with lots of activity in summer time. Surface water is very close to this area. My sister thought of doing a campground a few years back on the south side. We have done test plots in this area for sewer systems. The water is between 12-18 inches below the surface on our area, the one lot the most east one, is lower than this property, so we are concerned about sewer systems in this area, because the ground water is high right there. Like I said, we dug maybe 6-7 test holes and water is 18 inches below the surface. We talk about this wetland, it is close to our heart, we have a historical water right that comes through this area to our place. The springs start up at the Carter place, under the railroad tracks, through a culvert that comes across the consolidated canal, used to be water that came down through here. We have since used the water from the pasture that is on the south side. What has been said is right, there has not been much water but we have been in a drought for 7 years. County paved the road two or three years ago and put a culvert back in. I have lived there for 53 years and I remember the amount of water that used to come out of there onto our place. We are concerned about making private property and closing this historic water right off. We would like to make an official protest on this, I checked with my mother at 6:30 p.m. this afternoon, and we have received no notification on this development at all and we are 30 feet away. It is under the name Lowell and Rayola Birch.

Karen Lords - This is the list of all of the property owners that were sent a notice, is this the address?

Dennis Birch – No, it is not.

Karen Lords – Well, that is what the county has on file and I have to go with what they say. And you have more then one parcel of ground in that name.

Dennis Birch - I don't know, I am from Sugar City and I don't know if it is or not. Is the road 2200 east? Then I guess it is. I don't know the address. We have not received anything as of 6:30 pm today.

Karen Lords – We have to send them out 15 days in advance, so you would have gotten it long before today.

Mike Davis – Does anyone have any questions?

Kurt Eidam - How long ago were the test holes done that you could see the sub water 12-18 inches, was it like Five years? Ten years?

Dennis Birch - Six or seven years ago. We came in and applied for the permit and didn't do it, so it's been six or seven.

Kurt Eidam – Six-seven years ago, you found water that close?

Dennis Birch – That's why... their ground is not very far down. It might even be 10 years ago.

Mike Davis – Okay, thank you Dennis. The other name is Weldon Reynolds. We have already talked about the roads, is there anything else you would like to add? Is there is no one else to speak?

Kirk Mackert – Mr. Chairman, I would like to make one more comment. There are three homes down there that have basements in them and at no time has there ever been water in them.

Kurt Eidam - The last time that you planted a tree, you had to go deeper then 12 inches to plant? Did you ever find surface water?

Kirk Mackert - No. We had three test holes dug in "1998" when we built our home, that were left open all summer. One right by my home, one down by the corner, they were probably nine-feet deep and there was not a drop of water in them all.

Rod Dalling - Is your property lower then other lots?

Kirk Mackert – No, it's slightly higher.

Betty Stevens – Mike, the water is very deceiving. Betty Stevens and I live down in the river bottom. We have old wells that have been tested over the years, spring and fall, one area is four to five feet from surface, a running stream and you can go 50-yards to the west and another well is 40-feet down. I am not doubting, any of this.

Mike Davis – Are there any other comments at this time? Okay, at this time, it is closed to public comment and turned over to board for their discussion and decision.

Connie Ottesen – Could please describe to me about Mr. Birch's water right thing.

Rod Dalling – You can't obstruct restrict or stop that legally.

Connie Ottesen –And his goes through this property?

Mike Davis – You can't obstruct, restrict or stop it legally. Nothing can stop it.

Rod Dalling – Its private property

Mike Davis - In knowing Kirk, he would be sure that nothing would be changed; sometimes people move in and are unaware of what the water levels are.

Kurt Eidam – Something else Mr. Birch brought up about the driveway issue, I agree with Weldon with trying to combine the driveways as much as possible and to stay with in the county code. Because if we allow one they will all want to. We need to be clear and also listen to the road department, having the two lots share a driveway.

Mike Davis - How do the board members feel about the floodplain difference? They are both from FEMA. I think that if there is a chance of another flood. Maybe have a 50-foot floodplain.

Dirk Mace - It is obvious that with the documentation provided by Kirk that the banks are looking at the FEMA maps however, we all know that they can come in and change their mind.

Karen Lords – Kurt made a very good point to you earlier, if a person goes in to a bank and requires financing it is the lender who makes the ultimate decision on it if it is in a flood plain or not, whatever you decide here tonight.

Kurt Eidam – As other developments that have had property that is very steep there are building envelopes. Maybe that is something that Kirk and Lori could consider.

Mike Davis - The lots are sure big enough to do it, however you board members decide to do it.

Rod Dalling – I don't have too big of a problem in staying out of the flood deal and let the financial institutes decide on flood plains or not.

Mike Davis – Dirk, I can see you are thinking.

Dirk Mace – I think that Kurt's suggestion for building envelopes is a good one. Using the FEMA line, but its going to be hard to say where that line is

Mike Davis – Connie? Linda? Any thoughts?

Connie Ottesen - inaudible

Kurt Eidam – It would get you up past the pink.

Linda Crapo – I wouldn't be surprised if people build in further than that.

Mike Davis – Most people will build off of the road with lots that size.

Linda Crapo - As for the driveways, it just needs to be consistent.

Mike Davis - Okay, any other thoughts or discussion?

Dirk Mace – On the driveway issue, the one that concerns me the most, is lot 3 concerns me the most with the driveway. If it does share a driveway with lot 2, it needs to be within 75-feet of the property line.

Mike Davis – It gets it away from the curve.

Dirk Mace – Ya, it's more of a safety issue

Mike Davis – Do I hear any motions, more discussion?

Kurt Eidam - So right now we are talking about 50-foot setbacks from Cotton Wood Dr. of lots 3, 2, 1 and shared driveways of lots 3 & 2 and floodplains be left to lender. Motion made to approve.

Rod Dalling – I will second that.

Mike Davis – A motion has been made and seconded on Cotton Wood Subdivision for 50-foot setbacks of lots 1,2 &3 and shared drive ways of lots 3 and 2 and the floodplain to be left up to the lender above. Those in favor? Any opposed? Motion carries.

Rod Dalling –Weren't there other conditions?

Karen Lords – I think you need to make a motion to amend it, if that's what you are going to do.

Dirk Mace – I make a motion to amend the motion made of Cotton Wood Subdivision to include conditions “4, 5, 6, 7, 8, 9, 10, and 11”.

Karen Lords – So, you are asking to leave out conditions 1, 2, 3?

Dirk Mace – Yes.

Rod Dalling – I will second it.

Mike Davis – Okay, we have an amendment to our motion to add conditions “4, 5, 6, 7, 8, 9, 10 and 11. All in favor? Motion carries.

Break

Public Hearing – Fall River Electric – Substation – Island Park

Mike Davis – The next item on the agenda is a Substation for Fall River Rural Electric in Island Park. Karen, have the proper notices been provided?

Karen Lords – Yes, the property has been posted and letters have been sent to the property owners with in 1000 feet.

Mike Davis - Do any of the board members have a conflict with this? Okay, Karen would you report on this please.

Karen Lords – The proposed Class II permit application requests approval for a 46 Kilovolt substation by Fall River Rural Electric of Ashton, Idaho. The substation would be located on the west side of Cowan Road approximately 1 mile. The property is located in Section 12, Township 13 North, Range 42 East Boise Meridian, Fremont County, Idaho. The application is for an unmanned substation that would consist of two bays. Each bay will have one portal structure, one (5MVA) 46 Kilovolt to 12.5 Kilovolt transformer, and a set of voltage regulators, plus there will be one 12.5 Kilovolt metalcald switchgear building north of the two bays. The initial construction phase of the substation will be to install one bay. The additional bay would be installed in the future as growth of the area requires additional power. Substation construction will utilize low profile, pad mounted equipment trying to the greatest extent possible to reduce any visual impact. The only structures that will extend above the substation fence are the portal structures where the transmission line is terminated. These structures will be approximately 30'-6" tall. The existing transmission line poles are approximately 60 feet high. Soils: The soil survey shows the site as being Forme Loam, 0-4% slopes. The proposed substation site is not proposing a sewer system or individual well at this time. Vegetation – Wildlife. The proposed subdivision occupies an open sagebrush area. It is not mapped as important wildlife habitat. Visual Sensitive: The proposed subdivision site would be classified as visually sensitive. There are residential homes near this proposed area. Buffering will be required with trees and a security fence to protect the sensitive area with minimizing the visual impact. I make the recommendation with the cumulative score of +5; the proposed substation meets the requirements of VIII Island Park Zoning District with the following conditions of approval:

- 1) VIII.P.2.b. - All fixtures used to illuminate commercial and industrial uses shall have a full cut-off, no building or landscape feature shall be uplit, and no commercial or industrial use shall generate a level of illumination greater than 0.4 foot-candle in any neighboring residential area. Illumination of signs is specifically addressed in Appendix A.
- 2) VIII.P.3. – No development shall create electrical interference that adversely affects other uses.
- 3) VIII.T.5. – Installation of landscaped buffers between higher density residential developments and other uses in accordance with Appendix K shall be encouraged, except in visually sensitive areas where it shall be required.
- 4) VIII.B.B. - Signs – Must comply with Appendix A for sign requirements.
- 5) VIII.JJ. – Off street parking and loading areas – Off street parking and loading areas shall be provided as required by Appendix C. Snow storage shall not be permitted to reduce the size of any required off street parking or loading area.

6) VIII.L.L. Roads – There shall be all-weather road access to all developments and all lots in all developments (requirement for all-weather road construction does not imply that roads must be maintained through out the year). The design and construction of roads shall be in compliance with the detailed performance standards of Appendix B.

7) VIII.N.N. – Fire Protection 1. – Comments from the Island Park Fire Protection District shall be considered in determining the development’s compliance with VIII.I, VIII.C.C, VIII.D.D, VIII.K.K and VIII.L.L.

Mike Davis – Okay, does any one have questions for Karen at this time?

Karen Lords - You were all handed the site plan and there is an actual drawing and these are all what they proposed at the sketch plan, that will show the actual single bay and Fall River is in the audience if you would like their input.

Kurt Eidam – I just have one question, and it’s probably pretty self explanatory. What is a one portal structure? Is it something that you can move around?

Dave Peterson - It’s a steel structure that the wires come into that feed into the transformer.

Kurt Eidam – Okay, but its something that is going to be permanently there. Thank you

Mike Davis – Are there any other questions for Karen? Would the representative of Fall River Rural Electric please come up?

Dee Reynolds – Yes I do, I am Dee Reynolds, general manager and CEO of Fall River, I reside at 1344 N. 3550 E. in Ashton and I am pleased to have the opportunity to address this commission and respond to our proposal. I think a little history might help the commission. It was over 20 years that Fall River envisioned that there might be growth in the Shotgun area and certainly that vision over 20 years ago has come to past. At that time it was determined that we were going to have a transmission line brought out to that area to take care of all of that growth. Then we built a transmission line but we operated it at 12500 volts instead of the 46000 that we are proposing now. So we operated distribution over that system over the last 20 years. Well, we are to the point now that its time for us to energize this transmission line at it 46000 volts. What that does for us is it increases the capacity out to the Shotgun area by 4 volts and would allow us as we are seeing voltage problems due to new construction and subdivisions going in. This would allow us to take care of the voltage problems and get good service to our members out there. So we have been watching our charts and we believe that now is the time that it has to happen as we continue to grow up there. I do have a comment on what has been presented. In the information that we have back and you have in front of you, it calls for a buffer around this substation. The footprint of this substation is just over ½ an acre. We kept it small so we don’t have an area outside of our substation to put a buffer in. That would all sit on private property, and we are concerned about planting trees around this substation and on the East side. We can’t because that is where the high voltage line comes in. But on the south, west, north sides we don’t have the property to plant those trees and we don’t have water on site to be sure that these trees live. We would ask for your consideration when it comes to that stipulation when you discuss that. If there is something else that we can do with our fencing to help with visual impact, it’s planned for a chain link fence for safety to make sure that no one gets in there, if you are looking at it from the side it will cut off your view but looking straight on you will be able to see into it, of course. So, we would ask for your help there if you have any ideas or suggestions. We bought the property over 20 years ago and not thinking that trees would be a problem due to there have never been trees in that area. Whether we can make them grow to meet your stipulations.

Mike Davis – Are there any other questions from the board for Mr. Reynolds?

Linda Crapo – Did I miss how tall the fence is going to be?

Dee Reynolds - Ten feet

Kurt Eidam – A couple of things that may help with fence, they are not the most attractive, but there are ways to disguise the fence. There are either vinyl slats, wood slats, or vinyl dipped fence to assist in obstructing the view. There may be was that we can change the buffer to assist you and us.

Dee Reynolds - We have tried substations with slats and it looks great for two or three years but then with snow they start to look ragged and they take a lot of maintenance.

Kurt Eidam – Have you looked into the vinyl dipped?

Dee Reynolds – No but that is something that we can look into.

Karen Lords – I guess this is the point where you need to interject that this area is mapped as visually sensitive and that was done in the 90's. It is stating for the buffering requirements due to industrial use that they are going to have to buffer with trees. And if they feel that they cannot, it states will buffer with trees, then we need to do a variance, which we are not prepared for tonight. Or we could get input from Karl, but not able to do that tonight.

Mike Davis – If they had the property they would plant the trees and I understand the visually sensitive thing. But if we make them plant trees they are either going to have to pack water to them or drill a well.

Karen Lords – And that's why we are going to have grant a variance.

Kurt Eidam – Just another thought, you have a ten foot high fence, but you could break it up with vines that would grow up there. Like the Virginia creeper or the Rocky Mountain Honeysuckle Vine are hardy enough to live up there and climb you could use the vines to cover the fence. But then you would still need water, that's the only dilemma.

Mike Davis – How exactly?

Karen Lords – We are stating that they have to have to do a buffering requirement, which requires trees and fence. They are stating that they can do a fence but not the trees. You have to have a variance because it is mandatory for them to do that. You say why you are not going to require them to do that. In this particular circumstance you could file a variance because the property boundary is not large enough for them do what they have to do. The suggestion I am making is you could table your decision for 30 days and I can talk to Karl and get his input on this or Nancy and say, "can we make a decision with out a variance."

Mike Davis – We are definitely going to have to give them an option to do something else.

Karen Lords – You have to have paperwork following it stating that lot size reduced to the point where they cannot provide buffering of the trees.

Kirk Mackert – If what I am hearing is right is even the idea of camouflaging the fence with the vines will not be adequate. If you went in with a slatted fence you would still have to have trees. You cannot do one or the other.

Karen Lords – It doesn't tell me that. We can do one of two things, we can table the decision until the next meeting and find out whether, okay, because of the size of the lot will not allow them to meet buffering requirements or we can just go ahead and say the alternative condition is... but anything that I have done that you are making an exception for, you have to do with a variance to show why you are not going to require them to do it.

Kurt Eidam – Would it not be feasible to move the fence in six feet, ten feet, would you have enough room to do what you need to do?

Dee Reynolds – What we have is a ten foot from outside the fence to the property line because the transformer that we need to put in weighs 33,000 pounds so we have to have a way to get a derrick truck to lift it in to put it into the substation and to service it.

Kurt Eidam – You couldn't service it.

Karen Lords – If we have them do trees they will need to guarantee that they will live for one year. If they cannot get water to them then they cannot guarantee that. When did you need to get started on this?

Dee Reynolds - There is a lot of things that need to happen before construction, we have to finalize engineering, get bids for contract and get it built before winter shows up. It's tight.

Rod Dalling – If we put you off for 30 days will it stop your progress?

Dee Reynolds – It's not going to stop it because it has to be done. I believe 30 days we would be able to make up for that. We have internal things that we can do. It's going to push us. We are going to have a big winter this year.

Kurt Eidam – I make a motion to table the decision for 30 days and in 30 days grant a variance.

Karen Lords - You need to do public comment first.

Mike Davis – The only name that we have is Dee Reynolds; Dee would you like to comment? Weldon, do you see a problem with where this sits?

Weldon Reynolds – No, I see no problem Mr. Chairman

Mike Davis – Okay, Karen did you receive any letters?

Karen Lords - Yes

Mike Davis - Would you please read the letters?

Karen Lords - Copies of letters are on file. Read into record.

Mike Davis - Does any one else from the audience want to comment? Okay, at this time we will close to public comment and turn over to board for discussion and decision.

Kurt Eidam - I would like to make that motion.

Karen Lords – Wait, can I read this real quick to you? This is based on Appendix K - Detailed Performance Based Standards for Buffering, minimum buffer requirements - The width of buffer shall vary with the nature of usage being separated, the height of the buildings being separated, and the construction of the buffer, as shown in Table K.1. The basic buffer width given in that table is the width required where the buffer consists of a level or gently sloping area of sod or ground cover and at least four major trees per hundred lineal feet of buffer. That table also shows where a security fence and/or a solid fence, wall, or berm, is required as part of a buffer.

Dirk Mace – So, that is 16 trees to live for a year.

Karen Lords – They would have to guarantee to live for a year.

Dirk Mace – Does the buffer have to be on all four sides, because of the voltage?

Karen Lords – It says a security fence and/or solid fence, wall or berm, that's what its showing on the minimum requirements that slash and/or.

Group Discussion

Dirk Mace – How big does the berm have to be?

Karen Lords – The basic buffer with requirements may be reduced where a berm is included in the buffer. The width reduction shall be twice the height of the berm. But the maximum permitted reduction may only be 10 feet; no berm may have a slope more 3 to 1 except where a retaining wall has been incorporated into the berm on the opposite site of use or the public way being buffered.

Kurt Eidam – Here is a thought, the slats I know they are not very nice, crack and can be a waste. There is another product out there, you put up the chain link fence and then you put a porous material that lets the wind and moisture go through almost like a tarp. I have just seen it in magazines I don't know how it works, but that would be considered a solid fence. Is that something you would be open to? I make a motion to reopen for public comment.

Linda Crapo – I will second.

Mike Davis - All in favor, motion carries.

Kurt Eidam – Have you ever come across the material I am talking about? Basically you fasten it on the post, tennis courts have it. That's what I am talking about. I do not know what it's made out of. Would that work?

Dave Peterson – One thing that we worry about with that is the snow pulling the fence down. And then you have troubles, we have troubles with the snow wanting to just pull the fence down.

Mike Davis - What would an option be of a solid fence for you? Is it even an option?

Dave Peterson – Like a cinderblock? There's the expense, as well as access gates into it, that you would have to make solid.

Dee Reynolds – If you are looking for a way to make the fence comply with your statute, I couldn't hear everything but if we can make this a fence that cannot be seen through that it might comply.

Karen Lords – Yes and I am reading out of Appendix K which is the detailed standards for buffering and it says: That table states where a security fence and/or solid fence wall or berm is required as part of the buffer or minimum requirement of trees. But trees are not going to work for you.

Dee Reynolds – I really don't think that they will. We could probably make them live for one year but after that. It sits right out in the middle of nothing. There are no trees anywhere around it.

Karen Lords – Mitch Jacobs is a really good example of that. He built a subdivision and put 300 trees in and they all but died. There is a reason why. The only thing that we are trying to address is it was mapped as a visually sensitive area. And way before I knew what was going on I was approached about making you put it in the trees. But that is not going to work.

Dee Reynolds – That and Forest Service is not going to let us because we have property and they are not going to give to you a permit if you already have property.

Karen Lords – And you don't have property that they really desire.

Dee Reynolds – What if the commission stayed with your statute and directed us to see if we can't come up with some kind of fence to comply with this visual problem that we have here. That we could get approval as long as we met with conditions of no see through fence or what ever the statute is saying.

Mike Davis – There has to be some form of a solid fence that a guy can fix or come up with.

Karen Lords – And you can make that a condition of approval.

Dee Reynolds – As you make your motion conditional we comply with that. On the fence side and let us have a little time to see what we can come up with and we can bring that plan back to staff or the commission for final approval. But we have never dealt with this fabric material. And let us look into it a little bit it might be better then changing the slats every five years. Let us talk about that. If that complies then we will work towards that so we can fix that fence so it won't be seen through. .

Mike Davis – Weldon.

Weldon Reynolds – Mr. Chairman, board members, I am speaking for Weldon Reynolds right now, one thing that I would caution you about is that area is subject to a lot of wind and if you are familiar with a drift fence you know what I am talking about. It they have a 10 foot fence inside of their sub station they have 10 feet of snow. I don't know what your answer is but I think that that is something that you need to have in the back of your mind when you are looking for an answer.

Karen Lords – We need to modify this code and we need to be looking at weather conditions.

Kurt Eidam – If you were to plant trees 25 feet away from one another, and you have a 25 foot opening to get your truck into to lift the equipment in and out. Does it swing is it enough to clear.

Dee Reynolds – Then we would be driving on property that wasn't ours.

Kurt Eidam – With the right away...

Dee Reynolds - It would be sitting right in the driveway, trying to get around it, sure we could get around it but not with staying on our own property

Mike Davis – Karen is there a way that with the variance we could let them get away with a chain link fence.

Karen Lords – Well this says security fence and or solid fence.

Mike Davis – But with a solid fence we would be running into the problem that Weldon was talking about then you have a mess inside of it.

Karen Lords – It says at least four major trees for every 100 lineal feet.

Linda Crapo- We are wasting time talking about it they can't have trees.

Rod Dalling – So let's do what Dee said, let them research it and let us know.

Karen Lords – What we are going to have to do, is take this project before the County Commissioners also (talking to Dee and Dave). Okay, we have had our talk.

Linda Crapo – So that is saying that if the trees die then they don't have to worry about it for one year.

Karen Lords – Yes, they have to warrant that they will live for one year.

Karen Lords – I really think that if they can't meet the tree requirement if they want to research looking at a solid fence, table the decision and let me do some research on what we can do.

Rod Dalling – But that is not what they are talking about, they are saying let us prove it and bring the information back to you.

Karen Lords – When you make a condition to a project I am going to list that and send it to them in a letter, so yes, you can do that tonight.

Rod Dalling – Does that make it so that they can go ahead with the project?

Karen Lords – Yes, but if you table the decision that will hold them up.

Rod Dalling – So lets close to public hearing now.

Dee Reynolds – Can I make one comment before you do? What if Fall River as quickly as we can did the research on the fence and let us talk to our neighboring land owners for an easement and get some expert advice on making trees grow. If we can have or come up with an easement to let us put those trees up and come up with a way to make those trees live. As well as looking at the fence. Then you wouldn't have to come up with a variance.

Mike Davis – Does anyone have anymore comments or questions? Now we would like to close to public comment and turn it over to the board for discussion and decision.

Dirk Mace - which is going to be the easiest route for Fall River Rural Electric

Karen Lords – Just as Dee stated to you.

Rod Dalling – I would like to make a motion to approve this project for Fall River Rural Electric with the conditions that we have outlined, we will be giving them time to look at their buffering options and also to solve the fence deal.

Kurt Eidam – I will second that motion.

Mike Davis – A motion has been made and seconded to allow Fall River Rural Electric to go ahead with their proposal with the conditions that Karen has stated in her report as well as the situation with the fence and the buffering. Those in favor? Those opposed? Motion carries.

Final Plat – Third Amendment Plat – Island Park Village

Final plat of splitting lot 2 in into two lots and block 6 dividing into three lots averaging .5 acres in size in Island Park Village.

Dirk Mace – Made the motion to approve the change of the lots and blocks.

Connie Ottesen – I will second that.

Mike Davis – A motion has been made and seconded to amend the plat of Island Park Village, all in favor.

Proposed sign ordinance from St. Anthony

Group Discussion concerning revising County sign ordinance. Pros and Cons

Training for Subdivisions

Kip Martindale discussed topics that were discussed at the Subdivision training he attended.

Administrator's Report

A motion to adjourn the meeting was made by Linda Crapo and seconded by Connie Ottesen

Meeting adjourned at 10:39 p.m.