



**PLANNING AND ZONING**  
**Minutes for**  
**Monday, June 20, 2005**  
**7:00 p.m.**

**Mike Davis, Chairman, Dirk Mace, Connie Otteson, Bill Smith, Kirk Mackert, Kurt Eidam, Kip Martindale, Rod Dalling were in attendance. Karen Lords P& Z Administrator, & Molly Knox P & Z Secretary were also in attendance.**

**Representatives Gene Kantack, Twin Rivers Amended Plat, Jeff and Ryan Lerwill, Kurt Rolland for Peak Valley Estates, Harvey Willford, Willford Cars, Owen McLaughlin, District Seven Health Department**

**Mike Davis welcomed everyone to the meeting and then called the meeting to order at 7:06 p.m.**

**Mike Davis asked if there were any correction to last month's minutes. With a correction on the bottom of page six Terry Felt to Fritz Harringfeld this correction is also needed on page seven. Also on middle of page six PB to Peabey. On Page eight refuse to be annexed not effused to be annexed. With those corrections, Dirk Mace made a motion to accept and Connie Ottesen seconded the motion. All were in favor, and the motion carried.**

### **III Tabled Decision for Zoning for City of Ashton's Impact Area**

**Mike Davis** – The next item on our agenda should have been the tabled decision on the City of Ashton zoning of their impact area. But I do not see any representation from the City of Ashton.

**Karen Lords** – We do not have any representation so you will need to postpone your decision to the July meeting. That will still meet the 60 days.

**Mike Davis** – Do I hear any motions?

**Dirk Mace** – I will make a motion to continue to table the decision for the City of Ashton impact area until our July meeting.

**Bill Smith** – I will second it.

**Mike Davis** – Okay there has been a motion made and seconded that we table our decision for the City of Ashton's zoning of their impact area until our July meeting. Those in favor, none opposed, motion carries.

### **IV Public Hearing– 2<sup>nd</sup> Amended Plat of Twin Rivers Plat Gene Kantack**

**Mike Davis** – The next item on agenda is public hearing for 2<sup>nd</sup> Amended Plat for Twin Rivers Ranch Gene Kantack. Karen have all of the proper notices been provided?

**Karen Lords** - Yes they have the property has been posted and notification went out to the property owners within 1000 feet.

**Mike Davis** – Okay are there any board members who would have a conflict of interest with this proposal? Okay Karen would you report on this proposal?

**Karen Lords** – I have large drawings but you also have small drawings in your packet so which ever you prefer.

**Mike Davis** - Large is better

**Karen Lords** – Okay, The application for a Class II permit amending lots 15 and 16 in block 1 and creating three lots with an over all average lot size of 8.55 acres. This property is located approximately 7 miles east on the U.S. 47, turning left on the North River road from approximately 1 mile, turning onto Homestead road and traveling north approximately 1 mile, then turning left and traveling approximately less than a ½ mile.

The legal description of the property is S 1/2 , NE 1/4 : NE ¼ of Section 11, S ½ NW ¼: W1/2, SW ¼ lying West and North of the North Fork of the Snake River: NE ¼. SW ¼ lying West and North of the North Fork of the Snake River of Section 12: NE 1/4, NE ¼ of Section 14: all located in Township 9 North, Range 43 East Boise Meridian, Fremont County, Idaho

The soil mapping units indicate soils are varied through the proposed project. In Section 12, soils contain Lostine-Marystown silt loams, 4 to 8 percent slopes. Lostine soil and similar inclusions – 45 percent, Marystown soil and similar inclusions – 40 percent with contrasting inclusions – 15 percent. Typical profile for this soils is 0 – 20 inches dark grayish brown silt loam, 20-36 inches brown silt loam and 36 to 60 inches pale brown silt loam. Soils found in Section 12, along the river canyon rim, contain Cryoborolls – Haploxerolls – Rock outcrop association, very steep. Cryoborolls and similar inclusion – 35 percent, Haploxerolls and similar inclusions – 35 percent, Rock outcrop – 20 percent and contrasting inclusions – 10 percent. Profiles for Cryoborolls are 0 to 6 inches – variable, 60 to 25 inches – grayish brown stony loam, 25 inches – unweathered bedrock. Haploxerolls profile indicates 0-10 inches – variable, 10-5- inches – pale brown very gravelly sandy loam with 50 inches – unweathered bedrock. Additional soil types located in Sections 11 and 12 contain Marotz-Marystown – Lostine silt loams – 12 to 20 percent slopes. Marotz soil and similar inclusions – 40 percent, Marystown soil and similar inclusions contain 25 percent, Lostine soil and similar inclusions – 20 percent and contrasting inclusions – 15 percent. Profile of this soil type is 0-16 inches – dark grayish brown silt loam, 16 to 27 inches brown silt loam, 27 to 38 inches – yellowish brown gravelly silt loam 38-49 inches – yellowish brown gravelly silty clay loam, 49- to 60 inches – yellowish brown gravelly clay loam. Section 14 contains similar soils.

The developers propose dividing lots 15 and 16 in Block 1 of Twin Rivers Ranch Subdivision and creating three lots with an over all average lot size of 8.55 acres. Access to these lots will be available through Twin Rivers Subdivision Roads. These lots will be served by individual well and individual septic.

I recommend a point assignment of “0” on all absolute performance standards and a “0” for relative policies as shown on the attached review checklist. The original subdivision project would have allowed 148 dwelling units per 2.5 acres over all average. The developer is requesting to amend the original plat of 58 lots and create 59 lots. I make the recommendation that the proposed amended plat be approved with the following conditions of approval:

- 1) **VII.1. Wildfire Hazards: 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 in which trees are substantially thinned, and dead fuel is removed. Maintenance of the defensible space is a requirement for continuing compliance with this ordinance.
- 2) **VII.I.2. Wildfire Hazards: Subdivisions** – For subdivisions: thin timber on and remove dead fuel from the entire site, and provide appropriate perimeter and, in larger developments, internal fuel breaks. -2/=2  
(3) A fuel break is strategically located strip of land in which the timber has been thinned and fuel removed to create an open “park-like” appearance. Fuel breaks either include roads or are accessible to fire fighting apparatus. Fuel breaks are generally at least 200’ in width increasing on slopes over 10%.
- 3) **VII.M.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 association. Irrigation systems installed in subdivisions to achieve compliance with I.C. 31-3805 are subject to the requirements imposed on other subdivision improvements.
- 4) **VIIIM.2. – Irrigation Systems: Runoff** – No development shall channel storm water or snowmelt runoff into any irrigation system without written consent of the responsible irrigation entity.

- 5) **VII.P. Weed Control** – As required by I.C. 22-2471, “ It shall be the duty and responsibility of all persons and nonfederal agencies to control noxious weeds on land and property they own.”
- 6) **VII.R.4. – Solid Waste** – Solid Waste shall be stored in an enclosed building or in bear-proof containers and handled in a manner that does not a. attract bears, rodents, flies, or other animals; b. generate odors perceptible beyond the property line or liquid runoff; or c. permit the blowing of paper and other lightweight waste.
- 7) **VII.R. Nuisances** – No development shall channel storm water or snowmelt runoff in a way that adversely impacts neighboring properties or public ways.
- 8) **VII.T. – Livestock on Residential Lots** - The keeping of livestock on residential lots shall be restricted to two horses or cows, or ten llamas, sheep, or goats ( including their offspring until weaned) per acre. No livestock shall be kept on lots of less than one acre. Temporary keeping of stock during local big game hunting seasons shall be exempt. Residential lots are defined as platted subdivision lots and residential parcels in Un-platted areas where the average density is greater than one dwelling unit per 20 acres.
- 1) **VII.A.A. – Signs** – Signs shall comply with detailed performance standards of Appendix M.
- 2) **VII.E.E. – On-site Sewage Disposal** – All on-site sewage disposal systems shall be sited, designed, and constructed in compliance with state standards. Note that this requirement does include Non-conforming uses applying for a Class II permit for a change in occupancy or replacement, as provided in I.F.3. and I.F. 4.
- 3) **VII.II.3. Safe Access: Two Points** – All developments are encouraged to minimize their number of access to arterial roads and highways, while complying with VII.II.3.
- 4) **VII.J.J. – Roads** – There shall be safe all-weather road access to all developments and all lots in all developments (the requirement for all-weather road construction does not imply that roads must be maintained throughout the year). The design and construction of roads shall be in compliance with the detailed performance standards of Appendix B.
- 5) **VII.Q.Q. – A natural resource inventory map for wildlife corridors** were not adopted by Fremont County for this area.

A copy of this will go to the developer.

**Mike Davis** – Karen is that last item read was that chapter seven or eight?

**Karen Lords**- It was Chapter Seven, North Fremont Dist is Chapter seven.

**Mike Davis** – Okay does anyone on the board have any questions for Karen?

**Karen Lords** – Attached is my score sheet if there area questions on it. Also Gene and Kristi Kantack are in the audience if there are any questions on it.

**Mike Davis** – Karen, did you receive any letters on this proposal?

**Karen Lords** – I did not.

**Mike Davis** - Do any members of the board have any questions for Karen? Gene would like to address the board? Is there anything that you would like to add to what Karen has said?

**Gene Kantack** – No, nothing to add. I just reissue something that we talked about at sketch plan of the three very large lots we had one more lot to get out of it due to the size of the two lots. They are still large.

**Karen Lords** – I guess my question is to you is why didn't you do that in the very beginning when we put a project together we ask for the overall master plan. And we haven't talked about this but area here any other lots that you are thinking about splitting?

**Gene Kantack** – This is all the association wants to do we were told that we could have 60 lots and that's what we have.

**Karen Lords** – The scoring allows you to have additional lots but due to the slopes on some of those lots reduces it down, but my concern is we have these types of subdivisions come in and no sooner then we approve them they are back to be amended which should have been talked about in the very beginning over master planning. So we are trying to avoid 60 lots so we don't have to go through a large scale development that's my concern. If we are coming back and nit picking to avoid going over splitting lots.

**Gene Kantack** – It hurts a little but I was the one responsible for the Engineering and I take credit for this nice project, but my partners are having me pay for it because I didn't see a problem with three riverfront lots. And so I recommended we come back and fix what we didn't do right the first time.

**Mike Davis** – Are there any questions for Gene from the board? Okay thank you. Do we need to have Owen comment?

**Karen Lords** – Yes I think you need to know.

**Mike Davis** – Owen would you let us know about the septic situation on this additional lot?

**Owen McLaughlin** – I see no problems with it. It is suitable for individual systems standard system and a well.

**Mike Davis** – Okay thank you. Do we have some sign up sheets Karen?

**Karen Lords**- Gene Kantack is the only one that we have on this sheet.

**Mike Davis** – Okay, if there are no further questions for Gene or Karen then at this time we will open this for public comment, the only individual we have signed up is Gene Kantack.

**Gene Kantack** – No sir I don't.

**Mike Davis** – Is there any one else who would like to comment that failed to sign up? Okay then if there is no one else closed to public hearing at this time and will turn it over to the board for their discussion.

**Mike Davis** – It sounds like it was an honest mistake.

**Kirk Mackert** – I think it was just an oversight.

**Kurt Eidam** – The lots are still plenty big.

**Mike Davis** – Do I hear any motions?

**Kurt Eidam** – I will make a motion to accept the Seconded Amended Plat of the Twin Rivers Plat as we just discussed splitting lot 15A and 16 to make 15B.

**Rod Dalling** – I will second that.

**Mike Davis** – Okay we have a motion that has been seconded that we accept the Seconded Amended Plat of the Twin Rivers Plat with Gene Kantack 15A and 16 to make 15B. Those in favor? All. Opposed? None. The motion carries.

## **V Public Hearing – Peak Valley Estates – Chester Area – 38 lots- 700 N 3300 E Jeff and Ryan Lerwill, Kurt Rolland**

**Mike Davis** – The next item on the agenda is the Public Hearing for Peak Valley Estates in the Chester area with Jeff and Ryan Lerwill and Kurt Rolland. Karen have the proper notices been provided?

**Karen** – Yes property has been posted and notices went out to property owners with in 1000 feet.

**Mike Davis** – Do any of the board members have a conflict with this proposal? Okay Karen would you report please.

**Karen Lords** – I will I am going to hand out some pictures that are very light. This project was owned by Dirk and Leslie Parkinson. Had been platted by the Parkinson's twice but was never followed through with final plat process. So this project is asking for 38 lots of one acre and two in rear of large parcels over 20 acres. Served by Individual septic's and wells. They would have two accesses as required. If you will note in packet letters for power and phone and copy of their CC&R's. I will read you my report now.

Ryan and Jeff Lerwill have applied for a Class II permit application to propose subdividing approximately 95 acres into 38 lots and two lots of open space located in the S.W. ¼ of Section 25, Township 8 North, Range 41 East Boise Meridian, Fremont County, Idaho. Have you been able to spot where the open space is? Karen showing where open space is. And when I figured this in I didn't figure in the open space lots which would make it 2.5. Karen talked with developers and it can be met with open space.

Soil mapping units suggest the proposed subdivision would be in Stipe-Jipper fine sandy loam with slopes of 1 to 6 percent. The Soil Survey also suggests that the composition of soil contains stipe soil and similar inclusions of 40 percent, Jipper soil and similar inclusions of 40 percent and contrasting inclusions of 20 percent. Inclusions state that soils that are similar to the Stipe and Jipper soils but do not have a layer of lime accumulation (5 percent);

soils that are similar to the Stipe and Jipper soils but have 5 to 30 percent rock fragments throughout (5 percent); Nayrib very cobbly fine sandy loam on ridges and terraces (5 percent); soils that are similar to the Stipe and Jipper soils but have an induced water table and areas of river gravel (5percent).

Density: For the purpose of determining the density of the development allowed, the site consists of 95.67 acres with 2.39 acres overall average density. The number of dwelling units permitted is 38 lots in accordance with Fremont County Development Code which requires density of 1 d.u. / 2.5 acres, the project would be allowed 38.24 lots.

The project could meet the South Fremont Zoning District Performance Standards with a point assignment of “0” on absolute performance standards and a “0” for relative performance standards if the developers would be required to make changes at final plat to reduce two lots in the overall project to meet density requirements. At the present time the density cannot meet in accordance with Fremont County Development Code. If density could be met the following conditions would be required:

1. VI.H.1. – Wildfire Hazards: Individual Structures
2. VI.H.2. – Wildfire Hazards: Subdivisions
3. V.I.K.1. – Irrigation Systems: State Law
4. V.I.K.2. – Irrigation Systems: Runoff
5. VI.N. – Weed Control
6. VI.O.4. – Solid Waste
7. VI.O.6. – Runoff
8. VI.Q. – Livestock on Residential Lots
9. VI.T.2. – Land Use Compatibility : Building Height
10. VI.X. – Signs – Appendix A
11. VI.A.A. – Individual Water Supplies
12. V.I.B.B. – On-Site Sewage Disposal – D&HD Approval
13. VI.C.C.1 – Private Utilities: Access
14. VI.C.C.2 – Private Utilities: Capacity
15. V.I. G.G. – Roads – Appendix B

**Mike Davis** – Does anyone on the board have any questions for Karen?

**Rod Dalling** – For overall density I thought we were going to change that.

**Karen Lords** – That s going to require us to go through a public hearing proposal because of the water issues. It has not been done yet.

**Rod Dalling-** We haven’t done that yet right.

**Karen Lords** – No not yet. My only concern with project is we ask for clustering and I just don’t know what will happen down the road with the two large lots. Or if we even need to look at that right now.

**Mike Davis** – I was under the impression last month that the two large lots will always remain big lots.

**Karen Lords** – They gave you a copy of the covenants but there is nothing saying that someone would request a change to the covenants. They would have to get majority of the votes from the other property owners. But this is the first time that we have had to go through this type of project.

**Mike Davis** – Are there any other questions for Karen? Karen did you receive any letters or calls on this proposal?

**Karen Lords** – No letters but I received one telephone call and I believe that the gentleman is in the audience to make comment.

**Mike Davis** – No more questions for Karen. Okay is Kurt or Jeff or Ryan here to represent the project?

**Karen Lords** – Jeff and Ryan are both here tonight, Kurt is not.

**Mike Davis** – Okay would one or both of you like to come forward and address the board? Do you have anything to add to what Karen has represented?

**Jeff Lerwill** – I can answer questions better then I can give statements. One thing that I the comment on the larger lots in the covenants it state that no lot shall be divided. But I had not thought of the association changing the covenants.

**Ryan Lerwill** – Karen, the covenants are good for 30 years and then they have a ten year renewal clause in them. I think you have to have all of the property owner’s approval to change.

**Karen Lords** – Actually the state says 2/3 majority.

**Ryan Lerwill** – The big lots also give protection to nicer homes east of this property and those large 20+ acre lots are a great buffer to those new, larger homes back there.

**Karen Lords** - You had talked about going the extra mile and paving the roads, are you still going in that direction?

**Ryan Lerwill** - Yes, and I will just say that it is all per bid 2 inch blacktop 24 feet wide, as per county specs.

**Kurt Eidam** – Who makes up the Art Control Committee?

**Jeff Lerwill** - The Developers, and then also I would like to include our architect, and as the lots are sold off it would be turned over to homeowners.

**Ryan Lerwill** – As we have seen this before an example is South Fork Estates in Madison County consisted of 54 acres that was split up into tracts of land and we received a copy of their CC&R's and we have mirrored them. An extremely high end subdivision which has now been turned over to the homeowners and is running smoothly they have elected a president and everything.

**Kurt Eidam** – I am just questioning as the Architectural Control Committee you must be qualified as Architects, to give yourself that title.

**Jeff Lerwill** – We tried to give enough meat in the covenants where it states what we want. We are not going to be turning down a builder or architects design as long as it's with in reason. We don't want to have some funky design or something. We also require a percentage some type of brick, rock, and stucco so that there are not plain homes everywhere.

**Ryan Lerwill** – I think that the Architectural Control Committee, their role is not to be an Architect but to enforce the covenants that exist.

**Kurt Eidam** – So there is some type of consistency in the homes.

**Ryan Lerwill** - They don't need to architects but they need to enforce the covenants, sq footage, outbuildings.

**Karen Lords** – You talk about land use; you are not allowing any home occupations at all? I need clarification because I will have people come in wanting to do piano lessons.

**Ryan Lerwill** – Well rather defer to Fremont County regulations rather than put them into the CC&R's

**Jeff Lerwill** – We just don't want a retail store in the middle of the subdivision.

**Karen Lords** – Okay.

**Ryan Lerwill** – If someone wants to do piano lessons, or clogging, or daycare, we don't have a problem with that.

**Jeff Lerwill** – Are there restrictions on the County level there?

**Karen Lords** – We have criteria for a home occupation

**Jeff Lerwill** – Maybe we should specify as to Fremont County regulations. A stay at home mom should not be restricted to not having an income. No billboards but a home occupation are fine.

**Ryan Lerwill** – As to road question we have received five bids on the road and it's painful but the plans proceed.

**Karen Lords** – As I stated if you can't get the improvements completed then we would need to enter into a development agreement and then we would need final bid of what you have chose.

**Ryan Lerwill** – The plan currently is that this needs to be completed in like a couple months, as soon as we can get contractors on line.

**Karen Lords** – Well let's see if they approve it tonight.

**Ryan Lerwill** – You are right, that would be the next step.

**Mike Davis** – Are there any more questions?

**Kirk Mackert** – On those two large lots is that pasture ground?

**Jeff Lerwill** – It's weeds.

**Ryan Lerwill** –One stipulation we had in our purchase agreement was for him to plow it all up. We can plant grass so there is something other than weeds.

**Kirk Mackert** – On your covenants it says on the animals two per lot.

**Jeff Lerwill** – It's per acre.

**Ryan Lerwill** – And on the plat map it shows more in depth. And we reduced it a little more because in Fremont County you can have 170 llamas we do not want that, so we cut it back.

**Karen Lords** – I think to make this meet our criteria if you approve this we need to make it a condition that each building permit issued needs to have a resource management easement signed by the homeowner and recorded.

**Ryan Lerwill** – It's on the plat as well as the covenants.

**Karen Lords** – It is but I think it actually needs to be filled in and recorded with each lot.

**Jeff Lerwill** – There are two sets of covenants in your packet and the second which is revised under number 6 goes into great detail on easements. We contacted Dale Swenson on the water board so we are sure that we do not step on any toes and that verbiage is directly out of Idaho Code, which would apply for any utility services and ditches.

**Karen Lords** – The Resource Management Easement that I am talking about is the Counties.

**Jeff Lerwill** – Isn't that in there also?

**Board** – Item 24

**Jeff Lerwill** – I thought we had that in there also. 24 as well as I believe it's on the plat. We got that verbiage directly from the county.

**Mike Davis** – Are there any more questions for the Lerwill's?

**Rod Dalling** – I had a thought, on these lots that border the canal would you consider building envelopes that make sure that people don't build out buildings where the canal company needs to do their work?

**Jeff Lerwill** - It says that in there under number six as well.

**Rod Dalling** – Is there a number of feet there?

**Ryan Lerwill** – The code and the state does not specify footage also they can't plant with in a certain distance.

**Jeff Lerwill** – I asked Mr. Swenson about that and his response was we just need access. So we just put with in state regulations.

**Rod Dalling** – Which means there will be some type of maintenance easement.

**Jeff Lerwill** - And that paragraph on easements is a little overkill so it should protect just about everything.

**Mike Davis** – Any questions, thoughts or comments for Karen, Jeff or Ryan? Okay thank you gentlemen. Owen have you been back out there?

**Owen McLaughlin**– I have been back out and those far lots may be a little different but there is enough room that have individual well and septic on them. We will issue permits on a lot by lot basis. There are 6 test holes out there.

**Mike Davis** – We don't have to go through Weldon do we?

**Karen Lords** – We don't.

**Mike Davis** – Okay at this time if there are no more questions we would like to open this to Public Comment. We would like anyone who is making comment to please limit to five minutes and address the proposal on its merits. I will read names state name and address and your comments please, Kent Jeppsen –

**Kent Jeppsen - Chester** – I appreciate the county sending a notice. Why does it has to go through this again if it's been approved twice by this board?

**Karen Lords** – It's been pre approved twice by this board. It has to go through again because the way that the previous owners wanted to develop it the drawings were different and the lots were different, they didn't want to use the same plat so they area required to go through the process again.

**Kent Jeppsen** – They are changing stuff, I had a couple of questions directed towards developers. Are there going to be water shares transferred to each individual lot? So there will be no surface water provided.

**Jeff Lerwill** – Just the two big lots. I live on a ditch where there are plenty land owners who are trying to get their stream and it's a mess.

**Kent Jeppsen** – In CC&R's is there a minimum value or sq foot of each home?

**Dirk Mace** – 1200 sq feet on the principle ground floor, not less then 1200 sq feet, if there is a second floor it is no less then 600 sq feet.

**Kent Jeppsen** – Does it state that the covenants cannot be changed?

**Karen Lords** – You're asking if the covenants can be changed.

**Kent Jeppsen** – At the beginning of this meeting a gentleman came up and made three lots out of two. Who's to say that the owners of the 20 acre lots don't want to go in and make 20 more lots?

**Karen Lords** – It would have to go through 2/3 majority vote of homeowners and if they were all in agreement it would still have to meet the density requirements that the county has.

**Kent Jeppsen** - Which is?

**Karen Lords** – This is 2.5 acres per lot.

**Mike Davis** – Do you understand that the covenants will be affect for 30 years?

**Karen Lords** – Yes but the Homeowners Association could still go through and with the vote change that.

**Kent Jeppsen** – Quick question, could the association want to buy the 20 acre lots and make a park?

**Karen Lords** – Yes they could.

**Kent Jeppsen** – Just bring it to the board here and we can do anything.

**Mike Davis** – Well we can't do anything, but they can come up with a proposal.

**Kent Jeppsen** – Will the roads be maintained by the county?

**Karen Lords** – No the county does not maintain any subdivision roads; we do not have the manpower or the equipment to do that. So it will be up to the homeowners for maintenance fees.

**Kirk Mackert** – That is also addressed in the covenants.

**Kent Jeppsen** – The road is going to be gravel maybe paved?

**Karen Lords** – They county requirements we allow just gravel roads but they have decided to pave them and it's not required by the county at this time.

**Kent Jeppsen** – I will share my concerns with the board at this time. I am a person who loves progress and seeing things grow and so I am not, I don't want to step in the way of people building new homes. My concern is the number of homes that are being planned to be out in a quarter of a section, right in the middle of agriculture. There is lots of land closer to city limits then where this is going to go. You take 38 lots, wells, septic and put them in an area completely surrounded by agriculture. I own all of the land on the East and rent grazing on the South. I think it's good to see some homes go in there in some type of Ag setting in 5- 10 acre lots. So that they can have animals themselves, people who have desire for Ag themselves. I think that is important. When you get 38 people who are trying to sleep when 20 yards away from them is a guy bailing hay all night. Or maybe cows desire to wander down the canal. Things like that. I would encourage the board to approve some type of development but more towards residential home with more agricultural perceptions in their living instead of small acreage. I think that there is a lot of land close to town for developers to do this with very little frontage in this track of ground, these will be right behind other homes. Does anyone have any questions for me?

**Mike Davis** – Any questions?

**Karen Lords** – I guess I would like to clear something up, when we were talking earlier with the Lerwills' about Resource Management Easement, those are designed for each lot owner to sign in front of a notary which states that they are aware that there is ag use around them. They do not have the right to go back on someone who is doing Ag use. They cannot come back on you for bailing hay. It is designed to protect Ag use.

**Kent Jeppsen** – You are talking financially there are more important things than money is neighbors. You are going to approve 38 people living right condensed with Ag all around them. My question would be what is the great need to put the land right there. Why not closer to town?

**Karen Lords** – Are you aware that about a mile away from you there is another subdivision with 25 acre lots about 50 of the lots already platted.

**Kent Jeppsen** – What does that have to do with this?

**Karen Lords** – I am letting you know that there are other subdivisions around you.

**Dirk Mace** – Not if there is a need for it, it's a private property issue. We can't say you can't do this because there is agriculture around you.

**Kent Jeppsen** – No but you could say that the minimum lot size is 2.5 acres. Didn't Karen say that that is the minimum for density.

**Rod Dalling** – They cover that.

**Dirk Mace** – The big reason that we have looked at going to smaller lots and clustering and having open space. The overall density is 2.5 acres. We are looking at the department of water resources clamping sown on private wells and watering. Also when we do 2.5 acre lots and they can only water ½ acre it turns into a weed patch. That's a huge concern because they are noxious weeds and that affects everyone. We are looking at making the lots smaller and more manageable with more open space. Bigger lots and people want to bring in horses or cows if they want and giving water rights to the bigger lots and not eh smaller lots.

**Karen Lords** – The County Zoning ordinance encourages clustering, but it doesn't prevent developers from doing large lots but it does try to encourage clustering which is what they are doing with the smaller lots. You are surrounded by subdivisions whether you are aware or not.

**Kent Jeppsen** – Well there is one to the south.

**Karen Lords** – And there are several to the East as well.

**Kent Jeppsen** – They are and they are not moving very well either. That’s my point you as a board are supposed to plan for the needs of the county and the people, so the needs are taken care of. I am just concerned that there are a lot of opportunities closer to town for this much clustering. Would it be a problem to have a feed lot right next to this subdivision with a 1000 head of cows?

**Karen Lords** – Yes there would be.

**Kent Jeppsen** – Is there an ordinance that doesn’t allow me to feed cows?

**Karen Lords** – There is, in our Development Code it says that you can have 100 head.

**Kent Jeppsen** – I can only have 100 head.

**Karen Lords** – Unless you were in existence before 1991 you will not be allowed to have a feedlot with over 100 head.

**Kent Jeppsen** – Is there a head per acre?

**Karen Lords** – Yes there is.

**Kent Jeppsen** – I have more than 100 now so I am concerned.

**Karen Lords** – You are more than welcome to come in and get copies of our ordinances.

**Mike Davis** – We are getting off on something not related here.

**Kent Jeppsen** – Is there a number of head per acre?

**Karen Lords** - Yes for residential lots and a limited amount for larger parcels.

**Mike Davis** – I realize your concern about the feed lot.

**Kent Jeppsen** – If I decided to put a feedlot there could be some major concern.

**Mike Davis** – The feedlot ruling is in affect already and if you decided to do anything like that you would need to come in and get the information from Karen.

**Kent Jeppsen** – I guess my biggest worry is, if there is any change to my property?

**Mike Davis** – No. Jeff and Ryan Lerwill do you want to say anything?

**Jeff Lerwill** – I am sensitive to agriculture when I am not selling real estate that’s what I spend my time doing, I was born and raised on a large farm. Have you seen the plat?

**Kent Jeppsen** – Just what the county sent out in the mail.

**Jeff Lerwill** – Everything, all of the property that adjoins you is where the buffer a zone is. We did that for two reasons, one to secure the view of the Tetons and two to put a large buffer between you, because you have a really nice house back there and the weed control issue. I understand your frustrations. If you have interest in the larger lots talk to us later.

**Dirk Mace** – One thing you have to realize is there are 38 lots and the chances of all 38 lots being filled is slim, considering the other subdivisions with empty lots.

**Kent Jeppsen** – Is that why you area going to vote yes is because of that?

**Dirk Mace** – We can’t tell them no.

**Karen Lords** – If they meet all of the development code requirements we use a scoring process. If there is something that they have not met with the scoring then we would have to disapprove it. My job is to show the board what has and has not been met. We can listen to your concerns but that alone will not make it so we cannot turn it down.

**Kent Jeppsen** – You are saying that they have to accept it.

**Rod Dalling** – If they meet the requirements of the code.

**Kent Jeppsen** – Our public comment means nothing?

**Mike Davis** – No that is not what it means.

**Rod Dalling** – If the issues address things that have to do with the code then we take them into consideration.

**Mike Davis** – There are state laws as well as county laws that are written we have no choice unless things are changed.

**Karen Lords** – And some of them are in the process of being changed down the road.

**Kent Jeppsen** – Okay thanks for your time.

**Mike Davis** – There is one other name on the list

**Jason Tolman** – Jason Tolman I live in Salem inside the border of the County, I am very interested in these lots for building. I feel they fits a need in this county for houses, it is a very well thought out subdivision. It addresses

price ranges and needs of most individuals in the county. I feel it will bring some growth to the county. I feel it is good for the county.

**Mike Davis** – No one else is signed up is there anyone else who would like to comment on proposal? Closed to public hearing and turn it over to the board for their decision.

**Bill Smith** – On page 5, is it saying that you cannot make any changes for 30 years?

**Group discussion**

**Karen Lords** – You cannot discuss with them it is closed to public hearing.

**Kirk Mackert** – Are we approving the covenants?

**Kirk Mackert** – We are not approving the covenants. They can change them at anytime before they are recorded.

**Karen Lords** – We cannot tell them what they can or cannot do but we can offer guidance. The developers contacted me several times to get the language right as to what we have in our code.

**Mike Davis** – A lot of the stuff that we out there with 21/2 acre lot size and if they the state comes down with this water deal then they will water 1/2 acre. It will be a weed patch

**Rod Dalling** – It could be a nightmare for Canal Company.

**Mike Davis** – I have heard of battles over water issues many times before.

**Karen Lords** – I was given the opportunity to go to a seminar that was put on by the Canal Companies and they actually gave you issues like this for what happens to developments like this on what happens when there are water issues in a new development. So when I got back I called them and told them about it and that's when they came up with the language over the canal. And I asked them to meet with Fremont Madison Irrigation.

**Rod Dalling** – I like it.

**Kirk Mackert** – I think it might fill a void

**Mike Davis** – I think it will, we have talked and talked a lot about the problem of larger lots and no water.

**Group Discussion about Open space (Inaudible)**

**Karen Lords** – When you do that the Homeowners Association is just going to take those over.

**Kurt Eidam** – It is about productive crop land.

**Rod Dalling**- It's pasture.

**Kurt Eidam** – Pasture.

**Rod Dalling** – Quite honestly, if you put a sprinkler system on that land and take the rocks off then you could have good farm land.

**Kurt Eidam** – What I mean is it might concentrate on or discourage some people that have good farm land or CRP to use areas like that.

**Kirk Mackert** – Karen, if our densities requirements change as a County in the future can they come back and change that?

**Karen Lords** – What I stated, when we did Salem Pines and he had the one big lot of 17 acres and his covenants stated that it could never be subdivided. I made the gentleman who wanted to go through the process change it in his covenants or I was not going to touch it. What I recommend is that they take that part of the covenants out. And everyone would need to agree. At least two thirds. Some three fourths.

**Mike Davis** – On that two thirds majority let's say that they get 15 to 20 lots sold in there, two thirds of that can be whatever.

**Kirk Mackert** – Two thirds of the owners.

**Kip Martindale** –

**Rod Dalling** – If there are only ten people...

**Kip Martindale**– And the two thirds could be the developer.

**Kirk Mackert** – Still, if they are the owners of the lots.

**Rod Dalling** - Like Dirk says some people will buy three lots for a buffer.

**Mike Davis** – You are seeing more of that.

**Kirk Mackert** – If they decide to extend here and we change our requirements they could.

**Rod Dalling** – Is that a problem?

**Kirk Mackert** – Other than for the neighboring guys

**Karen Lords** – It wouldn't be any different then what we did with Twin Rivers. I have the right to approve amended plats on my own but I have been bringing them to you so you can see what these developers are doing after you approve them. So what they are telling us is not the Master Plan.

**Rod Dalling** - Made the motion to accept the plat presented for Peak Valley Estates.

**Dirk Mace** – It's not approved that they can start they have to go through the County Commissioners.

**Karen Lords** – If it is approved tonight then they can start building the roads tomorrow, but the roads will have to be finished before they can go to final plat and the County Commissioners. .

**Rod Dalling** – My motion still stands.

**Mike Davis** – Do I hear a second?

**Connie Ottesen** – I will second the motion.

**Mike Davis** – We have a motion and it has been seconded to accept Peak Valley Estates to go on for final approval. All in favor? Motion carries. Thank you.

## **VI Sketch Plan – Used Car Sales - Harvey Wilford – 1543 East 300 North, St. Anthony**

This is a sketch plan from Mr. Harvey Willford for a business on his property for the selling of used cars and repairing broken ones with the help of BYU Idaho students in the automotive classes. Mr. Willford would like to have a display area that is off of the main road and out of view for neighbors. He included a sketch of how he intends on things to look. Mr. Willford intends this to be low key while still being able to make an income. He is in the process of becoming a licensed dealer with the State of Idaho which is costing him \$25,000.00 to be bonded. The state of Idaho says that he needs a signature from the County Zoning stating that the property is acceptable for the business use. and with that he has guidelines that he has to follow by the state which include the size of sign for the business.

Mr. Willford brought with him signed documents by his neighbors stating that he had been doing this exact type of work on the premises for the past 20 years, and that they, as his neighbors had no opposition to him continuing his business. (On file) There is no record with the County that a home business has ever been done at this location.

It was discussed by Mr. Willford to please approve this with out the expense and the time of posting public hearing notices and to just approve as is. Idaho state law reads that once you receive a dealer license you are a commercial business not a home business. Commercial business requires a Class II permit application to be submitted due to the use of the land would be changing in comparison to a Class I, Home Occupation Application. Also through the county a Home occupation only allows a 4 square foot sign to be posted, Mr. Willford has to have a 24 square sign as per State regulation for a dealer license. Discussed on trying to make this as least amount of cost to Mr. Willford while still reaching all of the requirements both of the Planning and Zoning Board, as well as the requirements for Mr. Willford to be a licensed dealer. Decision reached that he will need to continue on with the Class II Permit and Public Hearing to achieve all requirements.

**Kurt Eidam** – I make the motion for Mr. Willford to go forward with his public hearing on the Class II permit for “Willfords’ Cars” used car lot.

**Dirk Mace**- I will second the motion

**Mike Davis** – A motion has been made and seconded for Mr. Harvey Willford to go forward with public hearing on his project, those in favor, all, those opposed, none. The motion carries.

## **VII Sketch Plan – Day Care Center - Ester Ryland – 1100 North - Ashton Area**

The next item on the agenda was a proposed daycare center for Ester Ryland in the Ashton area that has been canceled - Decision due to facility unable to hold the capacity of children wanted.

## **VIII Administrator's Report**

## **IX Adjourn**

**Items to Discuss:**

**Comp Plan Update**