

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

**Fremont County Planning
& Zoning Work Meeting Minutes
November 29, 2010
6:00 pm
County Annex Building**

16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

The Fremont County Planning & Zoning Commission met in a regular meeting on November 29, 2010. They met in the County Annex Building. **Members in attendance were:** Cathy Stegelmeier, John Nedrow (Vice Chairman), Sam Davis, Jim Gerber, Larry Singleton, Steve Trafton, Cindy Miller, John Harrington, Layne Hepworth and Patti Crapo.

Staff and others present: Stephen Loosli (Interim Administrator), Molly Knox (Admin Asst.)

34
35
36

1. Call to Order & Welcome

Ms. Stegelmeier called to order at 6:01pm

2. Approval of Minutes

2.1. September 13, 2010

Mrs. Crapo stated there were spelling errors page 3 7 line 282 page 8 line 353

Mr. Davis motioned to accept minutes with changes

Mrs. Crapo seconded

All in favor, motion carries

2.2. September 27, 2010

Mr. Nedrow Mr. Gerald Williams spelled incorrectly

Mr. Singleton

Mr. Davis seconded

All in favor, motion carries

3. Old Business

None

4. Sketch Plans

37
38
39

4.1. Fall River Estates –

1 Mr. Loolsi reported on the project acreage size and number of lots they are asking for.
2 Asked if there were any questions for me before I turn it over to the applicant.

3
4 Mr. Ryan Lerwill, 1216 Stocks Ave. Rexburg, ID. – asked if there are any questions you
5 have. We tried to be as comprehensive on the information that was submitted and
6 completed on the application with the exception of platting.

7
8 Mrs. Miller on the application it has a box to work with Public Works and you have a
9 note that says; working with Marla. What are you working with Marla on?

10
11 Mr. Lerwill responded that we had to construct bridges and we had Marla come prior to
12 any construction of the bridge. She previewed everything before we started construction
13 the width, height, rebar flow. We then came in and met with her assistant Debbie and she
14 said that we needed to speak with Marla and we have failed to meet with her since she
15 has been back in town.

16
17 Mrs. Miller stated that you will need to meet with Marla before you come back to us
18 again.

19
20 Mr. Lerwill responded for sure. But we also have questions for her on road base.

21
22 Mrs. Crapo asked if there was only one access.

23
24 Mr. Lerwill responded yes there is only one access over the two canals, so it will be a cul-
25 de-sac at the end of the road. We have reviewed this with Mr. Loosli and he said that he
26 felt it should work. We have also met with the Fire Department and they have some
27 input.

28
29 Mrs. Crapo responded that was what I was wondering because as I understand it you have
30 to have an inlet and an outlet.

31
32 Mr. Lerwill responded that the way he understood it was that was the widths and the
33 lengths of the roads where that's applicable. There is a letter from the fire chief and he
34 wants to meet more about that but he was comfortable thus far.

35
36 Mr. Gerber asked what the wetlands study showed.

37
38 Mr. Lerwill responded that they had Lone Goose Environmental, she went thru and
39 determined the soils and soil types and plant stuff that determines wetlands. The
40 wetlands almost coincide with the floodplains in the lower west north corner of the
41 property. We tried when we preliminary laid out the lots to take that into consideration.

42
43 Ms. Stegelmeier so there will be building envelopes on the lots so that the property will
44 not be affected.

45

1 Mr. Lerwill responded that we plan on putting building envelopes on all of these lots so it
2 is not a free for all and so we specify where the building lots will be. So there are no
3 questions.

4
5 Mr. Trafton along with the floodplain question, the FEMA map shows this all as a
6 floodplain, so have you given this some thought.

7
8 Mr. Lerwill responded yes. He was aware and the way that he understands it is when the
9 FEMA map was done it was just thrown out there. From the Chester Dam on up the
10 floodplain has truly never been determined. The way for that to be done is by shooting
11 the cross-sections and elevations and determining where the 100 year floodplains are.
12 And he did that and determined that is the only area that the floodplain is. That is the first
13 thing we had done.

14
15 Mr. Davis stated that there looks like an RV area and campsites in the back area. What
16 are you going to do about sewer?

17
18 Mr. Lerwill responded that we put that in there as a secondary combined application.
19 That is sort of a back up plan. It is over night camping. That is to cash flow the property
20 because it is not paying now. Some type of septic system which I am not sure of the
21 exact type. I am only asking permission to persue that in the future.

22
23 Mr. Davis stated that when you come back we would like you to be a little more
24 forthcoming with your plans.

25
26 Mr. Lerwill responded that once he has a plan he will let us know. He just wants options
27 and there have been a ton of locals who have been interested in using the property.

28
29 Mr. Singleton asked if it had ever been farmed.

30
31 Mr. Lerwill responded, not that he knows of, but it has been and is used for pasture.
32 There are some goats on there now.

33
34 Mr. Davis asked about water rights from the Chester Canal and the need of a letter from
35 the canal companies for the next meeting.

36
37 Mr. Lerwill responded yes and that they have been in constant contact with them and
38 would be glad to bring in the letter stating such.

39
40 ***Mr. Davis made a motion to move forward with the things that have been asked for.***

41
42 ***Mrs. Miller seconded the motion.***

43
44 ***All in favor motion carries.***

45
46 Mr. Lerwill asked for a bullet list.

1 **4.2. Wintersgreen –**

2
3 Mr. Chase reported on the project acreage size and lot amount that they are asking for.

4
5 Mr. Hepworth asking why on the Fall River Estates there was a LESA back page and not
6 on this one.

7
8 Mr. Chase responded that there should have been and it scored a 14.

9
10 Mrs. Crapo asked concerning irrigated land, is it currently flood irrigated or does it have
11 a system on it?

12
13 Mr. Chase responded the he would have the applicant answer that question. I wanted to
14 point out that the applicant is pursuing density bonuses on this project. Many applicants
15 have not. The requirements to accomplish that are to have a positive score and that the
16 development s clustered. There is a section in the Development Code that discusses
17 clustering and I recommend you look at that against their proposal, and the intended uses
18 of their open space, maintenance and uses in the future. The Comprehensive Plan had
19 some illustrations of the cluster strategies; copies were made and handed out.

20
21 Mr. Gerber asked about the scoring in the staff report.

22
23 Mr. Chase responded that there is usually not scoring at the sketch plan level but there
24 was a request for it.

25
26 Mr. Nedrow stated that it would probably be better to go over scoring at the Preliminary
27 plat.

28
29 Mr. Chase agreed

30
31 Mr. Trafton stated that he found the packet very hard to follow. Gave example of such.

32
33 Mr. Chase apologized and stated that we would have things in much better order.

34
35 Mr. Loosli stated that this is the probably last go around of the old development code
36 system. It has been quite a long time since we have done this, so we are out of practice.
37 Spoke of not participating in this application due to being a part of it in the past.

38
39 Mr. Gerber stated that to him it was an unusual situation of looking at these projects
40 under the 2003 code. Could you please explain vested interests and rights and how it ties
41 into these applications?

42
43 Mr. Loosli responded that was a great question and described. When an applicant
44 submits an application and pays a fee to the county those are the rules at that time that
45 their application will be judged by. They have things to do on their side as well, they
46 have to do things in a timely manner, meet the standards. They do not have vested rights

1 until after the preliminary plat public hearing. If you have any questions please ask
2 Joshua or myself.

3
4 Mr. Gerber responded the at the point of approval of the preliminary plat they are bound
5 under 2003 code.

6
7 Mr. Loosli responded that they have the idea of rules but no vested rights until the
8 preliminary plat.

9
10 Mr. Singleton asked if there is any benefit to file under the new or the old code.

11
12 Mr. Loosli responded this applicant is aware that he can do either way.

13
14 Mr. Less Ball, 781 South River Rd. – We just want to get some questions answered and
15 be sure we are on the right path. This venture started 2 years ago. All of the planning
16 that we did was for the 2003 code and so we want to apply under that code. We want to
17 proceed and go down the right road and we don't want to wait any longer. We have
18 asked for an increased density. You asked about the fire breaks and the fire code and
19 making sure that the fire services can make it there and be able ... we are also doing
20 clustering so that there are open areas for wildlife and people to be able to wander about.

21
22 Mrs. Miller asked if Mr. Ball had the staff report, requested that he have the wetlands
23 looked at before the public hearing

24
25 Mr. Ball responded that those are points that he wants to get bonus points on, so yes he
26 will be taking care of that.

27
28 Mrs. Miller stated that the land use compatibility, the staff made a comment on homes
29 closest to Hidden Estates should be setback 100 feet and for those homes to have one
30 story so that no views are not obstructed. So the goal is to be a good neighbor and allow
31 Hidden Estates to have good views as well as the neighbors in the new subdivision.
32 Doesn't look real clustered to me but it does show an attempt.

33
34 Mr. Singleton asked if this was all into housing with no irrigation then the wetlands
35 should not be an issue, correct.

36
37 Mr. Ball responded that on the layout of the property we are on the end of the water
38 system, there is some sub because everything flows there. Said the we have spoken to the
39 irrigation company and they said that we could divert and then pump out of the other
40 canals.

41
42 Mr. Gerber asked if this was going to be individual water and sewer.

43
44 Mr. Ball responded no that it would be community systems and discussed the type of
45 systems going to be used.

46

1 Ms. Stegelmeier asked if there would be any problems of kids playing there since it is
2 open space.
3
4 Mr. Ball responded that no there are no issues.
5
6 Ms. Stegelmeier asked if the home Owners Association will keep up with the open
7 spaces.
8
9 Mr. Gerber asked that on the application it has a box for meeting with Public Works
10 Director. Have you met with her?
11
12 Mr. Ball responded that no he had not yet and planned on in it the near future. He just
13 wanted to hear what this group was going to tell him.
14
15 Mr. Nedrow asked if lots 1-7 were on the east side of the Cross Cut canal. Asked if the
16 property was going to be developed in two separate phases.
17
18 Mr. Ball stated that that will go in with the Winters Trust, when they develop that piece.
19
20 Mr. Gerber asked if the cross cut canal was on his property.
21
22 Mr. Ball responded that it separates the two pieces. And described more in detail the
23 property.
24
25 Mr. Gerber stated that the code requires that you meet with the irrigation company. Have
26 you met with them?
27
28 Mr. Ball responded that they want you to meet with them because they don't want you to
29 affect another's down the line. We are the end of the line. We don't affect anyone and
30 so we don't feel that we need to speak with them. Told of a possible flooding issue in
31 Hidden Estates.
32
33 Mr. Hepworth asked if he had mentioned where the sewer system was going to be.
34
35 Mr. Ball stated that if I understand how we are doing this there will be several different
36 tanks throughout because we are doing this in phases. It just depends on where lots sell.
37
38 Ms. Stegelmeier asked if they have told you how many households can be on one of these
39 tanks.
40
41 Mr. Ball responded that it depends on what size they are. Unknown until they do the site
42 assessment.
43
44 Ms. Stegelmeier asked in using the grey water do you use sprinkler systems to water the
45 open space.
46

1 Mr. Davis asked if it was all underground.
2
3 Mr. Ball responded yes.
4
5 Mr. Harrington as a suggestion, item number 6 on the staff report native vegetation, we
6 are not talking about grass are we?
7
8 Mr. Ball there will be some grass and maybe a park area, maybe a greenbelt. To get the
9 points we want we will be re-vegetating.
10
11 Mrs. Crapo asked if the road adjoined Hidden Estates road to this subdivision.
12
13 Mr. Ball explained the roads, no they do not adjoin.
14
15 Mr. Davis asked who he had been speaking with about on the mutual irrigation project
16 that he had in mind.
17
18 Mr. Ball stated that they had mentioned it to Elmo Seeley maybe
19
20 Mr. Davis stated that he wanted proof from him that this was discussed.
21
22 Ms. Stegelmeier stated that what you want is a letter from the Canal Company is that
23 correct?
24
25 Mr. Davis responded that we want something from the canal company on how they are
26 going to manage the canals. We need cooperation on both sides on how this is going to
27 be managed.
28
29 Ms. Stegelmeier stated that we want information from the canal company.
30
31 Mr. Davis stated that he wanted something permanent from them.
32
33 Mr. Singleton asked on the wells if it was going to be more difficult to get one big well
34 rather than multiple wells.
35
36 Mr. Ball responded that if you are going to do it before you start selling lots. A
37 community well is great unless it does not work.
38
39 Mr. Singleton asked if it was harder to get the permits.
40
41 Mr. Ball responded, I don't think so.
42
43 Mrs. Crapo motioned to approve to allow him to go ahead to the preliminary plat phase
44 which needs to include all items that we have requested from him.
45
46 Mr. Singleton seconded

1
2 All in favor motion carries.
3

4 **4.3. Reed Hill – Gravel extraction/ Wilford Area**

5 6 **4.4. Reed Hill – Gravel manufacturing / Wilford Area**

7
8 Mr. Loosli gave report on the project. It was decided to hear both applications at the same
9 time, in the interest of time.

10
11 Mr. Reed, Hill 9200 Outlaw Pass, Menan – We have proposed and have made application
12 for extraction and manufacturing. It is not and has never been in agricultural land. It has
13 been used as pasture and has been used as such for 30 to 40 years. Stated that it will be
14 done in tracts and discussed the areas that would be mined. Mainly use tracts F G & H to
15 extract gravel from. The others we would like to be able to keep as commercial land.
16 Will be using 300 North access as our main access.

17
18 Ms. Stegelmeier asked location.

19
20 Mr. Hill where the old red barn is located.

21
22 Mr. Davis asked why without this being zoned properly you would not wait to have the
23 new code in place. There is an opportunity that it could be zoned, no guarantee. From
24 what we have here the extraction could happen but the manufacturing can not happen
25 here tonight without the zone being in place.

26
27 Mr. Hill responded that you are correct, we submitted 2 years ago and there was some
28 turmoil over a new development code. We feel it is important to move forward with this.
29 We have already contacted the State Dept. of Lands and the permit is in progress with
30 them, which I know is putting the cart before the horse, but we felt it was time to move
31 forward, realizing that the manufacturing is going to require a zone change.

32
33 Mr. Davis responded don't you think that the zone change should be in place before we
34 make a decision on the manufacturing portion of this?

35
36 Mr. Loosli stated that it is extremely common to do what they are asking. They can
37 choose to go forward at their own risk but you can decide if you want them to go forward
38 as they are requesting. They can appeal any decision you might make to the Board of
39 Commission. They could make a concurrent request.

40
41 Mr. Singleton asked how large of an area would you recommend doing if we do a rezone.
42 Just the one little area by spot zoning or would we connect it in with other pits either to
43 the North or the South.
44

1 Mr. Loosli stated that spot zoning is usually five acres or less. You need to decide if that
2 intersection has any merit to have a zone change to commercial or industrial. You would
3 want to give it some more consideration from a higher standpoint. What size area should
4 you give this zone change to.

5
6 Mr. Davis stated that a zone change cannot be done tonight.

7
8 Mr. Loosli responded that is correct. But as you said he can go ahead with the one
9 without the other.

10
11 Mr. Gerber asked how deep you plan to dig.

12
13 Mr. Hill responded a 2.5 acre site at a time about 8 feet deep. We have to bond to the
14 state and the county. We do have a sub situation in May, June and July which has been
15 monitored through the last few years.

16
17 Mr. Davis asked if you were to be able to get the permit tonight would you be able to live
18 by the proposed Appendices J and K that we are working on now versus the old one.

19
20 Mr. Hill responded that I have not read what you are working on so I would have to look
21 at it before I decided. We would want to be able to reclaim it and have someone be able
22 to purchase a parcel and build a home there. They are 20 acre parcels, it would give a
23 potential property owner to have a pond in their back yard. It will be planted back into
24 vegetation grass and pasture grass and a good amount of trees.

25
26 Mrs. Miller asked if they had been in contact with the canal companies. Have you met
27 with Marla Vik about the roads? Buffering and fencing we would really like to see you
28 have a plan for that.

29
30 Mr. Hill responded that he had and that they would not interfere with them. We have not
31 met with Marla yet but we intend on doing such. We will present that plan at the next
32 meeting.

33
34 Mr. Gerber motioned to allow him to move forward with bringing back the information
35 on irrigation and fencing

36
37 Mr. Davis stated that it is important for them to request a zone change and a preferred
38 land use map zone change. That the new J and K code be read and we can ask him to
39 abide by it.

40
41 Mr. Nedrow stated that we cannot make him abide by it. We can ask him to read it and
42 that is all. Seconded motion.

43
44 All in favor motions carries

45
46 **4.5. Brent Singleton – Gravel extraction / Wilford Area**

1
2 **4.6. Brent Singleton – Gravel manufacturing / Wilford Area**

3 Mr. Loosli reported on the property. Not currently zoned for commercial and industrial
4 but the preferred land use map says that it is in an area that it can be zoned.

5
6 Mrs. Miller asked what an un-platted defacto subdivision is.

7
8 Mr. Loolsi informed them of what it was and why it was listed as such.

9
10 Mr. Brent Singleton 2147 E. 300 N. – Stated that the main reason why I decided to do
11 this is because the flood took enough topsoil off it is not worth farming. What we
12 propose on this is no berms with the only berm on the south end by the canal. It is all
13 going to be in the ground, unseen. Trees being planted are fine. Sub water, it was not
14 able to be watered by sub. There will be a land exchange, the access rd would come off
15 of 300 North and there will be no dust from the road because I am going to pave the road.

16
17 Mr. Davis asked on the Wilford canal the water has been known to seep out of that, what
18 is your setback width for that area?

19
20 Mr. Singleton responded 20-30 feet is what the Department of Lands is what they
21 recommended.

22
23 Mr. Davis asked if he had spoken to the canal company about protection.

24
25 Mr. Singleton Stated that a few years back the County approached me about the land and
26 we did multiple test holes on the property and there was not water.

27
28 Mr. Davis responded that once you open a big hole up it changes everything. I think that
29 a berm will be useful.

30
31 Mr. Singleton stated that there would be a burm on that side. The people that have been
32 talking to me about doing the pit they don't want a whole lot of maintenance.

33
34 Mr. Davis asked again if he had spoken to the canal company.

35
36 Mr. Singleton responded I haven't, but I don't know what you want me to ask them or
37 say to them. No, we won't get close enough to take their banks out.

38
39 Ms. Stegelmeier asked if Mr. Davis was requesting a letter from the canal company with
40 a letter of agreement and plans.

41
42 Mr. Davis responded yes I think I would.

43
44 Mr. Gerber asked how deep did he think, they will excavate.

45

1 Mr. Singleton it is 67 acres and plan on the far south end we could be doing it for years
2 and go down 30 to 40 feet.
3
4 Mr. Gerber asked if Mr. Singleton knew where the water table was.
5
6 Mr. Singleton responded a long ways down.
7
8 Mrs. Miller asked what the access to a main arterial road would be.
9
10 Mr. Singleton responded 300 N. to the Teton Highway or to Highway 20.
11
12 Mrs. Miller asked if the roads would be sufficient? Have you spoken to the highway
13 department or Marla?
14
15 Mr. Singleton responded no, but they are fine, and I can tell you why. After the flood HK
16 came in and put almost 6 inches of asphalt on it.
17
18 Mrs. Miller stated that we would like to see information from the county and the state
19 before the next step concerning the roads. What do you have for fencing.
20
21 Mr. Singleton responded now it is fenced.
22
23 Mrs. Miller asked do you have any plans for reclamation.
24
25 Mr. Singleton stated that he is just doing this part and there are others who want to
26 actually do the work. Stated that if you reclaim it, you just plant it in grass just like many
27 of the others. Asked why his property was commercial and now is not. Why was that?
28
29 Mr. Loolsi responded that the Preferred Land Use map that was adopted in 2008 showed
30 his land as potential commercial industrial. Mr. Singleton came to this body and asked
31 for it to be under commercial industrial and it was approved and has been on the map as
32 such since. About a month ago the Commission motioned to propose the removal of two
33 areas on the land use map. One being his property, then I was asked to take the maps to
34 the Board which will be discussed later tonight. Only a proposal was made, that is all that
35 has happened as of yet.
36
37 Mr. Davis asked if it was ever zoned on the zoning map. It was never commercial land.
38
39 Mr. Loosli responded it was nothing more then rural living on the zoning map.
40
41 Ms. Stegelmeier asked is there anything that he has to do because of what we
42 recommended to the Board.
43
44 Mr. Loosli responded that in order to have a manufacturing facility there must be a zone
45 in place to permit an industrial use. That is what is anticipated by the 2003 Code and the

1 now inforce Appendix J. That zone does not now exist on his property. But the
2 possibility is there.

3
4 Ms. Stegelmeier but as part of his application continues he does need to ask that...

5
6 Mr. Loosli continued the manufacturing part of his request is on the zoning map.

7
8 Mr. Singleton so I request that.

9
10 Ms. Stegelmeier commented to Mr. Singleton to meet with Stephen to discuss

11
12 *Mrs. Miller motioned to allow him to go forward with the items that we suggested him*
13 *to bring forth at a later time.*

14
15 *Mr. Harrington seconded.*

16
17 *All in favor, none opposed, motion carries.*

18
19 We will take a 10 minute break

20
21 **5. New Business**

**5.1 Public Hearing – Stoddard Brothers / Gravel
extraction / Wilford Area**

22
23 Mrs. Stegelmeier asked if any member of the commission wanted to declare a
24 conflict of interest.

25
26 Mr. Chase reported on project, reviewing the zoning issues and the history of the
27 application. As it is known, we received an application from Stoddard Brothers
28 on both extraction and manufacturing which were approved, and then the
29 extraction was appealed. The Board of County Commissioners heard that appeal
30 and I did not attend their meetings but I did review their minutes. The Board did
31 not find a basis to deny the application, or grant the appeal at that time, but they
32 wanted to send it back to the P&Z Commission because they felt that there were
33 certain details that were not identified at the time of approval. Specifically
34 identified buffers and setbacks, including berms, and security fences, culverts&
35 bridges, ingress and egress on county roads, signs and compliance on existing
36 permits. I would encourage the commission to take the testimony on what has
37 been presented and make sure that they are sufficiently addressed. The applicant
38 did present some new information including a proposed Development Agreement.
39 Things that are discussed tonight to be included in that Development Agreement.
40 I did review language for compliance on other areas on buffering and they have
41 complied with buffering, trees, and fencing. Sight obscuring security fencing
42 within 6 and 10 feet high is a requirement. The applicant would like to place a

1 berm there. You need to discuss with the applicant if that meets the requirement.
2 They are looking at placing a 4 strand barbwire fence there as well. They are
3 stating that they will maintain existing fences that are on the property. Culverts
4 and bridges, and ingress and egress on the county roads, were addressed by the
5 Public Works Director. You can ask Marla any additional questions if you would
6 like. Compliance on existing permits needs to be addressed. One of the standards
7 on new permits is to review the old existing permits and see if they have met or
8 continue to comply with the original approval conditions and the progress on the
9 reclamation. The old permits that were granted identify the old Appendix J.
10 There was buffering requirements and I have spoken with them concerning this. I
11 encourage the commission to review this language with the applicant. Other areas
12 were tree planting and fencing requirements. They had not done this and since
13 then have done that and we have issued them a Certificate of Compliance on the
14 existing pit. There are questions on the LESA but at the time were not appealed.
15 The other areas were that no complaints have been made, are operating hours or
16 noise. Another area is commercial or industrial solid waste is a concern. The
17 existing definition uses the intent of what they are going to do with the waste that
18 is on the property to determine if it is considered solid waste. We did not find
19 areas that they are out of compliance, we did issue the letter on their compliance
20 of fencing and trees.

21
22 Mr. Davis asked on page 17 and 18 the west and north border 30 foot setbacks no
23 buffer required. I believe that letter was given by the Farmers Friend Canal and
24 that letter in the original application, was that the Canal Company would decide
25 on the setbacks and not just the 30 feet that they have offered.

26
27 Mr. Chase stated that he was referring to what was in Appendix K and it does not
28 drive any kind of buffering there.

29
30 Mr. Singleton asked, for the sake of time, do we just make comments on the new
31 permits or do we keep going back on the old permits as well.

32
33 Mr. Chase responded that the Board asked for us to find out if they were in
34 compliance with existing permits. So that is on the table for discussion. A lot of
35 this report is the compliance on existing permits.

36
37 Mr. Gerber asked if he was correct in saying that you did not find any place where
38 they were violating any existing permits.

39
40 Mr. Chase responded that solid waste would be the only item. I have met with
41 them many times on buffering and such. Besides some challenges on how things
42 were approved which I believe our hands are tied at this point. I could not find
43 any other areas.

44
45 Mr. Gerber stated that on page 5 very bottom and read.

46

1 Mr. Chase stated that there were no appeals made on how things were historically
2 permitted. We have no remedy to that. There are no recommendations to that but
3 it is there and I wanted to point that out.

4
5 Mr. Nedrow stated that we made some changes and so the LESA is not required
6 any more, right?

7
8 Mr. Chase responded correct.

9
10 Ms. Stegelemier opened to public hearing.

11
12 Mr. Thurgood stated that he is here tonight again because the commission
13 approved the gravel extraction originally and the decision was appealed and the
14 board sent it back here for clarification. Joshua went thru quite thoroughly with
15 regards to the compliance of the old existing permits. We have removed the large
16 berms, installed trees, irrigation and fencing in a draft development agreement has
17 been submitted as required, and have dealt with the road improvements all as the
18 County has outlined. In response to Mr. Davis about setbacks from the canal and
19 the requirements, there are two letters describing such with the canal company.
20 We have submitted a narrative of the gravel extraction application. All items
21 have been fixed or brought up to code that have been requested. The 70 decibel
22 noise restriction that the county has requested, we are trying to maintain that by
23 keeping the noise as it should be within the law.

24
25 Mr. Davis stated that since moving big berms to a different location, behind the
26 new berm, what is the long term goal of that berm?

27
28 Mr. Thurgood responded that it will be used to reclaim the gravel pit. It was
29 stockpiled during this last big job we had.

30
31 Mr. Davis said it looks nice and asked when reclaiming was going to start.

32
33 Mr. Thurgood responded that he was not sure, but thought as we moved away
34 from there we would reclaim there. Thanks

35
36 Ms. Stegelmeier stated that we now will open it to the public. The first 10 signed
37 up in error.

38
39 Rachel Huber, 248 N. 2300 E. – stated that in the staff summary Joshua used the
40 words “my interpretation” or “intent” a lot and we the neighbors of the would be
41 crater petition you to interpret on the side of us and our interests instead of what
42 we can let the Stoddard Brothers get away with. Just an idea of what we would
43 like to see, Mr. Hill with his eight foot hole and his plan for the future, we could
44 live with that kind of thing and then we would not have to do this, we appreciate
45 his thought. Compliance with the original permit, although they have been
46 working on it I do not feel that they are in any kind of compliance. A three strand

1 barbwire fence is in no way sight obscuring. Their permit was for a gravel pit not
2 a construction site; in addition when they were granted their original permit they
3 did not want it to be an eyesore that they would need some type of development
4 plan. I am unaware of any thus far, and to describe their pit as an eyesore would
5 be the very description. The roads and bridges and culverts are deteriorated they
6 are not engineered to take the loads that are put on them. Because of the
7 deterioration I almost lost a son last summer when the bridge he was crossing
8 caused his 4 wheeler to roll. The 2003 code says that they have to hold 40
9 thousand pounds. A full truck could weigh 52 to 65 thousand pounds and the
10 applicant is responsible to be sure that they are sufficient. Property rights needs
11 to be addressed. The state code says this specifically as does the development
12 code and the comprehensive plan. Many good citizens of this county have and
13 will have their property value diminished because of pits like this. The argument
14 that we need gravel, 90% of their gravel does not even stay in the county and a
15 good chunk of the employees don't even live in the county. What is more
16 valuable the rock they remove from the county or the people that we lose because
17 of it.

18
19 Mrs. Crapo asked where her numbers came from.

20
21 Mrs. Huber responded that she did not know for sure but she was aware that also
22 they will sub-contract and that is how they plan to get away with the
23 manufacturing because they do not have that permission from the state to do so.

24
25 Mrs. Crapo asked again on her number of 90%

26
27 Mrs. Huber the gravel is going out of the county to Madison and other places.
28 Because Madison County does not allow any more gravel pits in their county.

29
30 Mrs. Crapo responded so the 90% is an assumption?

31
32 Mrs. Huber responded that yes 90% is an assumption.

33
34 Mr. Gerber questioned about the security fence being a three strand barbwire and
35 if that was on an existing permit or the new one.

36
37 Mrs. Huber responded that from what she had understood.

38
39 Ms. Stegelmeier responded that was the new proposal for fencing that Joshua had
40 stated in his report.

41
42 Steve Huber, 248 N. 2300 E. – stated that he wanted to talk about spot zoning and
43 read from Associated Idaho Cities Zone Manual that he had received when he was
44 on the City of St. Anthony Planning & Zoning. Spot Zoning is an interpretive
45 thing ... and read from his manual. Should look at the following questions...Is
46 the proposed zoning compatible with the neighborhood? I would say not. Is the

1 proposed zoning in accordance with the Comprehensive Plan? I would suggest
2 that it is not. What are the cost benefits of the zoning to the property owner and
3 the surrounding property owners? Those are the questions that we would suggest
4 that you consider before approving this permit. These are questions that you
5 could find in this book. Development Agreements; there was a big argument over
6 development agreements before this. Allow city and county residents and
7 officials to be comfortable with the proposal that the approval is actually going to
8 happen and if the use does not occur within a specific time frame then the
9 property will keep the previous zoning. Development Agreements are
10 particularly useful and this applies to us specifically when the project is within
11 two or more zoning districts. They help so that you can take into consideration
12 the concerns of the neighbors, gives opportunities for the neighbors to make
13 suggestions to the developers and so the city or county can facilitate. Gave the
14 definition of what a nuisance is according to Idaho Law. A nuisance is; anything
15 that interferes with the use or enjoyment of property, endangers personal health
16 or safety or is offensive to the senses, may be considered a nuisance. I bring this
17 up prior to approval because it is a 120 acre pit across the street and I can look
18 into it from my bedroom window. There are many types of nuisance laws that
19 can determine if a nuisance exists and should be abated. Nuisance law forms a
20 part of the basis of zoning and we feel that we have been neglected in the zoning
21 decision to have a large commercial industrial area next to 20 existing residents
22 that have been in the county for a long time. Issues that I think that are neglected
23 in the beginning that I feel should be reviewed. We can discuss the others at a
24 different time.

25
26 Mr. Gerber asked how you feel that the applicant is not in compliance with the
27 Development Code.

28
29 Mr. Huber stated that he was going to address two different issues. Asked the
30 commission if the Comprehensive Plan is congruent with the Development Code?
31 Right now I believe that they are not. The Plan is assured to protect all of the
32 citizens of the county and their property rights. The current development code
33 allowing industrial next to residential, under the new zoning of 20 houses in less
34 than 100 acres is a density large enough should be considered a neighborhood.
35 They have sought to mitigate the nuisances but it is still insufficient in specific of
36 a 4 strung barbwire fence will not keep out the 53 children that live in that
37 neighborhood. It is an easy pass-thru able thing. There needs to be a 6 to 10 foot
38 fence to discourage them.

39
40 Kay Hildebrant, 209 N. 2300 E. - I would like to address compliance. We have
41 spent a lot of energy and time and effort to see if they are in compliance and
42 found that they are not. I hope that you take more caution this time to be sure that
43 they are in compliance this time. I do not feel that they will not do what they need
44 to unless they are required to. As Mr. Singleton spoke about his land and Mr.
45 Loosli told him that he will need to apply for a zone change for the
46 manufacturing. As far as I can tell the piece behind my house will need to be

1 changed as well. I need to know if that is correct on our part. Look closely as to
2 what they are doing and keep an eye on them.

3
4 Ms. Stegelmeier asked if Mr. Loosli would please answer the question on the
5 zoning.

6 Mr. Loosli responded that there is a protocol on public hearings and that is why
7 we have to do it in this way. This application that is before you came to us when I
8 was a part of your body. The property for the manufacturing would require a
9 rezone. When it came before us at that time as two separate permits, extraction
10 and manufacturing. The extraction permit is what you are hearing today. The
11 manufacturing permit was not appealed. The one that was appealed and has been
12 remanded to you is the extraction permit. The manufacturing has been approved
13 and the time frame has been well passed for it to be appealed. If it were to come
14 before you today I would inform you that it would need a rezone as well. She
15 does bring up a valid point but it is one that cannot be dealt with.

16
17 Mrs. Hildebrandt asked if we could say that you approved it without really
18 looking at it.

19
20 Mr. Loosli responded that with a fictitious applicant. If they came before us today
21 and wanted to get a permit for extraction and manufacturing on that same
22 property. The extraction is permissible but the manufacturing would need to
23 apply for a rezone as the ones tonight have been told.

24
25 Mrs. Hildebrandt asked so is our only action legal?

26
27 Ms. Stegelmeier responded that we cannot answer that. We do not have legal
28 representation here tonight.

29
30 Mr. Gerber asked specifically which part of the application is not in compliance
31 with the Development Code.

32
33 Mrs. Hildebrandt responded, the county is responsible to keep us safe.

34
35 Ben Hildebrandt, 209 N. 2300 E. – I don't have a whole lot to say, the first we
36 have known about this is since April, we inherited this. They were not in
37 compliance and since then have come into compliance. I agree that the solid
38 waste needs to be dealt with, how long it gets to sit there before it becomes solid
39 waste. The fencing and the berms, as per Commissioner Hurt a berm and a fence
40 were not the same thing. No one wants a pit in their back yard.

41
42 Deverl Stoddard, 1717 E. 400 N. – The issue before us tonight is not gravel pits, it
43 is property rights, each one of us is seeking justice and justice in one's eye is not
44 justice for another. But when you go back to property rights they come by how
45 you treat your fellow man. By not allowing us to expand and do the things that

1 we want to do with our own property allows us not to have our own freedom of
2 rights.

3
4 Jennifer Daniel, 209 N. 2300 E. – a couple of things, in the commissioner hearing:
5 the attorney from Stoddard Brothers stated that we need to apply everything to the
6 law and the law is first and foremost. And that is why they felt that they could
7 continue doing what they were doing. We have talked a lot about compliance
8 tonight and their first permit has been out of compliance for about 6 years which
9 at \$200 a day as a misdemeanor and would come to \$650 thousand dollars that
10 they should have been fined. If we are going to talk about the law and where it
11 applies it needs to apply equally. Unfortunately we judge people by their past
12 actions which is sad but it applies still today. Before our last public hearing I
13 made a phone call to ask who is responsible for the safety in our area and the state
14 says that our county is responsible. Question of Joshua’s 100 feet or 100 yards
15 from residence or the property line? So there is not clarification there yet. I urge
16 you to make it from the property line rather than from the residence.

17
18 Brian Sargent, 1426 N. 750 E. in Shelly I come to you as an employee of
19 Depatco. I am one of 85 to 100 people employed by them. First the employment
20 within Depatco is mainly within Fremont County. We have received certain
21 certifications from the government that state that a majority of the workforce live
22 in Fremont County. Either way you see it we will affect someone. The road
23 issue, it is for vehicle traffic not ATV, not pedestrian, they are for vehicles. The
24 canal safety issues of the gravel pit. I would suggest that a canal is more unsafe
25 than a gravel pit. Are we going to require the canal companies to fence their
26 canals?

27
28 Ms. Stegelmeier asked if majority of the gravel hauled to Madison county.

29
30 Mr. Sargent responded a portion is but the money generated from that is being
31 paid to employees who are residents of Fremont County.

32
33 Dan Stoddard, 1081 N. 4000 W. Rexburg - We have the gravel to use in the
34 projects that we bid as well, so we use the gravel for our own projects. I am in
35 favor.

36
37 Sunny Palmer, 163 N. 2300 E. – I have worked for Depatco for 8 years they have
38 treated me good and put food on my table and shoes on my kids feet. I am in
39 favor of the pit.

40
41 Cory Codling, 205 N. 2300 E. - Compliance is a big thing, it is a concern that it
42 took citizens to point things out that were not caught. It is a concern that if a new
43 pit goes in there what will it take what insurance do we have that the compliance
44 will continue to be followed? You were given a copy of the development Code
45 that needs to be approved by the Board before approval. Also under the code you

1 do have 10 days to make a decision and I feel you should take the time to look
2 through and discuss the points on both sides.

3
4 Ms. Stegelmeier stated that she would respond to the question. They would
5 complete the agreement with what we have asked for and then we recommend to
6 the Board for approval.

7
8 Mr. Codling stated that the wording is confusing.

9
10 Mr. Loosli responded that the Planning & Zoning Commission is an advisory
11 committee to the Board of County Commissioners and has no decision making
12 authority whatsoever. The Board is the only body that can make a decision and
13 enter into a development agreement which is a contract. A draft development
14 agreement should be sent to this Commission which has been done.

15
16 Mr. Davis clarified the difference between the Commission and Board.

17
18 Jeremy Jenkins Rigby – Employee of DEPATCO since 2005 we are more
19 regulated then everyone else. I have children and it is my responsibility to keep
20 track of my kids. We are not babysitters. Brought up HUB Zoning.

21
22 Rick Lott – New with DEPATCO and have lived in the county all of my life. The
23 safety issue is good, they keep their safety up. Safety is first.

24
25 Kay Hildebrandt asked if you are not the body that makes the decision? Then has
26 the manufacturing actually been approved.

27
28 Greg Stoddard, 1991 E. 300 N. – Appreciate you as a Commission for your time
29 and what you have done and what you have said. There have been a lot of
30 statements on the fact that we are trying to “get away with”, we are not trying to
31 get away with anything. I will not excuse anything that we have done. We are in
32 compliance and feel like we have done everything that we have been asked to do.
33 Our existing pit application was in 2001, there were not a lot of requirements, it
34 was almost given over the counter. We went back in 2004 for another permit and
35 combined the existing permit and we tried to come into compliance. There were a
36 lot of verbal things that were said. I am not going to excuse that we were not in
37 compliance but there were many verbal things were that said to us. We have put
38 up berms and taken them down. Back in April, when we submitted this
39 application we thought we were in compliance, but then we saw the issue about
40 the trees and the fence. We completed all of that within 30 days and have
41 certification that we are in compliance. I remember the Board stating that the
42 ground was shown as a preferred land use on the map that was in place at the
43 time. We are not a large company but we do have an economic impact on the
44 county. The fence that we have proposed came right off of a state approved
45 fence.

1 Mrs. Miller stated that she did appreciate the effort you have put forth and there is
2 that hard question of solid waste, equipment, cinderblock piles, those are the
3 accusations or are there really things that still need to be cleaned up?
4

5 Mr. Stoddard responded that I will concur with Mr. Chase that there is concrete
6 material there but it will be used, crushed up and placed on our roads. It needs to
7 be realized that this is a construction company as well and we have trailers that
8 carry equipment that are used in the spring and the fall. There is equipment there
9 to be repaired.
10

11 Mr. Harrington asked about HUB zoning.
12

13 Mr. Stoddard responded that Hub Zoning is a designation for companies that are
14 located in economically depressed areas. The federal government has gone
15 around and deemed different areas economically depressed and they give
16 companies certain purchases or contracts for HUB Zone businesses. You have to
17 have your business located in a HUB zone and have 35% of your employees live
18 in the HUB zone. Those are two main requirements. So you are all aware, all of
19 Fremont County is in a HUB zone, and, at the time of our application to the
20 government, 51% of our employees live in Fremont County, and we are allowed
21 to bid on those projects.
22

23 Mr. Harrington asked if he could clarify how much is going out of the county.
24

25 Mr. Stoddard stated that about 50 % of the material is going out of the county.
26 Most of the economic growth does go to Madison County, so most of the material
27 goes to Madison County. We do sell some material and that percentage of
28 material sold is about 5%.
29

30 Mr. Nedrow asked the difference between DEPATCO and Stoddard Brothers
31

32 Mr. Stoddard responded that one is a corporation and one is a limited liability
33 corporation.
34

35 Mr. Davis stated that the fence that you need to provide is to be on the property
36 line on the east side. Who is responsible to remove the old fence?
37

38 Mr. Chase responded the applicant discussed using the existing fence, and they
39 will have to work with the adjacent land owners.
40

41 Mr. Stoddard stated that when we bought the ground the fence was there. If you
42 notice in your packets there are pictures of the fence and it does meet the
43 requirements. There are some locations that it does not and it will be repaired
44 after meeting with the property owner to see if they will allow us on the property
45 to do so.
46

1 Mr. Davis stated that his suggestion would be to replace the entire fence with the
2 2x4 peg wire with barb wire across the top of it. So that kids cannot get their feet
3 into it to climb.
4
5 Ms. Stegelmeier stated that we need to save that for when we discuss the
6 Development Agreement and be able to complete the public hearing.
7
8 Mr. Hepworth stated that you made a statement regarding that when the ground
9 was purchased it was under a different zone, is that correct.
10
11 Mr. Stoddard responded that when our application was brought in, in April of this
12 year it showed that we were in a commercial and industrial zone and we were told
13 that is how we could apply for the gravel pit, extraction as well as the
14 manufacturing.
15
16 Mr. Hepworth asked how long you have owned the property.
17
18 Mr. Stoddard responded 3 years I believe.
19
20 Mr. Hepworth asked what the original intent of the property was.
21
22 Mr. Stoddard responded for mining.
23
24 Mr. Huber stated that he wants to make it clear that he holds no animosity towards
25 the Stoddard Brothers. It is just a conflict of interest in adjoining properties. The
26 conflict is such that my right to punch someone stops where someone else's nose
27 begins. When they put in their pit where there is not much buffer between
28 adjoining property owners and the pit, there will be a loss on property values to
29 property owners. You only allow so many homes per acre but you are
30 considering total destruction of over a hundred acres for a long period of time.
31 The reason we did not appeal the other application is because as a community we
32 could not afford it. We can't fight the battle forever.
33
34 Ms. Daniels rebutted on table K.1 on the buffering requirements a sound
35 reflective wall is required and defined as such. Stated that she called MSHAW
36 and they said that the mine was safe, I don't question that the mine or their
37 employees are safe I question if the surrounding property owners are safe.
38
39 Mr. Loosli if you choose to recommend approval to the Board there would be no
40 more input by the public unless it was appealed.
41
42 Ms. Stegelmeier closed the public hearing.
43
44 Mr. Loosli stated that this is a procedural question. If you come before the
45 Commission and you are approved. That approval sits in a holding pen for 10

1 days. You can take up to 60 days then make a decision and from there it will hold
2 for 10 days where anyone can appeal a decision.

3
4 Mrs. Crapo asked how many times someone can appeal.

5
6 Mr. Loosli responded as many times as they want as long as it is in the particular
7 point in the process.

8
9 ***Mr. Nedrow motioned that he felt that with all of the information we have we***
10 ***should delay our decision and that we should have a work meeting.***

11
12 ***Mrs. Miller seconded motion***

13
14 ***All in favor, motion carries***
15

5.2 Public Hearing – Teton River Ranch / 16 lots on 55 acres / Teton Area

16
17 Ms. Stegelmeier Welcomed the City of Teton P&Z to the hearing.

18
19 Mr. Loosli gave the staff report on the project which consists of 16 lots on 55 acres in the
20 Teton Area along the Teton River.

21
22 Ms. Stegelmeier asked if the agriculture lots are the ones that will appear in the
23 floodplain that are on his plan.

24
25 Mr. Davis asked to be told about the floodplain laws that currently exist.

26
27 Mr. Loosli responded that currently we have an entire chapter dedicated to building in a
28 floodplain and have had for a along time. But chapter IV of the 2003 code says that you
29 can't build in the stream corridor which includes the 100 year flood plain.

30
31 Mr. Bouie stated that he was sure that you have all seen this plan and not much has
32 changed with it with the exception of a minor change on the open space. 16 lots with the
33 average lot size of 3.48 acres in various configurations. It is located on the river and has
34 an amazing view of the Tetons. The land is horseshoe shaped. We have had discussion
35 on the type of road systems that we are to place in the development. The property was
36 farmed for many years. But more recently only approximately 14 acres were planted in
37 alfalfa. We would like to continue with that during this process. There is a dike road on
38 the perimeter of the property to confine the river. We would like to have an entrance
39 feature as you approach the property. Lot number 9 is the lot that my family and I are
40 going to maintain and build on has been increased in size since the sketch plan.
41 Everyone who lives in this subdivision will be able to have full access to the river.

42
43 Mr. Singleton stated that you mentioned that only 14 acres had been farmed is that due to
44 damage from the flood?
45

1 Mr. Bouie responded that they never felt it produced that well, but when we dug our pits
2 to test for ground water and we had 4 feet or more of topsoil.
3
4 Mr. Hepworth asked how far the property is from the city.
5
6 Mr. Bouie responded that we are probably less than ½ mile.
7
8 Mr. Harrington stated that during the sketch plan you talked about the open space to be
9 deed restricted or a plat note. Are you still looking at doing this?
10
11 Mr. Bouie responded yes we are.
12
13 Mr. Harrington asked what the plans for the lots in the floodplain are.
14
15 Mr. Bouie responded farming, there will be some impact on lots 1-4 and 16 but we can
16 work around that or come back and ask for a variance.
17
18 Mr. Gerber asked about the stream corridor setbacks.
19
20 Mr. Bouie responded that they are 100 feet for the drain field and septic tanks.
21
22 Mr. Gerber asked again what the stream corridor setbacks are.
23
24 Mr. Bouie 30 feet from the 100 year floodplain.
25
26 Mr. Ron Overson questioned the emergency lane access, snow removal and who would
27 take care of that. Also you talked about the privacy fence. How would emergency
28 people get in if needed.
29
30 Mr. Bouie responded by showing on the map where the secondary access was located.
31 Also leaving codes or keys in a location for the county.
32
33 Mr. Ron Overson discussed concern with the sub and the septic tanks.
34
35 Mr. Bouie I am going to have my engineer respond to that.
36
37 Mr. Williams responded that we did test pits scattered around the property so that we
38 would have a good idea.
39
40 Mr. Overson responded that the time of year that the pits were dug concerns me. Fish
41 wildlife and runoff need to be considered.
42
43 Mr. Hepworth asked if it was individual well and septic.
44
45 Mr. Bouie responded yes it is individual well and septic
46

1 Mr. Ryan Ward stated that there is no sewer line to this property just a waterline but by
2 no means has the capacity to carry water to them.
3
4 Mr. Hepworth asked if a LESA was done on the property.
5
6 Mr. Loosli responded that one was done and it should be in the packet. And reported on
7 the findings.
8
9 Mr. Trafton asked if it's gravel and water goes right through it then I have grave concerns
10 with the septic systems.
11
12 Mr. Williams responded his feeling of which type of system should be used. And the
13 setbacks are 300 feet.
14
15 Mr. Harrington brought up the point that at sketch plan we were supposed to receive a
16 letter from the city concerning water and sewer and under our current development code
17 it says that if the city cannot provide then the developer needs to put one in place. Also
18 since the city says they can't accommodate the sewage could we require them to build
19 their systems to such that they could be connected if ever.
20
21 Mr. Loosli read the letter from the city.
22
23 Mr. Gerber asked if the City of Teton would be the ones coming up with the development
24 agreement with the developer or if it would be with us.
25
26 Mr. Loosli asked the City's attorney what was to be done.
27
28 Mr. Forsberg (attorney for the city of Teton) responded that the city should be involved
29 with the drafting of the development agreement.
30
31 Mr. Ron Overson questioned frontage requirements of a lot which is part of the City
32 code.
33
34 Ms. Stegelmeier opened the meeting to public hearing.
35
36 Ms. Kim Ragotski speaking on behalf of HFF, we have a few concerns with this proposal
37 but I think that most have been brought up tonight. We feel that the developer should
38 have to pay for the lines to be brought to the city when they can deal with additional
39 capacity. Stringent requirements for septic, Floodplain map needs to be addressed before
40 this project goes any further. The current code reads that the building setbacks should be
41 the 100 year floodplain plus 30 feet and 300 feet for the septic. They should talk to the
42 County weed supervisor because there are many noxious weeds in the photos that were
43 shown. Also, if they plan on putting in fishponds they need to talk with the fish and
44 game.
45

1 Mr. James Yager, 120 W 1st N – comments are as a fisherman. I disagree with the
2 exclusive rights to the river for the individuals who buy property in this area that are
3 being proposed. I enjoy fishing in the area and have done so for quite some time.
4
5 Mr. Gerber asked if there was access from the other side of the river.
6
7 Mr. Yager responded that it is all farmed and they have closed off the access to the river
8 just as this gentleman wants to do.
9
10 Mrs. Jana Harrop commented that she runs on that side of town and that property is
11 posted and has always been posted private property.
12
13 Mr. Yager responded yeah, it is but you can drive down the canal and go right in and no
14 one bothers you.
15
16 Mrs. Harrop responded so you ignore the signs.
17
18 Mr. Ron Overson asked what his idea of access would be.
19
20 Mr. Yager responded that he would like to still be able to drive his truck onto the
21 property, which is what I currently do.
22
23 Mrs. Crapo asked if you drive on the dike road.
24
25 Mr. Lynn Hopkins, 2529 E 100 N – I'd sooner have this development than a gravel pit. I
26 am concerned on the number of homes for the piece of property. I wish that the
27 developers would have made contact with the neighbors before doing this.
28
29 Mr. Jay Kline, 160 N. 2400 E. – One of my main concerns is we have an irrigation canal
30 in the area and we had to rebuild a dam in the area. At the time we received permission
31 to do so which required large equipment. The dam was a located on the map.
32
33 Mr. Bouie Inaudible- speaking away from the microphone.
34
35 Mrs. Marion Yager asked about there being access allowed along the fence to the river.
36
37 Ms. Stegelmeier closed the public hearing on Teton River Ranch
38
39 Discussion of access to the river by foot traffic only, and if you want someone walking
40 through your property or not.
41
42 Mr. Gerber asked if the city ordinance mentions anything on access along streams. We
43 should not be adlibbing as we go.
44
45 Mr. Loosli stated that public access is in the development code page 27 paragraph hh.
46 And read.

1
2 Ms. Stegelmeier stated that we should wait for them to have their meeting to make their
3 decision.

4
5 *Mr. Davis motioned to wait until City of Teton has their meeting and has the chance to*
6 *discuss and decide and then let us know of that decision.*

7
8 *Mr. Harrington seconded the motion*

9
10 *Mr. Loosli mentioned that they meet on Thursday and if they make a decision we*
11 *should have that shortly after.*

12
13 *Ms. Stegelmeier all in favor, motion carries.*

14
15 **6. Other Business**

16
17
18 **6.1. Schedule Work meetings**

19
20 Decision to have meeting to discuss Development Code this Wednesday night, December
21
22 1, 2010 at 6pm.

23
24 *Mr. Davis motion to discuss the Development Code and only the Development Code at*
25 *this meeting.*

26
27 *Mr. Harrington seconded the motion.*

28
29 *All in favor Motion carries*

30
31
32 **6.2. Confirm Regular Meetings for January**

33
34 Monday January 10th to have a meeting on Stoddard Brothers

35
36 Regular meeting will be held January 24th

37
38
39 **6.3. Bylaws Chairman and Vice**

40
41 **7. Adjourn**

42
43 **Meeting adjourn at 11:26pm**

44