

1 **Fremont County Planning**
2 **& Zoning Meeting Minutes**
3 **March 14, 2016**
4 **County South Bridge Street Meeting Room**
5

6 The Fremont County Planning & Zoning Commission met in a scheduled meeting on
7 March 14, 2016. They met in the County South Annex Building. **Members in**
8 **Attendance were:** Rod Nichols (Chair), Kim Ragotzkie (Vice Chair), Stephen Waite,
9 Kevin Hathaway, Lila Gold, Joyce Edlefsen, and Dale Swensen.

10
11 **Absent:** Patti Crapo

12
13 **Staff and others present:** Tom Cluff (Administrator), Greg Newkirk (GIS), and Kaylie
14 Bowman (P&Z Secretary)

1. Call to Order and Welcome

15 Mr. Nichols called the meeting to order at 6:00 p.m. He welcomed everyone. He asked
16 the commission if any of them had a conflict of interest. There was none.

2. Approval of Minutes

2.1 Approval of Minutes – February 22, 2016

17 **Mr. Swensen moved to approve the minutes of February 22, 2016 as**
18 **corrected. Mrs. Edlefsen seconded. All in favor. Motion carried.**

3. Sketch Plan

3.1 Zoning Change – Vance, Terry, Island Park, Permit #16-012

19 Mr. Cluff turned this over to Mr. Newkirk.

20
21 Mr. Newkirk explained that this is not a short plat because there are more than six lots.
22 He explained where the property is located and what they are asking for.

23
24 Mr. Nichols asked if they didn't do the zone change they could only have 16 lots.

25
26 Mr. Newkirk said yes and explained. He explained where the lots are located on the
27 property. He explained they have come to the commission to get their advice and
28 direction before they engage a surveyor. He explained. He asked if there are any
29 questions.

30
31 Ms. Ragotzkie asked where the open space is.

32
33 Mr. Newkirk said the open space will be around using building envelopes. He explained.

34
35 Mr. Nichols asked what percentage of open space they are looking at.

36
37 Mr. Newkirk said 50%, and explained. He explained the setbacks from the river.

38
39 Mr. Nichols asked how big the other lots in the area are.
40

41 Mr. Newkirk said one and a half acre or less.
42
43 Ms. Ragotzkie asked Mr. Swensen if the access to the Henry's Lake is from the dam.
44
45 Mr. Swensen said they can come in from both sides. He explained.
46
47 Mr. Hathaway asked if that is an outlet road.
48
49 Mr. Newkirk said he believes it is, and explained what part is a county road and what
50 parts are private.
51
52 Mrs. Gold asked what the next step is.
53
54 Mr. Newkirk said to hear from the applicants and then give them some direction before
55 they come back with a preliminary plat.
56
57 Ms. Ragotzkie asked if this in the city of Island Park impact zone.
58
59 Mr. Newkirk said no it is outside of it. He explained how the Island Park impact zone
60 works.
61
62 Mr. Nichols asked if there is access to the dam across lots 13 and 14.
63
64 Mr. Newkirk said he doesn't know, but they can ask the applicant. He explained what
65 the previous owner has told him.
66
67 Mr. Nichols said on the west side you can see it has good access.
68
69 Mr. Hathaway asked what a road was on the map.
70
71 Mr. Newkirk said that is a flood plain boundary line.
72
73 Mr. Hathaway asked if the line he pointed to was the old road that everyone trespasses
74 on.
75
76 Mr. Newkirk said yes, and explained.
77
78 Mr. Hathaway asked if there is access at the top of the hill.
79
80 Mr. Newkirk said yes, that is Boot Jack Drive. He explained where the access is.
81
82 Mr. Swensen explained he used to go get reading from the USGS gages there. Mr. David
83 Rydalch used to tell me that the Northfork Reservoir Company didn't have an easement
84 there, but he had permission from John Rasmussen, the owner, to cross the property and
85 do that.
86

87 Mr. Nichols said that isn't an established easement but just an agreement with the
88 property owner.
89
90 Mr. Wade Rumsey 7550 S 35 W Idaho Falls. ID, He introduced Mr. Brandon Longhurst,
91 the owner of River Valley Homes.
92
93 Mr. Brandon Longhurst 899 Mesa Circle Idaho Fall, ID 83401
94
95 Mr. Terry Vance 753 E 1500 N Shelley, ID 83274, and I am the applicant.
96
97 Mr. Rumsey said he appreciate Mr. Newkirk and Mr. Cluff in regards to this application.
98 He said they have been researching this since last June. He explained he attended some
99 of the commission meetings last summer which were very educational. He showed the
100 commission a bigger map, and explained the location of the property. He said it is owned
101 by John and Karen Rasmussen. He said under rural conservation they are able to develop
102 16 lots, so we could get 30 units per 100 acres. As we were looking at the design of this
103 it just made sense to develop the loop road, so we are proposing for a zone change
104 because it seemed to fit the property. He said they are proposing a zone change to rural
105 living, which is 40 units per 100 acres which comes out to 22 lots. Let me just explain
106 the reasons why this would be good. It completes the loop road there, it makes sense to
107 have the loop there for ease of access. As you can see this is to scale, and we asked
108 Harper Leavitt to overlay our sketch plan on what is already there, to give you a better
109 idea as to what is already there. As you can see most of the lots are ½ acre lots and some
110 of them are less than that. There are a couple of other subdivisions in there, and they
111 have smaller lots then that. He gave the lot sizes in the other subdivisions. He said
112 average lot size in our proposal is about 2.2 acres, the largest is 6.3 acres the smallest
113 would be about an acre. We are not looking to cram a bunch of lots in there even with
114 the zoning change. The 22 lots would allow us to finish out the loop through there. I was
115 able to check with Eastern Idaho Public Health, and the Island Park Fire District. The
116 Fire District brought up a concern about access to the dam, and we have considered this.
117 They would need to have access to the water, it is not in the preliminary sketch plan, but
118 they would have that access.
119
120 Mr. Nichols asked if the lines on the top weren't access.
121
122 Mr. Rumsey said they are.
123
124 Mr. Vance explained where the easements are located.
125
126 Mr. Rumsey said that John had sold off some of the property, and we don't know if that
127 was taken into account.
128
129 Mr. Vance showed the Commission a good place to access the reservoir.
130
131 Mr. Rumsey said that was the purpose for having access to the water.
132
133 Mrs. Crapo asked where they would build the lodge and rental cabins.

134 Mr. Longhurst explained that they were going to at one time when the space was opened,
135 we were going to parcel the lots out so they were a little larger, and then have this last lot
136 larger at 20 acres. With the zone change we would not be able to do this, he explained.
137
138 Mrs. Crapo asked if the lots on the other side of the roads are in timber, and the others are
139 on the lake.
140
141 Mr. Longhurst took the map over and explained it.
142
143 Mrs. Crapo said she thinks the loop would make it more accessible for EMS also.
144
145 Mr. Longhurst said yes, it creates a turnaround point.
146
147 Mrs. Crapo asked if there is winter access to the cabins.
148
149 Mr. Longhurst said yes.
150
151 Mrs. Crapo asked about the wells and sewers, will each lot have their own.
152
153 Mr. Wade said yes, that is something I ran by Ms. Price at EIPHD.
154
155 Mrs. Crapo asked if they will put in electrical and telephone for the whole thing.
156
157 Mr. Longhurst said yes. Currently the other subdivision has an HOA that is running and
158 maintaining the road, and they have an easement over our property. If we put these
159 allowed lots in there it would allow that road to get better. We would have HK or
160 Depatco widen the road. He explained. They still have to help maintain that with the
161 easement. There will be more help in maintaining the road, and I think is why the road is
162 so narrow right now, and explained. It would provide better access for fire and EMTs.
163
164 Mrs. Gold asked Mr. Cluff about the change they made for the Crapo development, and
165 we came to the 1 acre building lots. Didn't we prohibit sewer being on that one acre.
166
167 Mr. Cluff said that is if they are smaller than an acre. They won't have that issue here.
168
169 Mrs. Gold asked if that would apply county wide.
170
171 Mr. Cluff said if it is going to be less than one acre there are some restrictions, he
172 explained. He said what they are doing is entirely different from that. He explained.
173
174 Mrs. Gold asked if there is any other rural living zone in that area.
175
176 Mr. Cluff said no. He said the preferred land use map and comp plan is all rural, it
177 doesn't specify. He explained why this wouldn't be a spot zone.
178
179 Ms. Ragotzkie asked if it is a private road from where you leave the State land.
180

181 Mr. Rumsey said he thinks so, he said there is the Rasmussen family that is across from
182 the channel and I think it begins there.
183
184 Mr. Nichols asked if the subdivision to the north is close to being filled out.
185
186 Mr. Rumsey said it isn't completely built out, I would say between 75-80% built out.
187
188 Mrs. Edlefsen asked what is between lot 9 and 10.
189
190 Mr. Rumsey said they are current cabins where people live.
191
192 Ms. Ragotzkie said in the whole Henry's Lake Outlet area there is a lot of building
193 already in there, and a lot of public land. There have been a lot of studies done over the
194 years there, and they have identified that area as a pretty important wildlife area for
195 animal migration. She said she looks at the proposed plat and they have the setbacks and
196 the wetlands and your open space, but I wonder if you thought about a different design
197 with some big lots that would provide open space with some clustering. Did you
198 consider that?
199
200 Mr. Rumsey said they have. They had to consider it more in the rural conservation. We
201 tried to leave it more open on the west side of the road where the woods are. By the time
202 you started doing cul-de-sacs it started to make less sense to put more of those in there
203 with more open space. This seemed to make the most sense to us, because it allows for a
204 lot of open space in that big open area. What is the best use on the west side of the road,
205 he explained.
206
207 Ms. Ragotzkie said keeping in mind that area has antelope and they have issues with
208 fences, and let people know that when they are doing their designs, and let people know
209 they are in grizzly bear country.
210
211 Mrs. Gold asked Mr. Cluff since there are two property owners in the area would the
212 change of zone have an impact on them and what they thought they were getting.
213
214 Mr. Cluff said the only change they are getting is the density, the uses are almost all the
215 same. So it shouldn't matter to them, they already got a development, they aren't going
216 to be able to develop further.
217
218 Mr. Wade said to be respectful of those current cabin owners and we asked if they know
219 that this land was for sale. The real estate agent said they were fully aware of what could
220 happen and we were mindful of that when we were looking at this property. We also
221 talked with the power company and we will have to pay for some alterations for their
222 power also.
223
224 Mr. Hathaway asked if at one time they were anticipating putting a fishing lodge and
225 rental cabins.
226

227 Mr. Rumsey said I should have taken that out. It was one of the design plans, but we are
228 not doing that now. He explained. Fish and Game explained that they call that area the
229 bathtub and he explained that.
230
231 Mr. Hathaway asked if they are still considering putting a fishing lodge there.
232
233 Mr. Vance said that may have gone by the waste side, but the 6 acre lot we could still do
234 that. We weren't thinking anything big and elaborate on that, maybe a lodge and a
235 couple of cabins.
236
237 Mr. Rumsey said he hasn't talked with Mr. Cluff about that.
238
239 Mr. Hathaway asked if that would require a different zone.
240
241 Mr. Cluff said not a different zone just another permit.
242
243 Mr. Longhurst explained what their original plan was and what they were looking to do.
244 He stated the public has access to the high water mark.
245
246 Mr. Rumsey said there is a line there that shows the high water mark.
247
248 Mr. Longhurst explained how far that was to the high water mark. He said maybe they
249 will just grant an easement to the public on the last lot. He explained his memories of
250 Island Park and that he wants to keep the area that way.
251
252 Mrs. Gold asked if these three guys are all going to move up there.
253
254 They said yes.
255
256 Mr. Longhurst explained that he isn't happy with what is happening on Bill's Island so he
257 is looking to stay away from that issue on this property. He explained.
258
259 Ms. Ragotzkie said when they mentioned down the road putting a trail down close to the
260 outlet. Maybe try and leave quite a bit of the private property out of that area. Try and
261 propose that the open space is contiguous not checkerboard.
262
263 Mr. Rumsey said this piece of property has been preserved for several generations,
264 talking to the owner, it is a nice place to go down to the dam.
265
266 Mr. Lundhurst said they want to provide access to the 22 lots and to the public.
267
268 Mrs. Gold said she appreciates their eloquent speaking for the area, and it is refreshing to
269 have a developer share the same vision that I have for the area.
270
271 Mr. Lundhurst said they have 20 cabins up there in their family, and he wants his
272 daughters to be able to grow up and do all the things he did. The rooves have to be
273 shingled, no metal rooves. We will be building the homes doing a mixture of what you

274 see in the Big Sky area, Jackson, and Island Park area. He explained they just want the
275 use that he had as a boy, and for it not to get too over run. He explained why there hasn't
276 been much development in the Island Park area.

277

278 Ms. Ragotzkie said there are a lot of other chunks of private land around them, have they
279 heard about any of them doing anything with their property.

280

281 Mr. Rumsey said he hasn't but he has talked with the previous owners and some of the
282 other land owners and their feeling about the area.

283

284 Mr. Cluff said if the commission is comfortable moving ahead with the rezone I would
285 suggest that you do that. He explained he would like to see the rezone hearing and then
286 do some further developemnt on the design and then bring that back to the commission
287 one more time before doing that hearing.

288

289 Mr. Nichols said this really highlights what we are trying to do in simplifying the zones,
290 and that we are on the right track.

291

292 Mr. Cluff said if they are comfortable moving ahead on the rezone then let's discuss
293 moving ahead with that. He explained that he thought they should have one more follow
294 up meeting with the applicant before the subdivision design hearing.

295

296 Mr. Hathaway asked if he anticipates any resistance.

297

298 Mr. Cluff said he hasn't hear from anyone but if you have a hearing there will be some
299 resistance.

300

301 Mr. Hathaway asked if he sees a problem with the roads, etc.

302

303 Mr. Cluff explained what they have and how it works. I don't see a conflict.

304

305 Mr. Hathaway asked what happen with the lots in the other subdivision next to it which
306 are much smaller, what will you do when they come for a permit to build on.

307

308 Mr. Cluff explained they run into an issue with EIPHD, and explained what they do.

309

310 Mr. Swensen asked if in the hearing process if Northfork Irrigation Company will be
311 notified.

312

313 Mr. Cluff said those people will be notified before the hearing, to get their feedback on
314 the design.

315

316 Mr. Hathaway asked if the utilities are overhead.

317

318 Mr. Vance said they are overhead but we are proposed to do it underground.

319

320 Mr. Nichols asked if they need a motion.

321 Mr. Cluff said they might want to discuss if they are ready for a hearing.

322

323 Ms. Ragotzkie said it would be cleaner if we had a zone change first.

324

325 Mr. Nichols asked if they are comfortable with a zone change.

326

327 **Mrs. Edlefsen moved to hold a public hearing for the proposed zone change**
328 **from rural conservation to rural living. Ms. Ragotzkie seconded. All in**
329 **favor. Motion carried.**

330

331 Decided to have the hearing April 18, 2016

332

333 Mrs. Edlefsen asked if this will all eventually be the same zone.

334

335 Mr. Cluff said yes.

336

337 Mr. Nichols asked if they can move faster on some of the zone changes.

338

339 Mr. Cluff said that is what we are anticipating, and explained. He said it won't be
340 advantageous to put this off until we change the zones.

341

342 Mr. Nichols said they will go ahead with this hearing

3.2 Preliminary Subdivision – Vance, Terry, Island Park, Permit #16-013

343

Discussed above.

4. New Business – CAFO

344

345

346

347 Mr. Cluff explained the changes he e-mailed out to the commission. He explained what
348 the current code says about CAFOs. He explained that when Mr. Jacobs came in and
349 talked that the code needs to be cleaned up in regards to CAFOs. He explained what the
350 Appendix W explained and accomplishes. He said there is no other provision that
351 conflicts with it because we are taking it out. He explained this. He explained there is
352 some input that he needs from the commission on some of the rules.

353

354 Discussed CAFOs. Was asked what kind of permit is needed. This was explained.

355

356

357

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365

Talked about the different number of animals that should be allowed. The state statute
was read. They discussed the state statute. Recommended to use the state statute unless
they could justify why they should change it. Discussed the definition of CAFO's from
the current code. Talked about winter feeding of animals. Stated that the definitions in
Appendix W takes care of this issue. Was asked about the 90 feeding definition.
Discussed putting a larger number on this. Asked about the acres required for a CAFO.
Discussed the acre requirements. Talked about the appropriate minimum size of land for
a CAFO. Asked about feed product storage from the property line. This was explained
as feed that is fermented. Talked about the 300' might be too restrictive. Discussed this
issue. Was asked about the restriction of smell and if there is a restriction of sound.
Stated you can measure sound, but not smell. Talked about this. Was asked where the

366 setback numbers came from. Explained they came from the current code. Talked about
367 this. Was asked about the public hearing. This was explained. Talked about who could
368 comment at the public hearing. Was asked about the penalty. Discussed the penalty.
369 Talked about the vicinity map and what is required. Was asked about the Idaho Dept. of
370 Ag. Discussed this and how it needs to be changed. Was asked about the notice of
371 renewal. This was explained. Was stated that this should be done with gravel pits. Was
372 asked about the compliance inspections and who would do it. This was explained. Was
373 asked about permits that are approved but the State law changes. Was explained how this
374 will work. Discussed this. Was asked about the permit being voided and if there is a
375 conflict in the code regarding this. This was explained. Discussed voiding the permit
376 and the wording in the code. Wording problem was pointed out. Was asked about the
377 blank left in regards to the number of animal units. Discussed that the number of animals
378 units should be referred back to the State's numbers. Discussed the wording of animal
379 units and what to change to code to say. Discussed the property size blank and what size
380 the property should be. Talked about the State's numbers for the amount of animals per
381 acres. Explained that the worry is the buildup of manure. Asked about the appeal to
382 have less acreage. Explained that they need to know what standard they are going to
383 apply. This was discussed. Was asked if the nutrient management plan helps with this
384 problem. This was explained and discussed. Was asked how they deal with different
385 size of the cattle. Explained it goes by days. Talked about the sphere of influence and
386 the wording in the code. Was asked about if there can be an exception made for gardens,
387 etc. This was explained. Was asked about the number of days allowed. Explained this is
388 set by the owner with the State. This was discussed. Discussed composting. Discussed
389 the size of acreage and talked about looking at other county's codes who have dealt with
390 this. Discussed not worrying about the minimum lot size and worry about the setbacks.
391 Talked about holding the hearing on this next week but if they need more information
392 then they will put the hearing off. Decided to get information and bringing it to next
393 week's meeting. Decided to have the public hearing on April 18, 2016. Talked about elk
394 farms. Discussed if it is okay to have the nutrient management plan be something that can
395 be brought in later. Decided yes. Talked about the CAFO advisory team and how it
396 works. Talked about that existing developments doesn't talk about subdivisions that have
397 no development in them.

5. Other Business

5.1 Development Code Update Discussion

398 Talked about cell towers and the code's current wording. Talked about a subdivision in
399 the Parker area and if it is in progress. Was asked if there is any news on new
400 commissioners. Was explained that new names are being taken to the Board in April.
401

6. Administrator's Report – None

402 Mr. Nichols adjourned the meeting at 8:08 p.m.