

1 **Fremont County Planning**
2 **& Zoning Meeting Minutes**
3 **November 14, 2016**

4 **Fremont County EMS Building Island Park**
5

6 The Fremont County Planning & Zoning Commission met in a scheduled meeting on
7 November 14, 2016. They met in the Fremont County EMS Building, Island Park.

8 **Members in Attendance were:** Rod Nichols (Chair), Kim Ragotzkie (Vice Chair),
9 Stephen Waite, Kevin Hathaway, Jeff Rowe, Lila Gold, and Joyce Edlefsen.

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11 **Absent:** Lisa Benson (Planner), Dale Swensen, Brett Reynolds

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13 **Other members in attendance:** Tom Cluff (administrator)
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1. Call to Order and Welcome

15 Mr. Nichols opened the meeting at 6:00 pm asked if there were any conflicts of interest.
16 There were none.
17

2. Approval of Minutes

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19 **Ms. Ragotzkie moved to approve the minutes for September 19, 2016 with**
20 **corrections. Mr. Waite seconded. All in favor, motion carried.**

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22 **Mrs. Edlefsen moved to approve the minutes for October 6, 2016. Mr.**
23 **Waite seconded. All in favor, motion carried.**

24
25 **Mr. Hathaway moved to postpone approval for the minutes from November**
26 **7, 2016, until they have the minutes from October 17, 2016. Mr. Waite**
27 **seconded. All in favor, motion carried.**
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3. Public Hearing regarding proposed City of Island Park Impact Area
Agreement – permit #16-053

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31 Mr. Nichols explained to the public how a public hearing is conducted. Stated that this
32 public hearing is to consider recommendation to the Board of County Commissioners
33 whether to accept or reject the proposed new rules in the area of impact for the city of
34 Island Park. Turned the time over to Tom Cluff and Jeff Patlovich after that.
35

36 Mr. Cluff stated that in the last meeting they went over a comparison of the differences in
37 the Fremont County code and the Island Park code. Stated that he wanted to add an
38 addendum to that which is basically talking about the decision that is being made tonight.
39 In the administrative report there are 2 pages that were added. It is a report to accompany

40 the public hearing tonight and the deliberation. There was a previous meeting where it
41 was recommended approval on the basis that the city should be able to make the rules for
42 their own areas. The BOCC looked at that and asked that the P&Z look at this better, talk
43 to the public, and have a new hearing on this. So last week we talked with the public and
44 now we are having that public hearing. A summary of the proposed changes is in the
45 report and there is no proposed changes to the boundary as of the date of this hearing.
46 The proposed change would adopt the city's comprehensive plan for the area of impact.
47 The proposed change would also adopt the city's development code and zoning map
48 which the changes were noted in a comparison chart that was given last week. Tonight is
49 a public hearing just like any public hearing that we have had in the past. After public
50 comment you will need to deliberate and discuss how you feel about this and what you
51 are going to do. You will need to do this until you are comfortable making the decision
52 and also the rationale behind the decision. Explained the different options for
53 recommendation.

54

55 Mrs. Gold asked how this proposal came to us.

56

57 Mr. Cluff stated that we had an application to change the zoning up by the dam for a
58 subdivision. This required that before the P&Z can approve that change in the area of
59 impact that the area has to be included on the area of impact map. So we had to go to the
60 city to change that map with a joint public hearing. But because of the way the state laws
61 are written before the BOCC & the City could have their hearings on that map the city
62 came back and said no they want their code in the area of impact instead. That is how this
63 process got started.

64

65 Mrs. Gold stated that this is mostly a verbal trail not a paper trail. There was not a
66 specific letter that says that is what the city wanted to do.

67

68 Mr. Cluff stated that the city came to him and told him that is what they wanted to do.

69

70 Mr. Nichols stated that we would now hear from Jeff Patlovich with the City of Island
71 Park.

72

73 Mr. Patlovich Planning & Building administrator with the City of Island Park, ID, stated
74 that he did not receive notice that we were to be here as the applicant or that we were
75 here to testify as the applicant. We only received the general notice. We are here to be
76 recognized as part of the renegotiation and we did initiate it. We would also like the
77 record to show that we were present and to preserve our right to go to the BOCC as part
78 of the process and for the City to be able to appeal from there.

79

80 Mrs. Gold asked Mr. Patlovich when we had our work shop meeting the previous week if
81 he was notified about the meeting.

82

83 Mr. Patlovich stated that no they only found out about it from the article in the Island
84 Park news.

85

86 Ken Watts, 3188 Tall Pine Circle, Island Park, ID, stated that the meeting last week was
87 very informative and thanked Mr. Cluff for going through the two ordinances like he did
88 because it was very helpful. Stated that he writes in the Island Park news and that he talks
89 to lots of people. He has talked to many people in regards to adopting the City's
90 development code in the impact area and most have said that they liked being zoned rural
91 living. This is what most of the impact area is zoned right now. The like single family
92 zoning and they want the rural atmosphere to stay. They do not want higher density
93 development in the impact zone and they thought that many of the requirements that are
94 in the City's development were too much.

95
96 Mrs. Gold asked how he knew about the meeting.

97
98 Mr. Watts stated that he read about it in the newspaper. The Island Park newspaper.
99

100 Calvin Krauss 4010 Rancho McCrea Rd, Island Park, ID. Stated that he has lived here
101 since 2008, and he left the city to have a life style change. He stated that he lives 2 ½
102 miles off the Hwy. Stated that he did not want the rules that the city is trying to put in to
103 place. Stated that he likes the rural area, likes the country life style and doesn't want it to
104 change.

105
106 Mrs. Gold asked if you are in the area of the impact and asked for him to show him were
107 on the map.

108
109 Mr. Krauss stated that yes he is and pointed it out on the map.

110
111 Wade Rumsey, 7550 S 35 W, Idaho Falls, ID. Stated that he had come back in March for
112 a zone change for their development and that they have done every single thing that the
113 county or the city have asked. Stated that he has found that this is very frustrating for
114 someone who just wants to develop some land. He hopes that there can be some kind of
115 agreement so that they can proceed with this process.

116
117 Mr. Nichols asked Mr. Patlovich if he had any rebuttal.

118
119 Mr. Patlovich again stated that he was not here as the applicant and wanted the record to
120 state that.

121
122 Mr. Nichols closed the public hearing.

123
124 Mr. Cluff stated that this was up to the P&Z to deliberate on and discuss.

125
126 Mr. Nichols stated that it is open for discussion with the P&Z members.

127
128 Mr. Hathaway asked if Mr. Cluff had anything else he would like to add.

129
130 Mr. Cluff stated that no he doesn't, but he is here to answer any questions.

131

132 Mr. Nichols stated that the analysis that we were given last week and the pages added this
133 week total 11 pages.
134
135 Mrs. Gold stated she had some questions for Mr. Patlovich.
136
137 Mr. Patlovich stated that the public hearing is closed and he is not here to answer
138 questions.
139
140 Mr. Nichols stated that in a public hearing we as commissioners can ask for additional
141 information during the hearing.
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143 Mr. Patlovich stated that the public hearing is closed and he has a lot more experience
144 with public hearings and due processes than Mr. Nichols and so he will not speak
145 anymore.
146
147 Mr. Nichols stated that we can ask questions to public and we can respect that you don't
148 want to answer any questions.
149
150 Mr. Rowe stated that one of the maps that was here last week with the visual
151 enhancement and the 30% slope is very open to interpretation asked if those could be
152 defined better.
153
154 Mr. Cluff stated that the visual resource maps are what they are. They are maps that the
155 city adopted and they are what they are. The slopes maps are there to help but the
156 procedure is that the applicant has to do a slope analysis.
157
158 Mr. Rowe asked if there is an area that only has a small 30% slope do they still have to
159 the analysis.
160
161 Mr. Cluff stated that the ordinance doesn't make any exceptions, if its 30% it's
162 unbuildable, if its 15% it has to open space.
163
164 Mrs. Gold asked Mr. Cluff if in the ordinance there is a 30% open space requirement
165 within the city.
166
167 Mr. Cluff stated that yes.
168
169 Mrs. Gold stated that what Mr. Rumsey is dealing with in his subdivision is a 60% open
170 space requirement. Is that correct?
171
172 Mr. Cluff stated that yes.
173
174 Mrs. Gold asked if this were to pass than they could put in even more lots in their
175 subdivision.
176

177 Mr. Cluff stated that the lots and the open space are different things. The amount of
178 density that is allowed on their property is the same. If the city has a different density
179 then that may allow them more lots but it has nothing to do with the open space.
180

181 Mr. Waite states that sooner or later the city may expand and if the city will annex in this
182 land it makes some sense that they should have that code in place for it.
183

184 Mr. Nichols stated that the city can adopt that development code for the city we are only
185 worried about the area of impact. So if someone is annexed into the city from the impact
186 they would be under that development code once annexed in.
187

188 Ms. Ragotzkie stated that the city of Island Parks impact area has a huge amount of
189 acreage compared to other cities in Fremont County. This is a whole different animal
190 from the other cities. This area of impact in Island Park has a lot of special areas within it.
191 Stated that she did go back through the cities development code today and on the surface
192 it all seems fine and good but it is very ambiguous and that makes me concerned. There
193 are a lot of inconsistencies with the code and some of the things are not enforceable and
194 could cause lawsuits for the county. Stated that county is in the process of cleaning up the
195 code and she prefers that we stick with the county's rules for the impact area.
196

197 Mr. Hathaway stated that after reviewing the comparison between the development codes
198 he started out the meeting taking pros and cons and at the end of the last meeting he had
199 about 4 pages of notes as why not to adopt it and 2 comments of maybe why to adopt it.
200 Stated that it is clear to him that there is no benefit to the county to adopt this code from
201 the County to the city in the area of impact. It would be difficult to try and administrate
202 this code. Stated very strongly that he is opposed to adopting the amended agreement
203 with the City of Island Park impact area and that we should stay with the current
204 agreement. Stated that maybe if they amended some of it might work but it would be hard
205 since we are working on our own code right now.
206

207 Mrs. Edlefsen stated that she missed the previous meeting with the comparisons. But she
208 feels that as she read this she is having the same feelings as Mr. Hathaway. Stated that
209 there is not anyone here from the Island Park community who is testifying in favor of the
210 changes. So why should we approve it.
211

212 Mr. Waite stated that Mrs. Edlefsen has a good point. He agrees with her.
213

214 Mr. Rowe agrees with Mr. Hathaway, at first it seems like a good idea but once you get
215 into it there are too many issues with it.
216

217 Mrs. Gold asked if it is normal within a development code to set hours of a business
218 operating. There is a daycare mentioned in the code.
219

220 Mr. Cluff stated that yes it is common.
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222 Mrs. Gold stated as a single mom it would have been extremely difficult to work because
223 of difficult hours. Stated that is one of the things that would not fit in her lifestyle.

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Mr. Nicolas asked if there were any other questions. There were none. Asked for a motion.

Mr. Hathaway made a motion to recommend to the board of county commissioners that they deny the request for the adoption of a new area of impact agreement by the city of Island Park and that they continue with the current agreement that is currently in place for the area of impact for the city of Island Park. Ms. Ragotzkie seconded. All in favor. Motion Carries.

Mr. Waite stated that the reason being for denial is because it is too cumbersome to work with.

Mr. Nichols stated that now we can give some findings and facts for Mr. Cluff to take to the BOCC. One of the words that was used here a lot tonight was onerous and that is a very accurate word. We also heard that it is too expensive because of all of the fees that are required. From last week's discussion if an owner comes in and needs to have 2 or 3 permits to accomplish their goals they would pay for each fee. In the county we make it so you only pay one fee, which is the largest fee. It was also stated that a lot of the code is very ambiguous, or difficult to define.

Ms. Ragotzkie stated that with the ambiguous especially with the visual sensitive maps.

Mr. Nichols stated that we as a commission are trying to simplify our code and there is just some stuff that is cumbersome and we are trying to clean that up. The BOCC is very supportive us doing that. By adding this other layer if adopted it would create that much more work because this is 312 pages and there would be that much more work since it has to be administered by the county. We also heard that it would restrict property rights.

Mrs. Gold added that we are trying to find some common ground for procedural things between cities and this one is different in wanting notices 15 days instead of 30 days like the other cities. Stated that she feels like as much as we could standardize the procedures between the cities it would make things easier to administrate. Asked if we can have the public notices expanded to the Island Park news.

Mr. Cluff stated that we have done that just recently.

Mr. Nichols stated that it is up to the citizens to be aware of what is going on. The county can only do so much. Stated that city officials should be on top of this too, we have been criticized tonight and that is ok but won't take responsibility for something that they should be paying attention to.

Ms. Ragotzkie stated that some parts of the city's development code are still using the relative development standards. That is something that the county had years ago and has since moved away from because they found it difficult to use and that city has that in their code and we would have to implement. Believes that it would be cumbersome and difficult to do.

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272 Mr. Nichols stated that we have about 8 or 9 issues on these findings and facts.
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274 Mrs. Gold stated that these findings and facts are more matters of opinions.
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276 Mr. Nichols stated that the findings and facts are the reasons why we voted the way that
277 we did.
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279 Mrs. Gold stated that her findings and facts may be different than someone else's
280 findings and facts.
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282 Mr. Nichols stated true but what is happening when you negotiate two things is that
283 established law is based on public opinion.
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285 Mr. Hathaway stated that Mrs. Gold point is exactly right. That is why we didn't feel that
286 we should adopt this agreement because there are areas of concern.
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288 Mr. Waite asked what the status of the agreement would be right now.
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290 Mr. Nichols stated that the Vermont County governs the area of impact. But when it goes
291 to the BOCC these can deny the agreement as we suggested or they can accept it. If they
292 accept it, it will become the governing law. Whatever decision they make can be
293 appealed.
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295 Discussion on the current area of agreement rules.
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297 Mr. Nichols dismissed the meeting 6:54.
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