

**Planning Commission Meeting Minutes  
April 21, 2003**

**PRESENT:** Mike Davis (Chairman), Bill Smith, Kip Martindale, Rod Dalling, Connie Ottesen, Dirk Mace, Linda Crapo, Kirk Mackert, Karen Lords (P&B Administrator) and Janet Craven.

**OTHER ATTENDEES:** Owen McLaughlin (District 7) and Ivel Burrell (Assessor).

**WELCOME:** Mike Davis called the meeting to order at 7:13 p.m.

**MINUTES:** Mike Davis asked to amend the minutes, on page three, paragraph three it stated "Big Horn Hills has its own community sewer" this should be amended to say "Big Horn Hills has individual septic systems", Dirk Mace motioned to accept the amendment and Bill Smith seconded the motion and the minutes were amended and approved unopposed.

**SKETCH PLAN – HIGH TOP ESTATES – 11 LOTS, MATT GROVER/MIKE KRIEGER – ST. ANTHONY**

Mike Davis opened asking Karen if she had anything to state. Karen asked everyone to turn to the Sketch Plan Application on # 4 the proposal of 6 lots should be amended to 11 lots. Mr. Krieger came in and talked to me about subdividing 6 lots, right next door Matt Grover also has property and wanted to develop 5 lots, so we have asked them to combine the project. Property is just off the Salem-Parker Rd not to far from the Salem Pines development. Karen explains where the project is and how the lots will lie within the property boundaries.

The lots will have to have individual septic and individual wells. They are proposing to have covenants on all the property, individual signature blocks will have to put on the mylars for the final plat, and they will have to sign off on it. They have spoken to the home owners and they are willing to be a part of the subdivision. Mike Davis asked Matt Grover and Mike Krieger to speak to the board. Matt explained that he started with larger lots and found that smaller acreage was desired. He explained the use of the lot parallel to the Sugar Salem Highway was used to park 4-wheelers or cars when the kids drive down to catch the bus. That lot could not be built on. Mike Davis asked if Mr. McLaughlin had been out to look at the property. Mike K. explained they have dug two test holes.

Karen asked if they have talked to the Department of Water Resources concerning well. Mike K. stated they would do that. Karen stated, before we go to preliminary plat you need to contact the Department of Water Resources, they will be given a copy of the plat and they will have to be involved anyway. Mike Davis asked if Mr. McLaughlin had been out to see about septic systems, Mike K. said they are approved for aeration system. Mike Davis asked if there were any questions. Karen said that she asked for them to come in together.

Dirk Mace made a motion to accept the sketch plan for High Top Estates. Linda Crapo seconds the motion. The motion passes unopposed.

**SKETCH PLAN-DAVID GALE – FAMILY REUNION LODGE AT 658 NORTH 2400 EAST, ST. ANTHONY:**

Karen introduces the project. You are familiar with the Jones home on the landfill road (2400 E). This is the home they are proposing to turn into a Family Reunion Resort. What they propose is at a later date, they would like to put in a caretakers' home, they want to provide several bedrooms to rent out, provide playground facilities for families to come where they can have reunions. Mr. Gale has listed the amenities, the home, the floor plan, the various activities at the lodge and thing to do in the area. Outside, inside amenities, accommodations, they have a fully equipped kitchen, laundry facilities. Sketch plans of the layout of the baseball field, proposed volleyball court, sports court and a place for horses.

One of the conditions we need to consider before we go to Public Hearing is that Mr. Gale meet with the Building Inspector because if we are going to make this a commercial business there's probably going to be concerns with egress windows for the bedrooms. That is something they will have to address also.

Bill Smith's concern is the possibility of them petitioning to have the landfill shutdown because of the smell. Karen mentions that the home is hooked to St. Anthony city water. Mike Davis asks if the septic is hooked up, Mr. Gale says the septic was enlarged last year and permitted and approved by Jerry Woods. The home is an existing structure, a large septic system was installed last year and the system

was made larger than required for the enlargement of the business. A new permit would be required from District 7 Health Department if the system is not large enough for the caretakers' home to be hooked up. They will have to provide parking, Mr. Gale and I (Karen) have spoken and there is ample space for parking, Karen says they would have to meet ADA requirements also. *Further discussion of the project not audible.*

Mike Davis asks if the board has any questions. Kirk Mackert asked if they would be moving in RV's, Karen stated not at this time, that it would require a minor change of use if they decide to do that. Mr. Gale raises the question of having a person come in and cook for the guests. Mr. McLaughlin told him that a commercially licensed kitchen would not have to be approved if a personal chef was use. A commercial kitchen would have to meet District 7 Health regulations if they were to sell the food to the patrons. Linda Crapo expressed some safety issues, Mr. Gale assured the board these issues would be addressed. Kirk Mackert asked if there was any thought to making the facilities available to the public, Mr. Gale, concerning the facility; the one thing we want to stress first is that it is important to us that it is just for families and for the kids, we don't really want to rent it for big party for a night or something like that.

A motion to accept the sketch plan for the Family Reunion Center was made by Dirk Mace with the following conditions, Mr. Gale meet with the building inspector to see about meeting code for a commercial development, Mr. Gale meet with District 7 Health if he plans to sell prepared food to the guests, Mr. Gale needs to meet ADA requirements. Connie Otteson seconded the motion. The motion carries unanimously.

#### **PUBLIC HEARING – JEFF SIDDOWNAY – GAME RANCH:**

Mike Davis introduces the next item on the agenda; Karen is asked if all the proper notices have been provided. She responds the property has been posted; legal notices have gone out to all the property owners. The only corrections we need to make on the Public Hearing Notice, I had traveling east. It needs to be west, the 2<sup>nd</sup> page under the property is located, Jeff had some concerns over the proposed land use, I had beginning with 3 to 4 hunts, working up to 25-30 , it's probably going to be closer to 25 to 30. Jeff can explain more when we ask him to speak. Jeff and I (Karen) went out on sight of the property and I have a photography portfolio for you to spend all night looking through. I've tried to put descriptions on the bottom, if you are lost and it doesn't look familiar, rest assured Jeff is here and if he looks at the photograph I'm sure he can guide us in the right direction. We basically drove the perimeter of the 5,000 acres.

Mike Davis asks if any of the board members have any conflict of interest. None do. Karen: before we get started there is a letter incorporated in your packet from BLM, I also have a letter from Idaho Fish & Game which you did not get copies of, I ran out of time to copy them, but I will read them out loud when we get to the public comment portion of the hearing. Karen: This is a proposed Gaming Ranch by Siddoway Sheep Company, the nature of application: the proposed game ranch is located west of St. Anthony on 600 North approximately 3.5 miles to the Cinder Pits and turning left at the entrance of Cinder Pits. The application for a Class II permit proposes to construct an eight foot high fence enclosing approx. 5,500 acres of property. The project will propose commercial hunts during September 10 through December 10 each year with a guide service provided. They will start with 25-30 hunts the first year and increase those numbers. Interior fencing will be constructed for penning animals to conduct inspections by the State of Idaho. A pre-existing well will provide water for the game and water lines will be constructed ¼ mile west and ¼ mile south of the cinder pit. Maintenance of the exterior fence will be provided. A lodge facility is not proposed at this time. Just before the hearing began Jeff gave me drawings for the lodge, my concern at this time is when we posted this public hearing we did not include the lodge and without legally posting it and setting up for the hearing to include that I'm not sure that we want to do that at this time.

I make the recommendation with a cumulative score of 0, the proposed Game Farm meets the requirements of VI. South Fremont Zoning district with the following conditions of approval: 1) any permits required by the

Department of Agriculture for game ranching of elk, 2) any permits required by the Idaho Department of Fish & Game.

Each of you has been given a map provided by the Idaho Fish and Game, Dennis Aslett is here and we will hear from him following the public comment.

Mike Davis asks if anyone on the board has any questions for Karen. Bill Smith asks about the lodge, Karen states that because the lodge was not included in the posting of the hearing we would be at risk legally.

Mike reminds the public that in addressing the issues we need do it on the merits of the development and how it meets the compliance or lack compliance with the code and not on an emotional basis.

Mike calls Mr. Siddoway to the front and asks if he has any further information. He says Karen has presented it to you before and I don't believe anything has changed other than the corrections on the number of hunts; we would like to start at 25 hunts and would like to build it up to around 100 hunts. We did get things lined up for a lodge and we'll come back or do whatever we need to do to get the approval. Mike agrees that needs to be done correctly. Mike asks, does anyone on the board have any question for Jeff? Jeff has met with some people about not doing the project and could come to no terms. Jeff has had some concerns about fencing out the 40 acres, because it makes a potential trap, Jeff has left a message with the people at BLM and if they are here they can state their position, but I will do whatever they want me to do.

Fremont County P & Z Commission did receive a letter from the Bureau of Land Management, dated April 15<sup>th</sup>, it addresses the concern of the BLM of the approximate 200 acres of BLM land encompassed by and adjacent to Mr. Siddoway's project. Discussion with Mr. Siddoway have resulted in his agreement to remove this parcel from the proposed enclosure. The proposed enclosure would disrupt migration patterns and eliminate 200 acres of winter range on public lands. Sensitive wildlife species were also a concern, Columbian sharp-tailed grouse, St. Anthony Sand Dune Tiger Beetle, Brewer's sparrow, sage sparrow, and grasshopper sparrow. They would also like to express a concern for the safety of recreation users of adjacent public land during these time frames.

Fremont County P & Z Commission also has a letter from the Idaho Fish and Game it is dated April 21, 2003. Due to the type of project being proposed and its specific location, the potential exists for serious adverse effects to a number of wildlife species, particularly mule deer and elk and may also adversely affect hunters and the sport of hunting. Because of these issues, the Department has a number of concerns.

There are a number of important biological concerns associated with the ranching of captive ungulates. Biological concerns include the impact on native animals that may be displaced to provide habitat for captive animals, the potential for cross-breeding and genetic exchange between captive and wild animals, the exclusion of native animals from historical use of habitat within the enclosures, and the physical barrier of the fencing itself that may restrict free-ranging wildlife from important seasonal habitats or migration corridors. Other issues include the potential effects on non-target species and habitats inside and outside the fences.

One of the most immediate concerns is the spread of communicable diseases from captive to native wild animals. There are a number of potentially serious diseases that affect elk and/or deer including bovine tuberculosis, Para tuberculosis, brucellosis and meningeal worm, of particular concern recently, however, is the spread of Chronic Wasting Disease (CWD). The potential for the spread of infectious diseases to wild deer and elk as a result of the completion of this project is significant.

Whether or not "penned hunts" constitute "fair chase" is highly debatable.

In recent years, deer, elk and moose have all reached historic high numbers in the Sand Creek area, due in large part to the cooperative development and management of this critical big game wintering range.

Although it is conceivable that wintering deer displaced by the proposed fence project will move to other areas, large scale movements in previous years have not been recorded. The deer that use this area for winter range tend to stay in this area and die here on hard winters.

A significant reduction in the deer and elk numbers in Fremont County and the associated decreases in hunters due to loss of winter range or diseases could have a substantial effect on the local economy.

Moose and Columbian sharp-tailed grouse may also be affected by the proposed fence. The area in the vicinity of the fence will likely get much heavier deer use in the future.

The completion of this project has potentially serious implications to adversely affect future wild elk and deer populations in Fremont County.

Should the Fremont County decide to impose restrictions on this project, we recommend that as a minimum a double fence be constructed around the perimeter.

Mike asks if there are any other written comments, Karen states no other written comments were received.

At this time we will turn this over to Public comment, we have a sheet for the people who signed up, but anyone can give comment. We would like you to limit your time to 3 minutes please. I'll call your name and if you would give your names and address.

Gene Williams, 855 Red Road, thanks committee. Mr. Williams was excited for the project but has done some research and now I have some concerns. This game ranch is going to operate from September 10 to December 10. During that period of time riders are on the dunes in a pretty large number, which is increasing. Mr. Williams is concerned about the bullets causing harm or damage to people and property. Fire is another concern. It is a natural thing for a wild animal to flee from fire. Having animals penned so they cannot escape from the fire is not a very sportsman-like thing to do.

According to Idaho State statute, 20 years is what is required for the general public to use a right of way or road across private property before it becomes law that they can use that.

Mike reminds Mr. Williams that he has used his time. Mr. Williams reads Idaho Code 55-213 concerning access of private land. Mr. Williams closes and thanks commission for their time.

Scott Tibbitts, 366 N 1400 E, St. Anthony. I have spent most of my time out on the desert; I run cattle across from Jeff. We've been neighbors for a long time, we've worked well together. We've had things come up and we work through them. I know the history of the junipers has always been recreation. There's always been game out there. All the difference I can see is the fence. Well, a little conflict about whether wild animals can turn and go around a fence, I think they can. They'll migrate if they want to go somewhere. My concern is a man owns a piece of property, pays taxes on it, he works at it and tries to make a living here all his life. Things in the economy change, his livelihood changes and he's got to find another way to do it. And he has a right to do it. I stand behind him. Thank you.

Mark Chandler, Ashton Idaho. First I'd like to thank the Siddoway family personally for letting us hunt their ground. It's Jeff's dirt, if he needs to make a living off of it, then so be it. My concern is crashing the deer herd. If he can make a viable operation of it. I would respectfully ask to try to look at every positive avenue to minimize the effect on the game.

Mike Davis: There is no one else signed up, is there any one who would like to comment? Mike asks Dennis Aslett if he has anything to add. Dennis responds only if someone has questions. Rod Dalling asks Dennis what percent of the total winter range this area encompasses. Dennis is not sure of the area percent, but states that 75% of the deer population winter in that area. Dennis points out the migration routes of the deer and elk that will be impacted by the project. This project is going to go in right where the high use winter range is located, and adjacent to a major elk winter range. We are just concerned about the location of the project and the affects it may have. Jeff and his family have been great for a number of years to allow public access and that is a big part of why the big game herds are the size they are. We're concerned about this particular project and I think we have stated some of the reasons.

Bill Smith asks Jeff about the land exchange for clarification. Jeff states he has met with the BLM on Monday and we tentatively agreed that I would exchange 160 acres on the southeast corner for the 160 acres in there and fence out 40 acres adjacent to the exterior fence that is in part of the wilderness study area, that's why they almost insisted that be out of there. To me that creates a potential for a trap because it jogs in a quarter of a mile heads north a quarter mile west. I've called in my concern but realize these land exchanges could take 5 or 10 years.

Dirk Mace asks Jeff if he is going to graze any sheep, Jeff says the first year he just plans to put bull elk in there and just killing them all. If we put 25 head of elk in there you wouldn't even be able to tell it was grazed. I may winter some sheep, in the future probably not at all. The other question I have, what is the maximum number of elk proposed within that area. I'm not sure what the carrying capacity is because of the sandy soils, it's pretty fragile country especially on that south slope. I think a guy would have to play with that just a little bit, I would imagine 400 head total of cows, calves and bulls would be a max until you observe and see what the capacity is and how they do. Linda Crapo asks if that would be all winter. Jeff replies thru the summer, then we'd kill 100 out of that, in the winter maybe carry 300. Bill Smith asks if he will raise his own. Jeff says eventually, since the market for meat or horns no longer exists, so hunting is about the only option.

Mike asks Jeff if all of the health inspections, vaccinations and everything would have to be met. Jeff says, yes; but he believes that domestic herds are the ones that have the insurance because of all the testing and are the

least likely to carry disease. Every animal that is killed you have to send in a brain tissue sample because CWD is not done with live testing. The Department of Agriculture does the testing, so as soon as one is tested positive you are shut down.

Mr. Williams asks Jeff if he is aware of the fire out there today and how much land burned. Jeff replies I started it, I'm aware of it. Probably between 480 & 640 acres, there were about 40 acres of Public land on the very east end of the juniper.

Karen asks Jeff to answer Mr. Williams concerns over the range of where you're looking at having the hunt, when you and I went out on the site we did discuss that, that you had particular areas you thought the hunts would take place. Jeff S.: on the east end of the enclosure south of the cinder pit. My neighbor Lee Miller has a cattle operation, I was going to bring a fence straight north of that so everything from Lees' northwest corner to the east down to the Red Road would just be used for catch pens, because you have to corral these animals for the Dept of Ag to come and inspect every year. So all of the hunting would be going on west of the cinder pits, and as far as the concern of hunters out there, we have a lot of just slob hunters a lot of alcohol out there and there are five to six to seven hundred hunters out there any given day on the juniper now shooting any where any direction now. I would trade one guided hunter for all 700 of those people out there hunting on any given day when it comes to safety issues. I don't know if that settles any concerns but the area is just flooded with hunters any more. This fall when there were no deer down because of the lack of snow there were still hundreds of hunters every day.

I don't know what will happen unless the BLM takes some action to stop the ATV's from going over the sands and up the hill there's going to be some compressed ATV areas between the fence and the sands that will cause a lot more habitat damage than my enclosure ever will. If the migrating herds come around the south side of the fence in the winter time and the ATV's are coming over the sand hills there's a potential for a massacre, that will have to be managed, and certainly the director of the Dept of Fish and Game has the ability to do that if he will exercise that authority. If the department personnel are on top of it and watching the situation.

Mike Davis asks if there are any more questions. He then closes the Public Hearing. The board discusses the access road. Karen explains he is not closing off the road to those people who use that road for access to their property. They will still have access. The road that is there will be the road he uses to maintain the fence. Mr. Williams has referred to State statutes, but as time has gone by Penny Stanford has quoted to me several cases that even though there has been an established right-of-way it is almost left up to the Judge to determine on a case by case basis.

Open discussion of firearms issues, range of the existing public land compared to Jeff's property, concern for the mule deer herd, the fencing of private property, State regulations, issues to be addressed by the Dept. of Ag, wildlife maps not being adopted for the South Fremont Zoning, district, unauthorized vehicle use.

Kirk Mackert moves to approve the Game Ranch, with following conditions: meet all of the Department of Agriculture requirements, all of the BLM requirements concerning the land trade, Fish and Game permits. Rod Dalling seconds the motion with amendments. The motion carries unanimously.

#### **PUBLIC HEARING – JASON ROYLANCE – PROPOSED SUBDIVISION 4-LOTS:**

NO REPRESENTATIVE PRESENT. Mike Davis: let's put that on record. The next item on our agenda would have been a Public Hearing for a Chester Subdivision, 4 lots by Jason Roylance. His failure to appear will cause him to have to start over with the Zoning process.

#### **ADMINISTRATORS REPORT:**

***Approved Building Permits for the Month of March, 2003:*** Attached to the packet, for the Board's review is a copy of the Administrator's Report of the building permits approved during the month of March, 2003.

#### **MOTION TO ADJOURN:**

Linda Crapo made a motion to adjourn the meeting and it was seconded by Connie Ottesen and was approved unopposed. Meeting was adjourned at 9:20 p.m.