

**Planning Commission Meeting Minutes
August 18, 2003**

PRESENT: Mike Davis (Chairman), Linda Crapo, Rod Dalling, Kurt Eidam, Dirk Mace, Kirk MacKert, Connie Ottesen, Bill Smith, Rich Zimmerman, Karen Lords (P&B Administrator) and Cathy Winters (P & Z Secretary).

OTHER ATTENDEES: Ivel Burrell (County Assessor) and Project Representatives.

WELCOME: Mike Davis called the meeting to order at 6:35 p.m.

MINUTES: Dirk Mace motioned to approve the minutes as written for the July 7th, July 21, and July 28, 2003 meetings. The motion received a second by Kirk MacKert and voted unanimously to approve.

Security Fences for Gravel Pits: Kirk MacKert: When we put the gravel pits and asked for a security fence around them to be constructed in a time that would be? What is acceptable?

Karen: It is entirely up to you as a board, if I send them a violation letter I have to give them 30 days. Time limits were discussed along the progress on the fences. If the board wanted to make recommendations she would send violation letters. Rich: He thought 90 days was a sufficient amount of time to have the fences completed. Karen: During the hearing the board did not state the length of time to put up the fences, it was instructed to be as soon as possible. This leaves the time frame open. Rich: We need to define as soon as possible. Kirk: Made a motion to put a time frame on security fences to be completed six weeks after the 30 days violation letter. Karen: The board needs to amend the appendices of the Gravel Mine Operations. We need to put it in our list of code changes and hold a public hearing. Kirk: Made a motion for Karen to send a 30-day violation letter regarding security fences to all gravel mine operations that were approved in July. Rich: Seconded the motion. Motion carried unanimously.

Public Hearing-Amend Elk Run subdivision Plat – Access Road and solitude at Elk Run – 8 lots
Lynn Powell

Mike: Asked Karen if notices had been sent to all property owners, signs posted and notices printed in the newspaper. Karen: Yes, proper procedure was followed with corrections passed out at this time (copy attached). Mike: Is there were any board members that had a conflict – none had a conflict.

Karen: The County Commissioners will make the final decision on the road vacation based on the outcome of the approval or denial tonight on your decision on the approval of Elk Run. On tonight's proposal, if you will open your plat, at the very top, Tall Pine Lane ran at the top part of the sub division so they are leaving that as a utility easement as the utility lines are already in place. There was already an existing access to get to the 21 acres, which would have been on the bottom part, which will now be called Tall Pine Lane that would be to the left of lot 15. Tonight we are asking to amend the lot numbers of the top 3 lots, they were 12-14 we are asking to amend those lot numbers to 15, 16, and 17, block 1 then they are now showing a new access to lots 15, 16 and 17 along with 21, 20 19, and 18 by this cul de sac that will be called Tall Pine Circle. A cul-de-sac road that will be called Solitude Lane will access the bottom lots, 22-25.

Pictures were passed around that were taken during an on-site on the property; lots 18-19-21 are in the middle. There is a steep slope that comes to the middle with drainage of lots 21-20-19. In researching the Natural Resource Inventory Map, we have a migration route that does not necessarily go across these lots but in the general area of this subdivision, I have asked them to make a protected area, which will be around 5 acres across this drainage. When we go to final plat if we get approval tonight we will have to have clarifications from Harper-Leavitt who are the engineers that are designing the plat, they will need to specifically place on these lots the distance from which the property owners can build, because we want to protect the drainage area, it only gets water a short time out of the year, but because of the migration route and because of the steep slope we want to protect that area.

Rich: Tall Tree Lane gets access off BLM? Karen: Yes. Tall Pine Lane, which they have asked to vacate, actually Elk Run Drive has access through a BLM road also. There are actually more lots that sit to the south that have to use BLM roads for access too, but those were already approved. Dirk: They want to abandon this? Karen: I just took a picture so you would know what they are asking to do, that is Tall Pine Lane but they are going to produce a new access with this Tall Pine Circle cul-de-sac. Dirk: Are there other lots that used Tall Pine Lane back further? Karen: In the hearing before the county commissioners, Lots, 10 & 11 the property appeared and he asked for Tall Pine Lane to be vacated in front of his property also, because he wants a private easement to go through lots ??????. It didn't really affect any of the property owners when the vacation was asked for. Based on your outcome tonight I will have to appear before the County Commissioners at their next meeting and give them a letter stating what the P & Z Board outcome is. The cul-de-sac is called Tall Pine Circle is really too long, because I have to consider the access road that runs along lot 15 to the left so we are asking for a variance, but we will conduct that as a separate public hearing after we go through and approve the sub division.

Karen: Read the report on Amended Plat proposal for Class II Permit for Elk Run Subdivision. Report Attached. Correction, the public hearing notice actually said 8 lots, in 21 lots, it needs to be corrected to say 8 lots in 21 acres.

Mike: Are there any questions from the board at this time? No questions. Karen, did you receive any letters on this proposal? Karen: I did not receive any public comment or, but you do have one gentleman that wishes to speak. I did not receive any letters from Fall River Electric saying that they are willing to provide services. That would need to be a condition of approval if we go that direction. Mike: I would like to remind everyone that any statements tonight are to address the merits of the proposal regarding compliance or the lack of. Lynn Powell are you representing this? Do you have anything to add to the information that Karen has given us or anything you would like to clarify?

Lynn Powell: I have talked with Fall River Electric, they called me about a week ago and we discussed that the utilities were in the wrong place on the plat and we would correct that on the next plat. We will correct the plat and give them and you a copy with the corrected placements. They are in agreement with what we have proposed. Mike: So they are aware of the changes that you have made on your plat? Is he going to contact Karen? Lynn: I will call him tomorrow and see where he is at on that. Mike: Do any of the board members have any questions? Rich: Are you OK with the cul-de-sac distance? Karen: It is too long so we can conduct a variance hearing

following right after approval. I can read you my report to go along with that if the board wants to consider it at the same time. Rich: I think so because it is all part this.

Rich: I make a motion we review both of these hearings together. Rod: Seconded the motion.

Mike: We have a motion to have both these hearings together, the second one being the consideration of the extended length. Vote was unanimous. The motion carries.

Karen: In you hand out marked with a pink tab. See the map on the very back page to show you which one. This is all going to be one cul-de-sac the one on the left will be called Tall Pine Lane, but I have to include the entire distance for the cul-de-sac. So if they are going to ask us for less than 16 lots we can go 880 feet, but this distance is longer than that. Read report on variance for Tall Pine Circle's cul-de-sac length in Solitude at Elk Run Subdivision. (Report Attached)

Mike: Any questions for Karen? Karen: If they continue the road on, that goes to the left of lot 15 it is going down a steep ravine and come back up, my concern is, if they are ever to get winter access the slope, they would really have to cut it to make it safe enough for people to access. To me it makes more sense in their proposal to put the cul-de-sac to the north of the lots and also to the south at the very bottom lots with the least minimum affect on what we would like to protect for wildlife and also for a life and safety issue is they made the roads go completely through pass lot 15. Rich: Are they connected to the other road? Karen: Because you have a steep ravine in there and although we don't have slope data I can tell you they would have to cut the road and we want less than 8% slope for a road. The code reads that a road has to be less than 8% slope. Rich: How far is it from this BLM road to the other BLM road? How do you get from there to there? Karen: There is a BLM road. Rich: How far is it? Karen: Less than 1/2 mile. Rich: If there is a fire over here, how does the fire equipment enter? Karen: With 2 BLM roads, I shouldn't say 2 BLM roads, there are enough roads within the subdivision that they can get out on both sides without an issue. Rich: Your recommendation is what, now Karen? Karen: Well, on these lots here, in walking down this, you come to the ravine, and there are steep slopes on both sides so the property owners will have to build more on top and this side is where the wild life will probably go. There is a ravine and drainage that runs down the middle of this, so we are talking about protecting this on both sides and still have enough room that they can at least build a home there. If the road went straight through this way, we are talking about this issue of the geographical layout of the land. Kirk: The BLM access is not an issue for the future? Karen: Did you contact the BLM and let them know you are putting in 8 more lots? Lynn: I did, Skip Stout, BLM in Idaho Falls, Shotgun Valley LLC has a permit with them to use and maintain those roads. I called Skip to see there was an issue on how many people could utilize the roads, he said there was nothing the BLM could do about how many lots we have in there or any restrictions. Dirk: Will the lot owners understand that it is now a county road? Lynn: Yes. Karen: There are four homes already built and the homeowners are aware of what the issues are. Dirk: The homeowners can sell and the new owners could think it is a county road and all of a sudden they want it paved and plowed. Rod: We don't need a letter from BLM, correct? Karen: If Lynn has contacted them and they don't have an issue, we can live with that. Lynn: For the final plat I can bring something in writing. Mike: I think that will be good. Karen: We will need a letter from BLM for the files and also from Fall River Electric. Kirk: Should there be something on the plat or is there anything that would tell that this is a BLM road that will access this? Karen: When they go to do final plat they will have to designate access roads, BLM, and BLM will have to be

marked all the way around as to who has ownership of the property. Mike: Are there any other questions for Lynn or Karen? Dirk: My only concern is doing a variance? If you do one, you will be opening a can of worms. Karen: What I read to you was a list of criteria for a variance; those are the only ways you can get a variance. In this particular instance, it is because of the geographical layout of the land, it makes more sense for them to have a cul-de-sac than for them to have a through road. Rod: So it is provided for variances, within what you are saying. Karen: There are only about 5 different reasons as to why you can get a variance. Dirk: So just anybody could not come in and get a variance without meeting these criteria? Karen: That is correct.

Mike: Any other comments. Thank you Lynn. At this time we will open this for public comment the amended plat on Elk Run and the variance on the road in Elk Run.

Kim Leavitt, Harper-Leavitt Engineering, 985 N. Capitol, Idaho Falls, Id. 83405. I did bring a map for Karen today, this will help, as it has the contours added on and the open space we are talking about, it was hard to explain on the other plat without seeing this map. The restricted building area is basically what Karen is talking about, from the top of the slope on south end of the property I have shown sheep creek which is seasonal drainage there is no water is that 9/10 of the year and the a restricted area we have shown before is from the back of the property line. What we are talking about is restricting the whole area for the upper top of that slope, you can see that it falls down and goes through there, approximately about 5 acres. In clarification, our proposal will be to add in to this land use table a restricted building area with the number of acres that is restricted there as going into the land use table on the plat. Karen: I think we need to have a better designated drawing where the foot path is going to go, there needs to be distances. Kim: On this one it is tied in so there are some distances on there, 360 feet on the east end, 160 on the west end and like most easements it does have to be designated. We will go ahead and put a slight varying distance on there also. The other thing I would like to mention is the course is a replat of lots 12-14, and track 8. Track 8 was originally 21 acres of the original Elk Run Subdivision and if it is designated on that plat for future development. We feel we are not going outside the bounds of what the original lot was intended for, for future development. It is replatting with area and the reconfiguration of those lots on the top because of the vacated street and trying to get access to the other end of those lots.

Mike: Kim I also see your name is on the variance for the amended plat, would you like to comment on that? Kim: Regarding the variance, it was a little unclear on the original plat, that 60 foot access was already platted on the west side but it was never made into a road and so I wasn't really clear whether this access had to be made from that access or all the way from Tall Pine Lane, because the other access is platted we didn't change anything on that 60' access right of way that is existing there, it was always there. So I didn't know whether or not we needed to run a variance through for that distance, I would rather run it through if we need to or if we go by the letter of the law can that only be a 600' foot cul-de-sac rather than a 900' cul-de-sac, I guess is the question. We are saying 900' because the road was never built, which is about 120' longer than what the ordinance allows for that type of access. We felt it was good idea to the Tall Pine Lane is up against the BLM property. The reason for this access as Karen already explained, lots 18-21 could really be accessed from this direction rather than over the hill from the other way. It makes more sense to do it this way attached to the access that is already there.

Mike: Thank you Kim. The next name on our list is Ken Corbridge.

Ken Corbridge, P.O. B. 2751 Pocatello, Id. 83206, I own lots 10 – 11 and I wanted to let you know I do not have any problems with them vacating Tall Pine Lane, I am the only one that is really affected by it. One point I would like to add in comment, if you worrying about the BLM access into Tall Pine Circle, technically there is a cattle guard at the west end of Tall Pine Lane, which there is already BLM access into that and always has been. So they are not getting a new access, it has always been there. Do you have any questions for me?

Mike: Thank you Ken. Is there anyone else that would like to comment on the amended plat or the road variance? Any rebuttal or clarifications? Thank you ladies and gentlemen, at this time we will close the hearing for public comment and open for the board's discussion.

Kirk: Fire hazard, all fire hazard, can you clarify that a little bit? Karen: In each zoning district, when it is filled with a subdivision, we request that there be fuel breaks and also the cleaning up of dead fuel. Kirk: Which appears on some of those photos, quite substantial. Karen: Exactly, Stonegate has made a point of cleaning there's up so I really haven't had to dwell on it, but in some really tough drought years we need to really be specific, it is in the code, the developers need to do it. There also is defensible space that needs to be created around a home when it is built, you can't address that in this particular instance because we not looking at homes we are looking at building sites. Linda: Are the developers responsible for that or the people that buy the lots? Karen: No, the developers are. We give them a condition of approval to remove the dead fuel in order for them to get approval for their project. Bill: This is nothing new. Karen: No, this has been in all zoning districts since '91. Kurt: Who enforces this? There have been a lot of subdivisions that have been approved that have never cleaned up. Karen: Well, they would have 2 years to complete this project, and in order for me to give them a certificate of compliance saying they have meet all the conditions that you have set forth, then when I go to inspect the cul-de-sacs that is one of the things I would need to look for is to make sure they have removed the dead fuels and created open space and that can be done with roads. Kirk: The fact on this was 200' in width; give me an idea of what we are talking there? Karen: You have a 60' road right of way that can be used as fire buffer.

Rich: I make a motion that we approve the plat. Rod seconded the motion. Mike: What about the road? Rich: That is separate. Karen: Yes you have to do a vote on that also. Mike: Do we want to put any conditions on that? Rich: No. Mike: We have a motion that has been seconded for approval of the plat, we did discuss earlier we will need a letter from Fall River Electric, approval from BLM. Fire Barriers. All those in favor? Motion carried unanimously.

Rod: I move we also approve the road variance of the cul-de-sac? Dirk: Seconded the motion. Mike: We have a motion that has been seconded. All those in favor? Motion carried unanimously.

Public Hearing – Storage Units 509 N. 2600 East – Michael & Donetta Adams

Mike: Karen would provide us with the legalities. Karen: The property has been posted, notices went out to property owners and legal notices were published in the newspaper. Mike: Are there

any board members that have a conflict of interest? No members had a conflict. Thank you.
Karen: I only have one drawing so we will pass it around. Mike: Karen, would you read the board your report. Karen: Read the report copy attached. Mike: Any questions for Karen? Karen, do you have any letters to read? Karen: Read letters from Claude & Kathy Rhodes and Sid and Adrienne Keller. Copies attached. Rich: I'm familiar with the Island Park Building Codes, as far as zoning goes, commercial versus residential. Isn't there anything here in St. Anthony that has been zoned commercial? Karen: There is not in '97 when the professional planner went through and put commercial node areas, that were to address a 34-mile city boundary, and it was only designated for the Island Park Zoning District to have commercial node area. Rich: So St. Anthony can build commercial in residential? Karen: Correct, if it can meet the zoning regulations, yes. Rich: OK. Mike: Do we have any more questions for Karen? Do you have anything else to add, Karen? Karen: I do not.

Mike: Mr. Adams are you representing yourself? Would you come up to the microphone, state your name address and anything you need to add to this proposal.

Mike Adams, 509 N. 2600 E., St. Anthony, Id, I don't have anything to add at this time; Karen came out and inspected the land. According to the information she gave me at the time, this 265 ft. square area in non-productive, not irrigated, it's just foul land. The property immediately behind this proposed site is irrigated and is not eligible to be developed. To assure everyone that this is not a massive project we want to put up 3 simple tin buildings with steel garage doors, that is all there is to it. Mike: Are there any questions for Mr. Adams? Dirk: I do. Are you going to build these buildings yourself? Mike Adams: I'm working with a contractor right now, Rick Abegglen. Dirk: I think that is one of the biggest concerns, I have driven past, and my concern is that they are constructed in a sound manner, but they will have to meet the international building codes. Karen: Yes they will. Mike Adams: I just paid them \$800 to inspect them when they are done, so yes, they have to meet the codes. Dirk: They will have to inspect them as they are built won't they? Karen: Yes. Dirk: Step by step, concrete, step by step by step. Karen: I don't want you to be confused; my inspection is for zoning only. Mike Adams: Yes, there are other inspections that will be involved in this. Karen: There will additional fees for the building permits. Mike Adams: Yes, I know. Bill Smith: Did you say you are contracting with Rick or discussing it with him? Mike Adams: Well, I have been trying to contact him, but he is building his own home at this time, and he says he is not going to be able to come out and help me until he gets that project completed. As far as signing contracts we have not signed a contract yet. Bill: So you will be hiring a professional contractor? Mike Adams: I'm completely disabled. I can't build these myself. I simply can't do it. Cathy: What kind of insurance do you have to carry when you have these types of structures? Mike Adams: I haven't discussed that with insurance agent yet. Mike: Are there any other questions for Mr. Adams? Rich: Are you planning to put up any type of barriers around the outside, like trees, to keep the buildings out of site? Mike Adams: It is our intention to plant trees around all four sides of the property. Karen: I made it a condition of approval that he would have to meet appendix K for buffering. Trees would have to be planted around it because he does have residential homes around his property and that will separate the land use. Cathy: Is there a time limit on the buffering? Karen: It will have to be two years. Dirk: Did we talk about a security fence? Karen: We did, and when I looked we didn't have anything that addresses storage units. Mike Adams: Where the buildings are going to be locked up and there will be nothing stored outside the buildings, there is not requirement in the code for a

security fence. Karen: And what I stated to him, is, even though we do not have any requirements, that may be a request from the people that want to rent storage units. They may want to know that there is a security fence around the perimeter. Mike: Any other questions? Kirk: In that section, off street parking and loading. Does that mean all snow storage between these units, or all snow will have to be totally removed from? Karen: He has to clean that out so that it does not narrow the pathway. He will have people that will want to back in or pull into each of these storage units. The snow storage cannot reduce down the meet. Kirk: The width is just meeting the requirement now, and any snow storage will have to be totally off of this. Karen: Snow will have to be totally removed and he has 10 acres of ground which he could do that. Linda: Who monitors that stuff if it doesn't happen? Karen: I would have to be the one. Same this I would have to send him a letter and he would have 30 days from the receipt of the letter to correct. Mike: Any other questions for Mr. Adams? Ok, thank you Mike.

Mike: At this time we will open for public comment. If you will come to the microphone, state your name and address and please limit your comments to three minutes.

Shelby Tuckett, 523 N. 2600 E. St. Anthony, Id. One of my concerns is will with buildings on the property have to be maintained to meet standard code. Karen: The existing buildings are grand fathered; I can't go back and correct the buildings that are already there. We can only take the project that he is requesting today. Shelby: Ok, so if his buildings that he has now are not up to code he can build these new buildings? Karen: He would have to meet the building codes that we have in place today. Shelby: I object to having this done. It is an eyesore, Fremont County is an eyesore wherever you go and where I live in this area I would like to do some changes. I feel there is where I can start, if I can and I'm not against anyone trying to make any money I would like something to happen in Fremont County so there wouldn't be so many eyesores. That is all I have. Mike: Thank you Shelby: Dirk: If you are interested in changing some of the codes and all that, I suggest you get a copy County building codes and go through that and talk to us. Come up with some ideas. That is what we do, come up with ideas and discuss it, see if it is feasible and I suggest you do the same thing. Mike: We welcome all suggestions, ideas to help improve, Fremont County itself. Thank you Dirk. The next name is John Moser.

John Moser, 2589 E. 538 N. St. Anthony, Id. I agree with the eyesore thing, I think there are too many parked cars, junked cars, buildings that are half tore off, houses that are not finished. I'm opposed, I'm afraid this is how it is going to end up again, it is just more stuff moving south eventually. I just don't think it will be kept up, because I have been there for three years and it just goes worse, not better. I've tried to clean up mine, I cleaned up 5 acres, got rid of 5 cars, bus and I just everything out to take their time and think about this. It is not really commercial, the only thing else is the tax place and the Relay Station, and everything else is residential. Thank you.

Mike Davis: Is there anyone else that would like to comment to the audience this evening? Is there anything that needs to be clarified or rebuttal? Karen: I think that we need to let the public know that the county does not have a compliance officer. So any of the land use issues that come to our office, I'm required by law to send a violation letter and I have to give the property owner 30 days notice. As far as junk cars go, there is a separate county ordinance that does not have anything to do with zoning and you are more welcome to file a complaint with the prosecuting

attorney and then he can let you know what the county ordinance is and I remember you can have only 10 junk cars. The only way that can be changed is by people complaining and wanting something done. You have the right to go to the commissioners and request that these things are changed. That is exactly how it works. I should clarify the 10 junk cars started with a gentleman that had an automotive repair business that had more than 10 junk cars, so they figured they had to come up with a number somehow. It doesn't mean that the public can't go to the county commissioners and prosecuting attorney and ask for stricter guidelines. Mike: If there are no more public comments, at this time we will close this for public hearing. We will turn this proposal over to the board. Thank you.

Rich: I have a problem with this commercial going into a residential. There may not be an ordinance against this, but if I had a residential home out there I wouldn't want storage units going up by me. If I knew I moved into a residential area commercial was put in right after it, especially with track record of junk cars and junk buildings. That is my opinion. Kurt: I think sometimes it is easy to form an opinion, right now, however we need to realize this grand fathered in and there is nothing we can do. However, we are bound by the code that whatever is going to be constructed new. It will have to be darn well up to snuff, up to construction and up to meeting that which Karen requires, even though the siding on the sheds and the house needs some improvement, there is nothing that actually, this allows him to go ahead with this project. We have to be very careful with that and so we need to be objective with what is happening now we cannot look at what happened yesterday or two years ago. So basically a new page on him, on that property. We can't look back at what has happened there, we have to be very careful. I agree, I don't like commercial and mixed with residential. But we don't have an ordinance now that we can say no. Linda: What happens Karen, if it isn't kept up? Karen: There are two things that can come into play. If it looks like there is a safety issue, then through our building code we a right to enforce and condemn a building. Then my part of it for zoning I can send a letter and if nothing is done within 30 days then I turn it over to the prosecuting attorney. I have also been in contact with a land use attorney that is on retainer, so if we don't get anything from the prosecuting attorney, we can also send it to the land use attorney and ask him to site. Linda: Can they just abandon it and there it sits empty with nothing being done to it? Karen: Well as it is being constructed we give everyone one year, in the Island Park area we give them two summers because the building conditions are different than they are down on this end. If we do not get any notification after 180 days or 6 months through inspections, we have a tickler file inside the computer that will tell us that we need to send a letter out and ask what is going on with the project, if we do not get a response, then the building inspectors will do an onsite and report back to us and then we will make a decision as to what needs to be done. The building permit can be revoked or if there are some major issues going on with the construction then it can be turned over to the prosecuting attorney. Kurt: If the building permit is revoked and 11% of the building project has been done, from all those 120 units we have and they are not done, just a little here and a little there. Do you see what I mean? Karen: Then that is an issue we would take to the prosecuting attorney. Kurt: I think that is the big concern. Karen: I totally understand, I agree. Kirk: So you are saying they have a year from the time the building permit is issued? Karen: From the date that we issue the permit, we are going to expect some kind of inspections within a six-month period of time. You have to allow a certain period of time from the time that the footings and foundations are poured that they have to have framing. But the permit is valid for one year then accordance with the international building code, after the one year time frame has

expired and we have not received any calls for inspections or whatever. It is up to us to go and do an on-site and notify the property owner and ask them what is going on. What their intentions are, for financial reasons or whatever they cannot finish the project they can ask for a one-time extension of 180 days or 6 months. Kurt: That is only a one-time extension right? Karen: Right but we do try to work with people; there are illnesses that happen with the property owner or whatever. It is based on a case-by-case basis, but actually the building codes state that you can only grant them a one-time extension. Linda: But say 5 years down the road he abandons them and they go to pot, will someone or the county go in and tear them down or what? Karen: That could be a very big possibility, if we get a complaint, the building inspectors would have to go out and do an on-site and they would have to determine whether we would have to condemn what is there because it is not safe, but there is a clause in the building code that the county can go in and condemn a building, they can bring in county people to remove the structure, but it is absolutely billed on the property owners' taxes. Rich: The codes call for concrete floors, I assume? Karen: Yes or treated wood. Rich: Note pole barn? Karen: If it is a pole barn structure, then they will be required to have structural engineering, they cannot walk in the door with a hand drawing, we want to see exactly where the load calculations are for the roof and what is going into the ground. Kirk: And that is all part of the international code? Karen: The international building code, yes. Bill: So she has covered it pretty much all the way through. Mike: I can pretty much understand where his neighbors are coming from. My place isn't the cleanest either and need to make an effort to get mine more in order. My brother and I had the scrap people come and haul off three semi loads. I guess we as neighbors should do when we have something that isn't in order and we aren't using it anymore it should be taken care of. Karen: You have a conflict that is there besides our rules and regulations. You have agricultural use and you have farmers, ranchers that have tractors, trucks, whatever and if they don't run they are sitting on site also. But then you mix in a small family home that is trying to fit into agricultural use then put a residential home inside that you are going to see all different kinds of land use. I think what it amounts to is these kinds of issues, junk cars or whatever, turn it into our office, turn it into the prosecuting attorney's office and don't be afraid to go to the county commissioners and say we need stricter guidelines to be put into place. Mike: I have my reservations about commercial in residential as of now we have nothing in the code that we can use to protect us. Karen: With the buffering part of the code, that is to address that we have a different type of land use going on. Yes, it is going to take time for trees to grow, but there is one glimmer of hope with the code of trying to determine two different types of land use going on. Mike: I agree, but as neighbors we all have to make our places look as presentable as we can so that it reflects on our neighbors. But as the code states this building will have to meet these requirements and there are steps, if it doesn't, that can be taken. Most people won't follow through with those steps, I'll complain but won't follow through with any paperwork. Kirk: I think that based on the information we have that the requirements that are within the county, the building codes that is going to police this situation, we are concerned with the surrounding neighbors and I think that has been thoroughly expressed amongst all of us that we have to deal with the facts before us and the information based on the code. Again we all have to step up to the plate as good neighbors once in a while, if there are problems we need to correct them but that isn't in the code or the handbook that we are dealing with at this time. We need to address the information that is here and the requirements of that and if the requirements are not met we will have to deal with that at that time.

Kirk: I make a motion to accept this. Kurt: I second this. Mike: We have a motion and a second that we accept this proposal. All in favor with the exception of Rich who abstained. The motion carries. I just hope Mr. Adams will be as good a neighbor as he can so his neighbors will be satisfied with the project he is undertaking out there and it doesn't become a problem. Thank you. Kirk: In the future on these situations, in my right mind, I probably wouldn't, even those I know those doors are going to be locked, it is not going to be a lighted area. Karen: When I did my onsite I told him, you can build these, but you need to be totally aware that the public may look at going somewhere else because they know there is not a security fence. He feels that he is going to be able to have one approach in which is right into his home he should be able to see from there. I did warn him. Kurt: I think we need to discuss this in the future, because we are going to have more of this coming up especially in Island Park, with boat, RV storage and everything else. Rich: There is not enough commercial land available for that. Karen: If you guys want security fences included in the code? Kurt: What if we make this code change, will a place like this be granted? Will this be grand fathered in? Karen: Yes, you can't go back. I think the reason the county has not address junk cars is they have to have a compliance officer. They have to have someone that can go out and site those homeowners for those county ordinances. They way it is right now the public has to literally go in and sign a complaint before the prosecuting attorney before legal action can be taken. Mike: I would like to see them do it. While we are addressing this I would like to see them reduce the number of junk cars from 10 down to about 4. Karen: It is a separate county ordinance, which has nothing to do with zoning. But you as a zoning board can write a letter and make a recommendation to the county commissions that you have had enough complaints come in that you feel they need to redo that ordinance. Kirk: I think that is going to influence a lot of our decisions, you know if this goes on I think we need to have some teeth in that matter too. The county needs to have some teeth, because people that have residences out there that are trying to, it is a large investment and we need to look at that. Kurt: We agree, but there was nothing there. Mike: There was nothing we could deny. Kirk: We expressed our concerns and I think they were very well felt, that the board was concerned about this situation. Linda: When they made the commercial and residential nodes in Island Park, why didn't they do it at the south end also? Karen: Because, at the time the issue in the Island Park area was not having commercial business spread out 34 miles long. Because the minutes you started at Last Chance, you were going to see commercial buildings all they way through, there were properties still available designated as commercial use especially platted sub divisions and there was still private ground where there was already commercial use going on and so it had to go to public comment, public hearing, it was decided that certain areas in Island Park, what that looked at were areas that there was growth for commercial businesses to expand to, they kept 8-9 different commercial node areas in the Island Park area and it was specifically to address because they had such a long city boundary. They didn't want to see commercial businesses popping up all over, try and put it in areas that they already had commercial businesses going. Linda: Who made that decision? Is that something we can look into for doing down here? Karen: It is something that is created as you as a board, you take it and write it up the way you want, have it reviewed by an attorney, then it goes to public hearing and you listen to public comment and at that point you are truly basing your decision off public comment. There are no rules in the codebook to tell you yes or no. It is strictly what the public wants to done. But I need to tell you I have a score sheet, certain things that you are asking a developer to do. When you start to put in commercial node areas, now you are starting to expand into, you are saying in this area this is the type of zoning that is going to happen which is quite normal for cities and counties to do, it is

just that we are unique that we use a checklist but it doesn't mean that we can't have a little bit of both, I'm not saying that you couldn't have it for the Ashton area and the South Fremont area. What you would want to do is take maps and map out just exactly where there is commercial use going on right now and especially with the areas of impact with each city. They are going through and they are going to be designating where they want to see commercial growth also. Dirk: Is home base businesses considered commercial or are they separate? Karen: There is an appendix that actually goes through and lists that they can have one employee outside the home and they can have 42 family employees but they can only have one outside employee. They have to provide parking for employees and they type of business they are going to be running you have to know what type of traffic there is going to be, if you have cars coming in there everyday non stop 8 hours per day. It is probably a type of use that needs to go before the planning and zoning board. But for a home based business, Mr. Adams that runs the tax service business out of his home of someone that wants to be a beautician, if they can meet the criteria of the home occupation we can usually meet that with a Class I permit.

Final Plat- Silverhawk Subdivision 9-10 Lots - Roger Ferguson - Cancelled

Sketch Plan- Ashton LDS Seminary Building – New Proposed Location

Mike: Karen would you like to report?

Mike: Karen, please give us the details. Karen: They propose to move the site not too far from where the original approved site was. So you have in your packet a map of Ashton. Basically the new site is right in here. The cemetery Ashton sits here and here is the new high school. They propose to move the project up here, the city has asked to designate and expand Maple Street out further. This will be located next to where they are proposing to extend Maple Street. I told Mr. Nielson that because we are actually moving the site they are looking at purchasing a different piece of property, we need to go through and redo the public hearing so we have it on the right parcel of ground. Mr. Nielson is with us tonight to discuss the project. Also in your packet is a site plan that shows where the proposed parking would be and also the elevation of what the building would look like. This is for the seminary building to be built close to the high school. Mike: Mr. Nielson would you like to come address the commission?

Scott Nielson, Nielson? Architects, 990 John Adams Parkway: Just a little background here, the troops originally purchased two acres up near the railroad tracks from the original land seller, it was not from the school district. The concern was the distance between the high school and the seminary building, especially in incimate weather. There was a member of the school board that has since given up his seat, who felt was that position and the relationship between the high school and the seminary should be closer if it could. So we then worked with the school district to move the site down to just north of the extension of Maple Street. Before we could get into this they said there was a piece of ground closer to the city again just north of Maple St., again we worked on that for several months, just recently the board indicated they did feel like they could do that. So we are back again. We are on our third site and on our second site with you folks. I'm not sure that we won't be back again. We are going to give it a real try; we are running out of time. We understand they will occupy the high school in fall 2004 so we are trying to get all the planning and approvals out of the way this fall and winter so we can bid early in the year

and start building this little building. I'm going to be really frank with you, I just found out today, the school district is still offering the land up there but they are talking about changing the configuration to about 150' in the east/west direction and 500' in the north/south direction. I don't know if that is going to effect the layout we've shown you a great deal. But I want you to be aware of that, if we need to come back with a new configuration when it is settled we will, but in principle we are there, you can see that we are complying with the number of parking spaces that were required with the original permit application, we won't be accessing the county road as the site plan indicates. Based on that this afternoon, we have to make a decision to stay on your agenda and come in see if we can get approval in principle with the idea that the exact width of the property may change. Linda: Can you show us on here where it will be then? Scott: I'm just trying to decide where it will be. This is a copy of the original site, what we are proposing now, is you can see the Maple Street extension, the site will be just north of Maple Street so just take the original site and just slide it down to the south. Kurt: Are you planning on using city sewer and city water? Scott: That has been really interesting. Another reason to get the site over by the city of Ashton was the cost of the utilities. We hired some consultants to give us a cost estimate, because of the size of the water line we have to have for fire code, and the rock profile and the sewer line we were looking at somewhere in the neighborhood of \$150 - \$175 to get utilities to this little tiny building and that is still not resolved, because we are relying on the school district good will to allow us to extend utilities through their property and in conjunction with that share a ????? with the city of Ashton. You are probably aware that has not been the smoothest either, between the city and the school district. So before we can work something out with the schools, the school has to work it out with the city. So at this point and time, what I have been instructed to do by the church is to pursue a commercial permit in the county, without the idea of annexation and with the idea that we would restore all utilities. That may change again too, but after a year and a half that is what we are asking. Kurt: The church is right across the street there? So the original thought was to connect all those, to eliminate a waste field. Scott: The hope was that if we were to extend the utilities to the seminary site, then for x amount of dollars it could be extended across to the church, which is just across the county road. Karen: I hate to put another curve, but in order for us to go to public hearing we'd absolutely have to know what you am going to do for utilities. So if you go to District 7 Health Department and they are more than willing to give you a septic permit, and Idaho Dept. of Water Resources allows you to have an individual well, I don't have a problem taking you through public hearing. I don't think it is fair to the board to bring your project and kind of, maybe, we might. Scott: I understand, until this morning I thought we were set. In fact I'm surprise that you are having this hearing without the land lot set, location not set. When we made the application with you we looked like we were ready to close on a piece of ground and we understood the city utilities were going to be available to us. I apologize, I thought we were going to be in a lot better position to come and talk to you tonight. Karen: I don't have an issue with him coming back to public hearing, if we give him a list of items that we need to have in place. Scott: We are accustomed to not being able to buy a general building permit till we have everything approved. So we are perfectly amiable to have you make that a condition. Karen: I guess my best recommendation to you is I would need to have applications, drawings, everything we need before the hearing. Scott: You had given me a date of August 25, 2003 to make submission before the September meeting. Karen: That would be great. I have tentatively put you in a slot for September's meeting, which will be the 15th. Let's see what happens within the next week to 10 days. Scott: So if I get back with you a site plan that is firm, what else? Karen: Discuss with District 7 Health Dept.

Kurt: I would like to make a motion to approve the Seminary Building in Ashton with the conditions that they will have all the necessary paperwork, location, Sewer system with District 7, Idaho Water Resources, Utilities, DEQ. Karen: We will want to know if the power company can provide you. Rich: Seconded the motion. Mike: We have a motion that has been made with a second, on the Ashton LDS Seminary, with all the conditions that have been stated, all those in those in favor. Vote unanimous.

Sketch Plan – 4 Lot Subdivision- Henry’s Lake Area – John Hopkins & Rick Byrem

Mike: Karen would you report on that. Karen: This particular piece of property is located on Highway 87 going toward Ennis. There a subdivision that sits behind this parcel of ground, which is known as Yellowstone Acres, and the developer of Yellowstone Acres has sold this piece of property to Kim Lolo and John Hopkins. They requested to have some land divisions. I have spent probably the last 6 months of trying to change and make it a rule of thumb that if we are looking a 4 lots or more we need to have them platted and get sewer, utilities, access addressed. At my request, they are here with this proposal and this property sits next to Highway 87 so they will require a permit from Idaho Dept. of Transportation. But we would like to have shared driveways. These would be 4 individual building sites with individual septic and wells. There is a community sewer system that is owned by Yellowstone Acres that is near this property, but the subdivision owns the sewer system and cannot be looked at as a community sewer system as we know like Mac’s Inn or Last Chance. The best things we can have them do is go to District 7 Health Dept. and see if they will issue septic for these 4 lots. We have with us Ricky Byrem to represent the project so if you have any questions you can ask Rick.

Mike: Rick will you come up please. Rich: The access from the highway? Karen: This is a shared drive way, they would have to get a permit from the Idaho Dept. of Transportation. They have a distance of 450’ in between each driveway; it is between 400’-500’. Bill: Is there a frontage road between them and the highway? Karen: They are only asking for a shared driveway for these two lots. This will have a frontage road running along there. For safety purposes, IDT would let them do that.

Rick Byrem, Box 247, Swan Valley, Id. This is John Hopkins who is a partner in this project. Karen has presented all the facts in this simple subdivision. John do you have something to add to this. ????? I talked to them and he said he see a problem with it. ????? Mike: The question I have on this, you are entering down here between lots 3 & 4 and then you are going to come in on this far end and you will need an easement to access lot 2. John: There is an existing easement where it is right now, it is already in place. We are going to have to build one between 3 & 4 and if anything we are going to use that for that 30 foot easement or we’re going to move it down between lots 1 & 2, just like it is between 3 & 4. Karen: You will be required to get something in writing from the Idaho Dept. of Transportation. John: We spoke with Ray Walsh and went in there a couple of times and he said there was no problem. Kurt: Do you have the right of way? John: They said we could have access and it is a \$500 firming fee.????? Karen: How close is this to the entrance to Yellowstone Acres? Is this on the east side or west side? Rick: East side before Yellowstone Acres and between lots 3 & 4 ????? Mike: Do you have any questions? Bill: This area behind here is that part of Yellowstone Acres now? Karen: No Doug O’Brien owns it. Part of this is actually for Yellowstone Acres sewer system. Rick: Yes, the sewer system for

Yellowstone Acres is an underground treatment kind of an unusual system. It is actually on the other side of the property, on the west side of the property. Yellowstone Acres actually sits on the side, not behind. Karen: That's true. Linda: Can they use the sewer system for this? Karen: No it is a private system and I can't legally require them to hook to that system even in our development code it says people that have property within 220' or 420'. When it is a private sewer system that they are handling and their homeowners association pays fees to have upkeep to it, I can't force these people to hook to it. If it was a community sewer where the county owns then yes. Mike: Does anyone have any other questions?

Dirk: I make a motion to approve the sketch plan. Kirk: Seconded the motion. Mike: We have a motion that has been approved with a second to approve the Sketch Plan for the 4 Lot Subdivision in the Henry's Lake area. All those in favor? Vote was unanimous.

Administrator's Report

Mike: The next item on the agenda is our administrative report, Karen. Karen: In the back of your packet is the building reports for July that is all I have for the administrators report.

Other Business

Items to discuss the Sonoran Institute emailed the morning and they are running a little behind so they have not decided which counties are going to be allowed to go to their Red Lodge Montana forum that they are going to have in October. I think Kurt Eidam's came up. In the meantime I have had two commissioners ask to go, Gordon Smith and Don Trupp. They have items on their own personal agenda as to what it costs the county for development. Those are items that the Sonoran Institute can help us go through and determine. The only other this I have is the Idaho Planning Association Meeting is coming up the 24th -26th, this is at the Center on the Grove, downtown Boise, I do have some monies available if anyone is interested in going. It is a good opportunity, they have different sessions for each of you to go to, 2-3 different modules that would be going on at the same hour and you can pick and choose which ones you would like to go to. Usually the last day is probably half a day. If you guys want to go, I would really like to see some of you or all of you go. Let me know by Friday, August 22. No, Connie, Rich, Linda, Bill, Dirk.

Rich: Next month we are going to start meeting on Wednesday nights. Karen: Let us get through September. Kurt: So October on we are going to start on Wednesday's. Karen: I have to have time to notify the developers that we are meeting on Wednesday in October. Linda: We are doing this on Wednesday instead of Monday? Karen: That is up to you guys. We need to go into executive session for potential litigation.

Motion to go into Executive Session

Dirk: I make a motion we go into executive session for potential litigation. Kurt: I second that. Mike: We have a motion that has been seconded that we go into executive session for potential litigation. All those in favor. Motion was unanimous.

Kurt: I make a motion we go out of executive session. Rich: I second the motion. Mike: Everyone has to step out please.

Motion to Adjourn

Linda: I make a motion we adjourn: Connie: I second that motion. Mike: All in favor. Vote unanimous. Meeting adjourned at approximately 9:35 p.m.