

1 Fremont County Planning
2 & Zoning Meeting Minutes
3 January 23, 2023
4 County South Bridge Street Meeting Room
5

6 The Fremont County Planning & Zoning Commission met in a scheduled meeting on
7 January 23, 2023. They met in the County South Annex Building. **Members in Attendance**
8 **were: Mike Lawson, Dennis Forbush, Loy Schroeder, Cathy Koon, Tiffany Marez, Reeca**
9 **Marotz, and Jim Jorgensen.**

10
11 **Members not present.**

12
13 **Staff and others present:** Tom Cluff (Admin.), Karen Daw, (Sec.); Greg Newkirk (GIS); Ben
14 Simmons (Admin.)
15

1. Call to Order, Welcome, and conflicts in agenda, ex-parte communications
1.1 – Elect Chair and Vice Chair—Action Item.

16
17 Mrs. Schroeder called the meeting to order and welcomed the new members. She also asked that
18 the audience silence their communication devices during the meeting. She asked Mr. Cluff if
19 there was proper notice of this meeting.
20

21 Mr. Cluff stated yes there was proper notice.
22

23 Mrs. Schroeder asked if anyone of the commission has any conflict with the agenda, (there were
24 none). Mrs. Schroeder appointed Mr. Mike Lawson as Sargent at Arms for the meeting.
25

26 Mrs. Schroeder stated that we need to elect a new Chairman and Vice Chairman for this year.
27

Mr. Lawson nominated Mrs. Schroeder Chairman.

Mrs. Koon seconded.

**Mrs. Schroeder was unanimously approved to be the Chairman of the Fremont County
P&Z Commission.**

Mr. Lawson nominated Mr. Forbush for Vice Chairman.

Mrs. Marotz seconded.

**Mr. Forbush was unanimously approved to be the Vice Chairman of the Fremont County
P&Z Commission.**

43
44

**2. Approval of Minutes:
2.1 - November 21, 2022- Action Item.**

45
46 2.1 November 21, 2022 minutes.

47
48 Mrs. Schroeder asked about the approval of the minutes with only three members that were at the
49 last meeting.

50
51 Mr. Cluff stated that it would be ok to approve with the three members.

52
53 **Mr. Forbush made a motion to approve the Minutes of the November 21, 2022 meeting.**

54
55 **Mr. Lawson seconded.**

56
57 **Motion approved unanimously.**

58
59 Mrs. Schroeder stated that the new members could read the minutes on the website to learn about
60 them.

61

**3. Public Hearings:
3.1-2306 Trails End LLC—Rezone (#22-087) – Action Item.
3.2-Klassen Stoddard—Class II Special Use Permit (322-116) Action Item.
3.3-Edward & Barbara Stasiewicz—21 Lot Subdivision (#22-111)—Action
item.
3.4-Pete Davis—Class II Conditional Use Permit (#22-123)—Action Item.**

62
63 Mr. Cluff stated that we have four new members of the Commission since some had expires.
64 They are Jim Jorgensen from Ashton, Reeca Marotz from Island Park, Tiffany Marez from Egin,
65 and Cathy Koon from St. Anthony.

66
67 Mrs. Schroeder stated we are still looking for members from the Teton/Newdale area.

68
69 Mrs. Schroeder stated we are in public hearings now and we will be voting on it.

70
71 Mr. Cluff explained the packets for the new members are and when they will get them.

72
73 3.1--2306 Trails End LLC—Rezone (#22-087).

74
75 Mr. Cluff stated Jared Arnell of Rigby is seeking a rezone from Higher Impact Commercial to
76 High Impact Commercial on 0.45 acres of land located on Trails End street not in the impact area
77 of St. Anthony. We have an impact area agreement with the City of St. Anthony that basically
78 says, in a defined area around St. Anthony, the City's rules apply including their zoning, and we
79 enforce them. That way the City can plan for the future growth of the city and what happens
80 with that impact area will fit in with the City's long-term vision. This proposed rezone will

81 allow the owner to build a 6 plex instead of previously-approved 4 plex. Many years ago, the
82 owner of the property got the approval to build 4 4-plexes. He built two and the remaining two
83 he waited on, but the approval was still valid because of the way it was worded. He sold this
84 property to the current applicant who started to build one of the 4-plexes and wants to build a 6-
85 plex instead of the other 4-plex. He has a valid approval for a 4-plex, which means he can get a
86 building permit and build that. In order to build a 6-plex he needs a new approval. Because the
87 city's rules apply there now, he needs the city's zoning to allow him to do that. The Higher
88 Impact Commercial, which is what it is zoned right now, allows for Commercial and Industrial
89 uses but not for apartments. The way the city's language is structured, a 6-plex is apartments.
90 So, he needs a High Impact Commercial Zone which does allow apartments in a commercial
91 zone. That is what he has applied for. So, if you turn over the Staff Report on the Review and
92 Analysis section, we can walk through those facts he just said. (Mrs. Schroeder asked to see a
93 map location. He asked Mr. Newkirk to bring it up on the computer). We notified the city of this
94 application, invited them to comment, and we didn't receive any comment from them. The
95 property in question is currently zoned Higher Impact Commercial. High Impact Commercial
96 does allow multi-family dwellings, ("Apartments") as a Conditional Use. (table 6.2 of the St.
97 Anthony Zoning Code). A building permit for one of the 4-plexes was issued, that building is
98 currently under construction. This application, if you approve it, would allow the Applicant to
99 apply for a Conditional Use permit to build a 6-plex instead of one of the 4-plexes. If you deny
100 it, he still gets to build a 4-plex because it has already been approved. The City's
101 Comprehensive Plan Preferred Land Use map show that area a "Higher Impact Commercial".
102 Mr. Cluff stated we are going to talk about Comprehensive Plans, Zoning, and we are going to
103 try and get some training planned for the board so you can understand this stuff. The City has a
104 Comprehensive plan which says this is the way we want to grow. A zone change has to be in
105 conformance with the Comprehensive Plan, it can't be in odds with it. The City's Comp Plan
106 says here's where our future is going to looks like, here's the land uses, and zones where the
107 types of land use, and where they go to make our future the way we want. The City has a
108 Comprehensive Preferred Land Use map which shows the property in question as "Higher
109 Impact Commercial". They've said essentially, we want Commercial and Industrial uses here
110 and we don't want Residential uses. There is existing 4-plexes there you have High and Higher
111 Impact Commercial are the two zones we are talking about, they shouldn't be at odds with each
112 other. The City has a vision for the future that says, we are not going to approve new residential
113 uses here we are going to approve industrial uses here. The Comp Plan Land Use map shows the
114 property in question is Higher Impact Commercial and serves as a statement of the City's intent
115 for this area to develop. By selecting a designation that does not include residential
116 development, the City appears to intend that the long-term vision for this area is for higher-
117 intensity commercial and industrial uses where housing might not be a good fit. They have
118 articulated a vision for the future as much as it seems that this might not be out of character for
119 what's there. In order to change the zone to allow 6-plexes you have to do something that doesn't
120 fit the City's vision. Therefore, just because there is already existing dwelling, does not mean
121 that a change in zoning to a zone that allows additional dwelling is appropriate. Ultimately, the
122 standard for approving a zone change is that the zone change must be consistent with the policies
123 of the Comprehensive Plan, including the Preferred Land Use Map. (He showed the property on
124 the wall map). Because the way the City structured their Comprehensive Plan, there is not a way
125 to reasonably say the proposed rezone fits with it. Their plan is specific, only Higher Impact
126 Commercial in this area. Changing to High Impact Commercial would not be consistent. Our

127 recommendation is that P&Z forward the application to the BOCC with a recommendation that
128 the requested zone change be DENIED, for the following reason: 1. The requested change is
129 inconsistent with the City of St. Anthony's Comprehensive Plan Land Use Map. You are
130 making a recommendation because some decisions that come to you are decision where you are
131 approving something, a permit, and some decision are where you are making a recommendation
132 to the County Commissioners for them to approve something. You are doing a review and
133 analysis and making a recommendation. This time it is a decision that they make, and you are
134 recommending on, changes to zones are that. He asked if they have questions.

135
136 Ms. Koon asked when they approved the 4-plexes, you said it was not part of the Impact Zone.

137
138 Mr. Cluff stated that was before the city's zoning was in place.

139
140 Ms. Koon asked if the County approved the two apartments that are there.

141
142 Mr. Cluff stated yes, it was a long time ago.

143
144 Ms. Koon asked if Mr. Cluff stated they were already started construction on the 4-plex.

145
146 Mr. Cluff stated yes, there is was a 4-plex they already got a building permit for and working on
147 it now. Back in 2006 they did that.

148
149 Mrs. Marez asked if there was any other industrial zoning in the city besides this area.

150
151 Mr. Cluff stated we have High Impact Commercial, Higher Impact Commercial, Mixed Use
152 Commercial. He showed the zoning and such on the wall map for them.

153
154 Mr. Forbush stated, so the staff recommends that we send that back to the County
155 Commissioners.

156
157 Mr. Cluff stated that you send a recommendation to the County Commissioners that they deny
158 the rezone.

159
160 Mrs. Schroeder asked if there were areas around that which are not conducive to be living next
161 to. She asked if we know who owns the two lots behind the du-plex's.

162
163 Mr. Newkirk stated there is a residence and sawmill.

164
165 Mr. Cluff stated the law constrains how you act. You can't change a zone to something that is
166 inconsistent with the Comprehensive Plan. The fact that there are other things that are
167 inconsistent, those are also maybe be leftovers from some previous time or other decision the
168 city made. For us we look at the City's plan and say "it just doesn't fit, it is hard to justify to
169 make a zone change that is at odd with the plan we are trying to follow."

170
171 Mrs. Schroeder asked if there was anything else Mr. Cluff wanted to show the Commission.

172

173 Mr. Cluff instructed Mrs. Schroeder what needed to happen for the proceeding to go ahead.

174

175 Mrs. Schroeder stated there were none that signed up to speak. She opened the public hearing
176 for 2306 Trails End LLC Rezone (#22-087). Mrs. Schroeder stated that the applicant will come
177 up and give their name and address for the record.

178

179 Jared Arnell, 3612 E 300 N, Rigby, Idaho. He is not the owner of the property; the owner lives in
180 a different state. The owner gave him the rights to come and speak in his behalf. He has
181 worked with Mr. Cluff over the years, he respects him and his knowledge. However, he
182 disagrees for the reason of denial because the City's Comp Plan is under review and being fixed
183 as we speak. When he was in their office a few months ago they had received funding to hire a
184 city planner to come and fix their zoning. There are a lot of places even within town that allow
185 for very dense residential where the city doesn't want it so their doing a bunch of that. For this
186 particular area there is housing all around it. The two lots to the north of it owned by Don's
187 Glass, he spoke with him and he won't sell until apartments can be put on it. The area is zoned
188 for industrial uses south and east of it. It is already in the process of being developed for houses
189 on it. He has a will serve letter from the city that they will let us hook into utilities there and be
190 served by the city. He is not sure why they didn't respond to the request. He agrees that you
191 can't necessarily say that them not responding is an approval or denial. It wasn't elevated to
192 them enough to feel they should deny it. These are his counter points to the denial, they are that
193 the city's Comp Plan needs to be updated anyway. The area is being used for housing. Mr.
194 Arnell stated when he spoke to the city for a "Well Serve Letter" they issued it to him in an
195 email. He asked if there were any question for him as the applicant.

196

197 Mrs. Schroeder asked if the zoning for this area encourages a low-income type of housing.

198

199 Mr. Arnell stated he feels it does encourage low-housing.

200

201 Mrs. Schroeder stated we need lower-income housing for all of this area.

202

203 Mr. Arnell stated that lower income housing has a very negative connotation but doesn't have to
204 be built that way. He pointed out a building that is being built there, it is going to have different
205 siding and nice parking lots.

206

207 Mr. Lawson stated this isn't going to be a more transient housing then like Airbnb's is it.

208

209 Mr. Arnell stated no this is not the intent.

210

211 Mr. Lawson stated he has been trying to research a little bit, you just can't find any place to rent
212 in Fremont County. Where he is at, he doesn't think we need any more Airbnb's, but we do need
213 more rental housing.

214

215 Mr. Arnell stated He wouldn't want to commit on public that there won't be any Airbnb's use
216 there, but that is not the original intent there, he didn't think it would fit an Airbnb site there.

217

218 Mr. Forbush stated he wondered can we vote for this if the city hasn't actually approved it?

219
220 Mr. Cluff stated we are attempting to apply the City's rules. It may be the case that the city should
221 be willing to reassess their rules, or maybe they are reassessing their rules. But the ones we have
222 right now, they've adopted, we are trying to apply, say one thing and we are being asked to do
223 something different. If you wanted to approve it, the staff report kind of reflects this is not a
224 good way to say yes. That doesn't mean it shouldn't happen but maybe there should be some
225 other kind of application or discussion before this to get the city on board with the proposed
226 changes. For them to make changes to their policies, so that we can adopt those changes to those
227 policies. Under the rules that are in place now, he can't come up with a way to say "yes".
228

229 Mrs. Schroeder asked if there is any benefit for us to pass it with the condition, nothing can be
230 changed until the City changes their Comp plan.
231

232 Mr. Cluff stated the proper way to do that would be to deny it, and say this what you have to do
233 for us to be able to say "yes".
234

235 Mrs. Schroeder asked if there was anyone who would like to speak on the public hearing at all.
236 Mrs. Schroeder closed the public hearing to have commission discussion.
237

238 Mr. Jorgensen asked about the two buildings that are going to be in their now.
239

240 Mr. Cluff explained that there will be 4 total buildings.
241

242 Discussion about what there will be.
243

244 Mrs. Marez asked if it will be a bigger building.
245

246 Mr. Cluff stated we are talking about a rule change to make two more apartments.
247

248 Mrs. Schroeder explained it to her, the problem is the density and the zoning. Mrs. Schroeder
249 stated it is going against that zoning.
250

251 Mrs. Schroeder closed the public hearing at 6:29 pm.
252

253 **Mr. Forbush made a motion to the County Commissioners that the County Commission**
254 **deny the application—2306 Trails End LLC—Rezone (#22-087)**
255

256 **Mr. Lawson Seconded.**
257

258 **Motion passed unanimously.**
259

260 3.2—Klassen Stoddard-Class II Special Use Permit (#22-116).
261

262 Mr. Cluff stated the commission has a Staff Report about this one for Klassen Stoddard. Mr.
263 Cluff showed the property is out in the Chester area, located at about 694 N 3000 E, on the wall
264 map. It is 2.7 acres in size, the zoning is Rural Base. He came in last year and said he needs to

265 have an impound yard for his towing business. What is the proper way to do this. P & Z
266 commission advised him to seek a Special Use Permit. To do a use that is not allowed in a zone.
267 The application includes a site plan, which includes a house, and the property behind the house
268 and some information about it. Appendix U of the Fremont County Development Code includes
269 some rules for vehicle impound yards. In order to have an impound yard you have to have
270 screening. The outdoor storage and outdoor activity areas shall comply with "Outdoor Storage"
271 of this appendix. The fence or wall and screening materials shall be a minimum of 10 feet in
272 height, his sketch plan states his will be only 8 feet high, but our rules require that to be 10 ft.
273 Mr. Cluff stated no portion of the vehicle impound yard outdoor storage areas and/or outdoor
274 activity areas may be visible from any "highway", "interstate", "principal arterial", or minor
275 arterial" as herein defined. According to the map Mr. Cluff checked, the property meets this
276 condition. All materials or parts shall be stored and located within the fenced or walled area. No
277 vehicles or materials shall be stored so they exceed the height of the fence or wall. This is not a
278 condition that he meets before he gets the permit, he has to do this if you give him the permit.
279 Site Related Standards: All structures or outdoor activity areas shall be located a minimum of
280 300' from any property line. He doesn't know what an outdoor activity area is, our ordinance
281 doesn't define it. But, presumably storage is not an activity area, it is some other use. The use
282 shall be located a minimum of 1000' from any residential district. The zoning is Rural Base, it is
283 a rural zone. Our zones have Rural, Residential, Industrial, and Commercial zones.
284 The zoning is a rural base. It is not within 1000 of any residential zones. He is not building a
285 shop or anything within the impound yard. The use shall not be within a flood zone. This
286 property is one mile and half away from a flood zone. Looking those standards and checking the
287 boxes as to whether he meets them. We recommend that you approve this permit, with the
288 conditions, A. The Applicant will build a 10-foot fence rather than an 8-foot fence. B. The
289 Applicant shall abide by all standards and requirements of the Fremont County Development
290 Code, the adopted Building and Fire codes, and any other applicable law or regulation. That
291 basically says "you have to follow our rules".

292
293 Mr. Forbush asked if that is his residence inside the lot.

294
295 Mr. Cluff stated "yes", that is where he lives.

296
297 Mr. Lawson asked if there is a reason for a 10 ft. fence rather than an 8 ft. fence.

298
299 Mr. Cluff explained one reason would be, the rules that says nothing can be visible or stored to
300 exceed the height of the fence. There is a decent reason for it.

301
302 Mrs. Koon asked what an obscure fence would be.

303
304 Mr. Cluff explained it to her.

305
306 Mrs. Schroeder stated we will have the applicant speak.

307
308 Barrett Godfrey, 8643 E Hwy #33, Newdale, Idaho 83436. He is here to represent the applicant
309 who is out of town this evening. Given the staff recommendation, he would asked if there are
310 any questions that he could clarify.

311
312 Mr. Forbush stated that he is understanding is this a place he would bring wrecked cars to leave
313 them there for a temporary few weeks.
314
315 Mr. Godfrey stated for the last 20 years he has own and operated Newdale Towing, Klassen
316 recently bought it. For information for you, they have seen vehicles come in and leave within 10
317 days to 2 weeks, there are sometimes where there are abandon cars that they pick up from
318 roadsides or city streets. Idaho State Law requires that they keep them for 60 days before they
319 process paperwork so they can get rid of them. There is no intention to keep or part out any
320 vehicles beyond that time. As long as we are required to hold them and then to move them off to
321 a crusher or a salvage facility.
322
323 Mrs. Marotz stated the intent is not to become a wrecking yard, just a storage facility.
324
325 Mr. Godfrey explained they are required by state rotation requirements and there by the County
326 rotation requirements for the sheriff's office to have a secured impound facility. To meet those
327 requirements and fulfil our obligations to them.
328
329 Mr. Forbush stated that is why they want a 10 ft. fence so no one can see what is inside it.
330
331 Mr. Godfrey stated state requires a 6-foot security fence for their impound yards. He stated the
332 Mr. Stoddard is willing to go with a 10-foot fence.
333
334 Mrs. Schroeder asked, so, he is willing to go with a 10 ft. fence.
335
336 Mr. Godfrey stated "yes" he is. The attempt is to make this as easy for all involved.
337
338 Mrs. Schroeder explained what the public comments should be. Time limit will be 5 minutes.
339
340 Eric Olson, 771 N 3000 E, Chester, Id, mailing address is PO Box 151, Chester, Idaho. He is in
341 favor of this. He is a neighbor of Klassen, he has this towing company, he is a classy guy.
342 Everything he does is immaculate and top notch. Mr. Stoddard does a great job of his business.
343
344 Mrs. Schroeder asked where Mr. Olson lived.
345
346 Mr. Olson stated he lived about a ½ mile from Mr. Stoddard on that same main road. He stated
347 Mr. Stoddard tows stuff passed his house and he is super respectful, got no concerns with him at
348 all.
349
350 John Kay, 767 N 3000 E, PO Box 92, Chester, Id. He is neighbors with him, he is here more
351 representing Rod Griffith the bordering neighbor on the south and the east. He runs the cows on
352 the ground by Mr. Stoddard. He voiced that he hadn't had any problems with Mr. Stoddard and
353 is good to get along with, he says what he will do and does what he says. He stated that he does
354 a great job and good to get along with.
355

356 Mrs. Schroeder stated that closes that part of the public hearing. She asked if there was any
357 discussion.

358
359 **Mr. Forbush made a motion to approve Klassen Stoddard—Class II Special Use Permit**
360 **(#22-116) with the conditions listed in the Staff Report.**

361
362 **Mr. Lawson seconded.**

363
364 **Motion approved unanimously.**

365
366 3.3—Edward & Barbara Stasiewicz—21 Lot Subdivision (#22-111).

367
368 Mr. Cluff stated the Staff Report shows a site plan to the SE of Henry’s Lake near the outlet is
369 the property, it is about 85 acres in total. (He had written 83) There is two errors in the first
370 paragraph, it is 85 acres not 83, and it will be 22 lots not 21. He pointed out where he missed the
371 lot that was added. We go to the Review and Analysis Section; this property is Rural
372 Conservation. So, in our Rural Zones we have 3 zones, Rural Base, Rural Conservation, and
373 Rural Living. The uses allowed in these zones are basically the same, but the amount of density
374 or the number of lots you can create is different. In Rural Base you can create 20 lots per 100
375 acres, so an average of 5 acres per lot; in Rural Conservation it is 30 lots, which is an average of
376 3.33 acres per lot. The total land area is approximately 85 acres which would allow them to
377 create up to 26 lots according to the allowed density in the zone. The Rural Conservation zone
378 requires 65% Open Space, that means they need to have some kind of restriction on 60% of the
379 property that can’t be built on. The Preliminary Plat that was provided didn’t show where the
380 Open Space. If you decide to approve the preliminary plat you should attach a condition of
381 approval requiring them to include the open space in the final plat. They actually marked out the
382 open space and sent that to me, it was just too late to have it on the map today for this hearing.
383 They have a plan to provide it, they just didn’t show it on the plat. You could table the
384 application and ask them to show that to you, but it’s not necessary. A preliminary plat approval
385 doesn’t have to have all the details ironed out. It is for you to say, this development is doable,
386 now go do the engineering and pay the cost and give us a final plan that has everything correct.
387 When we identify that the open space isn’t on the preliminary plat you can tell them that you
388 need to see that on the final plat. There were letters in support of this subdivision that were
389 included in the materials you received to look over last week. The people that were just
390 appointed this morning haven’t got those, the other people could share them and that would be
391 good. The County received notification that applicants access rights to this property are
392 contested by other property owners. There is a letter we received before the application was
393 submitted that you were emailed a copy of. It was from T J Budge, he is an attorney in Pocatello.
394 The applicant claims that the property does have adequate access, there is a letter from Kip
395 Manwaring in the file. This is kind of a frustrating situation. When someone disputes access for
396 a subdivision, the courts have said, counties and cities don’t have the authority to say who is
397 right. We have letters from two attorneys saying, they don’t have access or “yes” we do. The
398 courts have said you don’t get to sort that out, that belongs in District Court. We don’t have any
399 jurisdiction, we can’t look at those claims and say, “this one is right and that one is wrong”. We
400 have to process this application and ignore the access dispute and if you decide to approve this
401 application one of the conditions that needs to be attached is, the applicant has to resolve this

402 access dispute in the proper venue, which is District Court. If you decide to approve it we need
403 to make sure that condition is attached. The subdivision name shown on the draft plat—The
404 Woodlands at South Henry’s Lake—is too similar, but they corrected that. The real name is
405 Whispering Woods, the plat on the back of the Staff Report has that name. The Idaho
406 Department of F&G has some habitat concerns regarding this property, they weren’t able to
407 submit those before the deadline of this meeting and said they would have someone here for this
408 meeting and they do. During the public hearing part of this meeting they will explain their
409 concerns to you. Now there is the Staff recommendation, you have to decide if you are going to
410 approve or deny the Preliminary Plat or table it. If you table the application you should be
411 clear about why you are tabling it and what the applicant needs to do before bringing it back to
412 you for reconsideration. If you deny it you need to be clear about the reason of denial. If you
413 approve the preliminary plat we recommend the following conditions of approval:

- 414 a. It is conditional upon the access dispute being resolved and the applicant has to do
415 that in District Court.
- 416 b. The Applicant must show the location of designated open spaces on the final plat.
- 417 c. The final Plat submission must conform to all the County’s (as well as the State of
418 Idaho’s) requirements for subdivision plats.
- 419 d. The applicant must follow all other applicable rules and standards pertaining to this
420 development.
- 421 e. The final plat application should include the name change, which they have already
422 given us a plat with the name change. And any other conditions of approval that you
423 determine.

424 Mr. Cluff stated when making your decisions, the P&Z should be clear about the reasons and
425 facts upon which they base their decisions. After making the decision, the P&Z should inform
426 the Administrator if there is anything they particularly wish to highlight in written findings. You
427 want to be clear why you are making the decision you are making. Again, there are three
428 options, Deny, Table, or Approve and a list of recommended conditions if you decide to approve,
429 he is not coming out and saying you do A or B, he thinks denial is not the right move to do at this
430 stage. But tabling or approving, either one works fine. He is not sure there is a strong reason to
431 table, but if you need more information you could do it that way.

432
433 Mrs. Schroeder stated she has a question about tabling, if we table it now because of the open
434 space that we sort of have but don’t know for sure yet, what is the delay for the owners on that.
435 Not that it sounds that they will get far to fast because of access. If we table it now is it better
436 now than tabling it later?

437
438 Mr. Cluff stated if you table it now, they have to come back and do preliminary plat before final.
439 You are adding another step that under our ordinances that is not necessary. If you decide you
440 are really uncomfortable with moving forward without seeing that open space then “yes” you can
441 table it. He has seen it is open space just like the other plats we’ve done. It buildable envelopes,
442 and the rest is preserved, he doesn’t know if we necessarily have an objection to how it’s done.

443
444 Mrs. Schroeder stated, except that area has wildlife.

445
446 Mr. Cluff stated, right, you are going to take in the wildlife considerations and then we are going
447 to discuss what or what not we can do about it.

448

449 Mr. Lawson stated the status of this access dispute, is that something you anticipate will get
450 resolved by quite easily or will it be a knock down in court deal?

451

452 Mr. Cluff stated it seems nothing happens fast in court, when the court says you can't solve
453 access disputes, all he knows is that when there is an access dispute it belongs in court. There are
454 two letters from attorneys, he skimmed them both when they came in and he hasn't look at them
455 again. He doesn't really want to know, he can't do anything about it. The sooner they go to
456 court and get that process started the better. We are going to wait for that to be resolved and that
457 doesn't matter.

458

459 Mrs. Schroeder stated easements they can be resolved by mediation.

460

461 Mrs. Koon asked if this was going to be built in sections and just how many lots there were.

462

463 Mr. Cluff explained and showed her on a map what will be done.

464

465 Discussion about number of lots. (Mr. Newkirk stated that he thinks it is a numbering issue.)

466

467 Mrs. Schroeder asked to have the applicant come and speak.

468

469 Ed Stasiewicz, 44 Jessie Ln, Mt. Sinai, New York, New York. He was introduced to Idaho by
470 his daughter who went to school in Moscow and received her doctorate. He and his wife came to
471 Island Park and loved it. They bought a piece of property and are currently building a home on
472 that piece of property, it was permitted and they are going through the whole process of building
473 it. Their goal is to create a few extra lots, a little less than zoning allows which it would allow
474 26. He is only proposing 22 lots. Some of them will be for our three adult children and maybe a
475 few of their family members. He and his wife attended a HOA meeting to the north of them on
476 this map in September. A member presented the map of what they are planning to do, the people
477 there were in favor of it. He and his wife remained after the meeting for questions, there weren't
478 very many questions, they got a lot of thanks for the open space and less density that they were
479 planning for. That is what they have been doing all along, saying the same thing about not over
480 development of the land. The application has plenty of open space, about 72%, they want the
481 open space. They want less density, which it could have 26 and we are proposing 22 lots. We
482 would have less if we could if it weren't for the impact of the current environment. They
483 increased the amount of lots because of the costs. They want the open space for themselves, they
484 didn't overburden the community. They wanted to keep it in a natural state for the wildlife and
485 because his wife is a photographer. The property has been grazed for quite a while by the Hill
486 family. After they build, the Hill's will still be able to graze, we will probably have to build a
487 fence. The final key point is not about money or greed, it is about pursuing a dream he saw
488 when his daughter introduced them to Island Park. They are not a greedy family, they have had
489 many approach them about buying it and didn't want to sell it because of their motives. Some at
490 the HOA meeting thought they were stupid, because they were not making the most money they
491 could. They are reasonable people and have a reasonable plan and supported by the neighbors.
492 He hopes the commission approves the application because it conforms to all current zoning
493 codes.

494
495 Mrs. Schroeder asked if he was already building a home on that property and where it is.
496
497 Mr. Stasiewicz stated “yes”, and he explained where the other houses would be.
498
499 Mrs. Koon asked if his home was part of the 22 lots
500
501 Mr. Stasiewicz stated it is.
502
503 Mrs. Marez stated it looks like it is Idaho owned land on both the top and bottom.
504
505 Mr. Stasiewicz stated it is BLM land on the top of the map.
506
507 Mrs. Marez asked is there going to be an opening through the subdivision for a while.
508
509 Mr. Stasiewicz explained and showed her on the map.
510
511 Mrs. Schroeder went over the public speaking rules.
512
513 Mr. Cluff stated from the Staff Report he wanted to remind folks that we can’t have discussion
514 about access.
515
516 Mrs. Schroeder stated she agrees with Mr. Cluff and we cannot have comments about access,
517 you would just be wasting our time if you do. We can’t do anything about access, that will be
518 done in the courts. We will not listen to you if you bring up the access.
519
520 Kevin Thompson, 215 Farnsworth Way, Rigby Idaho. He showed the land on the wall map and
521 explained how the lots were laid out. He showed the area for higher density. He showed a larger
522 area which is the corridor for wildlife travel to get from government land to government land.
523 That is how they laid out this subdivision to have that for the wildlife.
524
525 Mrs. Schroeder asked what type of survey they did, did you do Lidar or regular type.
526
527 Mr. Thompson explained they used GPS and why.
528
529 Garth Chandler, 3953 Faun Run, Henry Lake Outlet. He thinks the approach being made on this
530 is reasonable.
531
532 Terry Vance, 753 E 1500 N Shelley, Idaho. He appreciated working with Greg and Tom and
533 how they have kept him informed with this process so far. His first concern is with the
534 notification sent out to everyone didn’t have the proper map with the number of lots on it, he
535 doesn’t know if that makes a difference. Next concern is Ed hasn’t talked to everyone. The road
536 way goes through Henrys Lake Village, with is a privately-owned road and Mr. Stasiewicz
537 hasn’t talked their HOA or addressed us in anyway because it does impact our road
538 tremendously. He did mention about building him home on there right now. The County will
539 confirm that the only way he was able to build his home was to get an easement from us. Which

540 that easement restricts development, if you read it, you should have a copy of that. Mr. Terry
541 stated his #1 concern was that the notification that everyone received was wrong. His
542 recommendation is that they deny the application.

543
544 Mrs. Schroeder stated hers had 21 lots and Mr. Cluff corrected the number.

545
546 Mr. Vance stated but everyone that received that one notification which was wrong.

547
548 Mrs. Schroeder stated again that Mr. Cluff clarified that we are not voting on this map.

549
550 Mr. Terry stated we all know the access is under dispute which will be decided in court. His
551 concern is, say, "if he ends up getting access there are other things that need to be talked about in
552 this meeting, but we don't think he is". Our recommendation is for you to deny it based on that
553 fact. We feel that it's putting the cart before the horse, and then be able to come back if there is
554 an easement granted then we'll discuss the real issues at hand.

555
556 Mrs. Schroeder stated she has a question, if down the road the easement is not approved, do we
557 go through another process to change the fact that he can't build 21 homes up there.

558
559 Mr. Cluff stated no. and explained.

560
561 Discussion about road access approval after or before.

562
563 Mrs. Koon asked about the access that he got before he built his house.

564
565 Mr. Vance stated that his title insurance company came to us and got a limited easement from us
566 for his home which didn't include development. It is clearly stated which you have a copy of.

567
568 Kurt Wells, 825 E 1400 N, Shelley, Id 83724. He and his wife have had a cabin up there for 54
569 years and he stated it has been great living up there. When Mr. Stasiewicz came to the meeting,
570 he talked to everyone and they have all said he has gone through the channels he has been asked
571 to go through. He has taken care of the roads, power on both sides of the roads, and he has a
572 limited road through his property to his subdivision, which will be good for him and those cabins
573 up there. They shouldn't have any problems with anyone. Mr. Stasiewicz has been good to
574 work with. He has left a lot of room for the animals to go through. He has done a great job and
575 he has worked with the County, he has a 60 ft easement. It will be a good addition to the area.

576
577 Eric Anderson, 4279 Commerce Circle, Idaho Falls, Id. He is the representative for the Idaho
578 Fish and Game. He is new to the Fish and Game as the Technical Assistance Manager for the
579 Upper Snake Region for this area. Just barely getting into this position he hasn't had time to
580 prepare a comment. He stated the commission could go to any meetings or ask any questions to
581 help them make a good decision. He explained the land and who has the ruling over that land,
582 that is a different State Agency. As a State Agency they are responsible for the residence issues
583 of fish and wildlife that are the property of Idaho. Mr. Anderson stated he would like to explain
584 habitat. As humans we need habitat also, habitat is field, water shelter, and space we need all of
585 that to live and reproduce and live on the landscape. We as humans have learned to adapt and

586 survive on the landscape. He explained how and what different animals need to live and survive.
587 As more space is lost to human disturbances, we lose more habitat for wildlife. The F&G
588 suggest that the commission follow the Development Code, (pages 85 & 86), are some of the key
589 areas they like to point out; water quality, erosion control, setbacks, vegetation, lodge pole pine
590 eco-system plan. They would like to see these things in the plans. Wildlife needs friendly
591 fences, they would like to see this in the plans. He stated that it is illegal to feed wild life. Bears
592 are in the area, garbage is a concern, they recommend that there are bear proof garbage
593 containers. Overall, this applies to all the Island Park area, there are bears, moose, elk and deer,
594 it is a critical area.

595
596 Mrs. Marez asked if Mr. Anderson thought wild life travels through those areas.

597
598 Mr. Anderson explained that to her. Depending on what is classified as open space, for specific
599 species is dependent upon specific species. He feels the plans for connecting the two lands is
600 quite well planned.

601
602 Mrs. Koon asked if there are migratory routes through that area for any of those.

603
604 Mr. Anderson stated he has some routes, they do have so collared species that go through that
605 area.

606
607 Mrs. Koon asked about water fowl, are there any endangered species besides other than the
608 grizzly bears.

609
610 Mr. Anderson stated might be some tenias species, he would have to check with the staff for that
611 information, usually that is in our comment letters.

612
613 Mr. Lawson asked what wildlife there are in the winter time.

614
615 Mr. Anderson explained about moose that were in St. Anthony and then be in Island Park. He
616 talked about the bears.

617
618 Mrs. Schroeder stated she lives above this property and there are wild life in her area.

619
620 Mr. Anderson stated we are getting more wild life encounters with the expansion of homes.
621 They try to protect for both wild life and humans. He is also concerned for family pets in those
622 areas.

623
624 Rees Rumsey, 3906 Teton Rd. Island Park, Id. He owns property just off Boot Jack, he showed
625 it on the map. His recommendation is to deny this. He lives up there and uses Boot Jack Dr., he
626 feels with the increase of vehicle travel the road will not sustain it. Mr. Rumsey stated there is a
627 reason that Mr. Stasiewicz only went and talked to the upper HOA and not the lower HOA.
628 Maybe he can discuss that. He stated that the upper HOA is not wanting to do any road
629 development or improvement on the lower Boot Jack where the other HOA is. He has been in
630 the lower subdivision and strongly recommends to deny more development and more cars on this
631 pristine piece of property. He being the brother of Wade and friend of Terry, who developed the

632 lower 50 acres. He knows the stringent requirements you held them to as far as getting that
633 HOA approved and went through. And now you are deciding whether to approve another HOA
634 that has not met those requirements. He strongly recommends you deny this.

635
636 Mr. Lawson stated we don't have anything to do with HOA's.

637
638 Mrs. Schroeder stated we don't have anything to do with the HOA's.

639
640 Mrs. Schroeder asked how long ago was Boot Jack subdivided or that area of subdivisions.

641
642 Mr. Newkirk stated maybe 8-10 years ago.

643
644 Mrs. Schroeder stated, so it was after the 2011 Development Code.

645
646 Mr. Newkirk stated it was. He believes they needed a rezone so they could get higher density.

647
648 Mrs. Schroeder asked did the road meet the County qualifications at that time?

649
650 Discussion about the road at that time.

651
652 Mrs. Schroeder asked if they decide to build 21 lots up there and decide to have rentals will they
653 be able to meet the requirement for rentals up there for the road.

654
655 Mr. Newkirk stated yes.

656
657 Mrs. Koon stated he's correct that this subdivision is being held to a different standard than it
658 was 8 years ago.

659
660 Mrs. Schroeder stated we are using the same Development Code.

661
662 Mr. Newkirk stated we are using the same Development Code, he isn't sure about specifics.

663
664 Discussion about the road requirements when it was built.

665
666 Mrs. Koon asked if Boot Jack was private.

667
668 Mr. Newkirk stated yes, but it serves the subdivision up to the north as well, it is complicated
669 when many different subdivisions use the same private road.

670
671 Mrs. Schroeder stated each subdivision maintains their own roads and the County maintain the
672 road up to the gate. She also stated they will require the roads to meet the County requirements.

673
674 Mark Loosli, 1404 N 3600 E, Ashton, Idaho. He is the current builder for the home that is being
675 built. He has been there every single day for the last 6 months. The way he is trying to preserve
676 the landscape is wonderful. Every day he gets to see Sawtelle. In his opinion the growth is good
677 growth. Island Park will grow, that's fact.

678
679 Rand Krish, 3996 Angler's Ln., IP. They have property on the edge there, (he showed it on the
680 map). He gave his opinion of where they could put the density. He is opposed to this. They are
681 having a hard time to maintain the road now. With more traffic and growth, it will get worse.
682 He understands Mr. Stasiewicz has an easement through Red Rock and he should use it. He
683 recommends you should table it, the notice isn't right, it appears to him that if Mr. Stasiewicz
684 wants to develop the land there he should go through the easement he has. He has spoke with the
685 owners of his HOA and stated they weren't communicated with. He doesn't know why they
686 weren't brought into this.

687
688 Mrs. Koon asked if Boot Jack is paved.

689
690 Mr. Krish stated it is gravel road.

691
692 Discussion that Boot Jack goes right along the outlet and it is gravel.

693
694 Mr. Krish stated they have difficulty with one HOA getting anything done.

695
696 Mr. Newkirk stated it is a 50 ft easement so there's enough room to push the snow off and not
697 trespass onto anyone's property. We can allow down to 20 ft of width if it is straight, it is a
698 private road.

699
700 Mr. Lawson asked how much the road actually runs along the outlet.

701
702 Mr. Newkirk showed him on the wall map and explained.

703
704 Ms. Koon asked Mr. Newkirk to follow the road from Hwy 20 to Boot Jack.

705
706 Mr. Newkirk explained and showed it on the map.

707
708 Clair Zink, 1421 N 1000 E Shelley, Idaho. He and his family have lived by this property his
709 entire life. What Mr. Stasiewicz has laid out, the density is very good. He showed on the map
710 what he talked about. He is in favor of the subdivision.

711
712 Mrs. Schroeder asked if Mr. Stasiewicz would come up and respond to comments. (He did)

713
714 Mr. Stasiewicz stated he would like to address this to be clear, He didn't state that he had talked
715 to everyone of his neighbors. He talked to the HOAs north of his property. He wasn't invited to
716 any other HOAs to speak. With regards to Mr. Vance's concern about the 22-lot impact, it is just
717 sour grapes. Mr. Vance and Mr. Rumsey proposed a 32-lot subdivision if they could purchase
718 the property from the previous owner. They basically had no consideration for wildlife corridor
719 and had a big oval race track to maximize the economic value they could get from this property.
720 His concern about these 22-lots, whether it impact the land, neighbors, or the traffic is ridiculous,
721 they were throwing in 32-lots in this 85-acre parcel. That is impactful, the 32-lots. With regards
722 to Mr. Anderson, my wife and I really appreciate the wildlife, we are reasonable people, he

723 looks forward to get his input to make sure animals aren't impacted any more than they need to
724 be.

725
726 Mrs. Schroeder asked if Mr. Anderson had seen your Open Space proposal.

727
728 Mr. Stasiewicz stated he could share it with him, Mr. Thompson has it. He also showed on the
729 map why he has the lot split the way he does and explained it because of the density. The other
730 thing he would like to address with Mr. Vance is why I didn't speak to his HOA is because there
731 is litigation between Terry Vance, Wade Rumsey and myself because they didn't invite me and I
732 didn't see any reason to approach them about it.

733
734 Mrs. Schroeder asked if they plan to have CCRs on that property.

735
736 Mr. Stasiewicz stated we haven't so far, we could if it is necessary to have certain restrictions.
737 His daughter studied forest fires and wild fires and she knows a lot of the impact of not having
738 the proper garbage receptacles, feeders, having certain vegetables or fruits growing that they can
739 attract animals, he is aware of that. He would certainly put something in like where people
740 wouldn't attract animals.

741
742 Mrs. Schroeder stated she is concerned about fire issues, it being tight getting back in there. She
743 did notice there are two turnarounds for emergency vehicles. She told him about the group
744 called the "Island Park Sustainable Fire", he could get ahold of them when he wants to mitigate
745 his fires up there.

746
747 Mrs. Marez asked if the letters sent in were all in favor of the subdivision?

748
749 Mrs. Schroeder stated no, she didn't think so. She thought they were, she read them twice, but
750 she was sick over the weekend. Mr. Cluff might be able to tell us.

751
752 Mr. Cluff stated besides the letters from the attorneys he mentioned, a letter from Wayne and Jan
753 Mortensen, they support the subdivision. A letter from Evan and Susan Goodwin, they favor the
754 subdivision. A letter from Jared Sommer, the Jack Sommer representative, there are in full
755 heartedly in support. Those were the letters besides the attorney ones.

756
757 Mrs. Marez asked why, if we don't table it now, instead of waiting until the attorneys discuss the
758 things we can't discuss, why not table it now instead of later?

759
760 Mrs. Schroeder stated Mr. Cluff can probably answers that. She then stated, Mrs. Marez wants
761 to know why we can just table it now and wait until it is decided by the attorneys whether or not
762 they can have access to it.

763
764 Mrs. Marez stated, she knows Mr. Cluff said that makes one more step.

765
766 Mr. Cluff stated the way the court ruled on this, the county's approve the subdivision conditional
767 upon it being handled. We review it and ignore the access issue based on our other standards. If
768 there is another thing you want to table it for, you need to be specific about what it is and what

769 needs to be done to address it. But the access issue, yes, sure it seems reasonable to say, lets just
770 wait until it's done, but that's not what the court told us to do.

771
772 Mrs. Koon asked what case it was.

773
774 Mr. Cluff stated Shinberg vs. Clearwater County, it was a 2014 case.

775
776 Mrs. Marez asked about the miss numbering of the lots.

777
778 Mr. Cluff stated sketch plan was 21 lots the application to the subdivision was 22-lots, an
779 inadvertent error.

780
781 Mrs. Schroeder stated by the surveyor or the County.

782
783 Mr. Cluff stated it came from the surveyor.

784
785 Mrs. Schroeder stated you will have that corrected.

786
787 Mr. Cluff stated yes.

788
789 Mrs. Marez asked about the open space.

790
791 Mrs. Schroeder stated the Open Space has been turned in, but we have not seen it yet.

792
793 Mrs. Schroeder stated she is assuming these are all single resident wells and septic systems, any
794 community wells?

795
796 Mr. Cluff stated no there's not, no community well.

797
798 Mrs. Schroeder stated just to review the conditions before we vote on them.

799
800 Mr. Cluff stated to review conditions, you may decide if you are ready to do a conditional
801 approval.

802
803 Mrs. Schroeder stated that would be a conditional approval, we would approve it with conditions
804 on it.

805
806 Mr. Cluff stated is that what you want to do, or do you want to table it.

807
808 Mrs. Schroeder stated we can address that first.

809
810 Mrs. Marez stated she would like to see the open space.

811
812 Mrs. Schroeder asked Mr. Cluff if there was any chance we could see the open space. We didn't
813 receive it in time to get it to you so we didn't get it in time for comment. It is something we
814 can't bring it up in this hearing.

815

816 Mrs. Schroeder stated she understands that the open space, there's been a couple of subdivisions
817 in the same area that have been approved in the last year. They had to redraw the open spaces,
818 even after they were approved. That came in before their final approval with us and with the
819 Commissioners, she asked, is that correct.

820

821 Mr. Cluff stated you don't have to table it, you can approve it with the condition with the open
822 space on the final plat. If you are concerned about the open space then maybe you should table
823 it. If you do table it, you need to think about all the things you want to see done besides resolve
824 the access issue and tell them so they can do that and bring it back to you.

825

826 Mrs. Marez stated, so, it will come back as a preliminary plat?

827

828 Mr. Cluff stated right, it will come back as a preliminary plat for your review and approval.

829

830 Mr. Newkirk stated that they may not understand is that the final plat will come back to you.
831 You have to review the final plat to make sure it conforms with everything you told the
832 developer. If it doesn't you don't have to approve the final plat.

833

834 Ms. Koon stated we don't want to waste his time, but she has real concerns about how this was
835 presented. It showed the wrong lots, to her that is a concern. The preliminary plat should be
836 accurate, we don't have the open space. We have allegations that the notification was
837 inadequate, that is sour grapes according to Mr. Stasiewicz. Mr. Vance made the allegation he
838 was concerned about notification and the map didn't show the right number of lots. So, the
839 notice people received for the hearings was not complete. Public notice, she didn't have
840 problems with Mr. Stasiewicz. So, her concern is she doesn't think on the information they have
841 we can't approve a preliminary plat. We don't a complete picture of a preliminary plat.

842

843 Mr. Forbush stated he thinks this is preliminary plat, it is not perfect they are going to work
844 through it. He thinks what these two are interested in is the open space and getting all the little
845 things tidied up. He thinks this guy is trying to do the best he can. Sometimes he doesn't want to
846 put a mash on it. We need to look forward. Everybody he has heard have said he is trying his
847 best to improve everything he has done. These two guys haven't worked with him and they
848 really haven't worked together.

849

850 Ms. Koon stated that is not part of, sour grapes has nothing to do whether the notice was
851 accurate. She doesn't feel like it is adequate for us as well.

852

853 Mr. Lawson stated he doesn't have a problem at all with it. As long as he has been on this
854 commission, he hasn't seen a better plat with open space. This open space will still come back to
855 us, it is far more open space than is required in the Development Code. The hard thing for him is
856 he has looked at these subdivisions and then there is this private ground right there, and wonders
857 how they expect this other private land not to want to do a subdivision also. This is just later.
858 That is what just frustrates most, the comments that don't apply to the issue, it is that "I've got
859 mine, I don't want you to have yours". He is going to vote to approve this.

860

861 Mr. Jorgensen stated he knows the map isn't exactly right and the open space isn't on there, it
862 will come before us for approval, we get another shot to approve it. He is going to approve it.

863
864 Mrs. Schroeder stated that you guys haven't seen what we've done this last year. She went
865 ahead and explained what we had done about other subdivisions and they have done what we
866 ask. It does happen where we have disapproved also.

867
868 Mrs. Marotz asked if that will come back as a final plat and if conditions are applied and not
869 adhered to.

870
871 Discussion about concerns and conditions for when the final plat is presented to the commission.

872
873 Mr. Newkirk stated that a final plat will come back to you.

874
875 Mr. Cluff stated you can apply conditions and require to come back with them fixed on the final
876 plat. You should only do that if you are comfortable that you are not missing anything or the
877 developer can follow your instruction and get it right. It is not bad to table something and have
878 them work on it more before final plat approval. There are two ways to approach it, it really
879 depends on how comfortable you are with how close they are, it is entirely up to you either way.
880 If you decide to approve it with conditions, you need to be clear what it is their going to need to
881 address on those conditions of approval. What has to be done for the final plat.

882
883 Mr. Forbush ask if we decide to approve it, do we make a motion now or do we decide what the
884 conditions should be?

885
886 Mr. Cluff stated you can do it two ways. You can list all of those conditions before taking the
887 vote to approve. Or you can take the vote to approve with the understanding and be clear about it
888 that we are going to attach conditions. Then once you know whether or not you are going to
889 approve it, then you discuss, here are the conditions we are going to attach to the approval. It's
890 probably better to do it that first way. To discuss among yourselves what's it going to take to get
891 to the point where we're ready to approve, what conditions do we have to oppose. Get those at
892 least outlined, be clear what you are attaching. This is what is involved in the approval.

893
894 Mrs. Schroeder stated, we don't do that before we approve it, or I mean we don't do that after we
895 approve it?

896
897 Mr. Cluff stated you can do it after, but it is better to do it ahead of time.

898
899 Mrs. Schroeder stated she has written down some conditions that were from Mr. Cluff and Mr.
900 Newkirk. She believed those conditions were quite a few.

901
902 Mr. Lawson stated it's already a condition. He also stated there is already a bunch of conditions.
903 We need to read those before making new conditions or repeat conditions.

904
905 Mrs. Schroeder stated the approval of this subdivision is conditional upon the access being
906 solved. If you can't access this subdivision you'll have 2 or 3 houses, because she thought the

907 access provision only allows 2 or 3 homes now. Someday when they come out of court, they
908 might have that same access or might have more. We have to make that the #1 condition for 22
909 parcels. That has to be done through court.

910
911 Mr. Lawson asked if she was proposing a new condition and stated what the Staff
912 Recommendation was.

913
914 Discussion about the conditions for the plat, wildlife, and open space.

915
916 Mr. Lawson stated there is BLM and Forest Service land on both sides. This is not necessary for
917 discussion; the wild life has plenty of space.

918
919 Mr. Cluff stated you can apply conditions for the final plat. You need to make sure you are
920 really clear about whether they have been met or not. It is entirely up to you to decide what has
921 to be done for the final plat approval.

922
923 Mr. Forbush stated do we vote to table it or to approve it.

924
925 Mrs. Schroeder stated that is our choice. We can table it or vote to approve it with all the
926 conditions on it.

927
928 Ms. Koon asked if we need a motion.

929
930 Mrs. Schroeder stated, Mr. Cluff is saying what we are coming up against is whether or not you
931 are putting a condition that has to be reconsidered when it comes up for a final. Or, whether we
932 know that when they do that it has been met, but we can't tell them what they can do, because
933 they haven't given us an idea of what it can be. So, she thinks we should go for a motion.

934
935
936 **Mr. Forbush made a motion to approve Edward & Barbara Stasiewicz –22 Lot Subdivision**
937 **(#22-111) with Conditions recommended in the Staff Report as follows:**

- 938
939 **1. The approval of this subdivision is conditional upon the access dispute being**
940 **resolved either in District Court or by private agreement.**
941 **2. The Applicant must show the location of designated open space on the final plat.**
942 **3. The Final Plat submission must conform to all of the County's (as well as the**
943 **State of Idaho's) requirements for subdivisions plats.**
944 **4. The Applicant must follow all other applicable rules and standards pertaining to**
945 **this development.**
946 **5. Correct (sequential) numbering of the lots by the surveyor for the plat.**

947
948 **Mrs. Marotz seconded.**

949
950 **Motion passed unanimously.**

951
952

953 Mrs. Schroeder recessed for 10 minutes at 8:34. The meeting was called back to order at 8:45
954 pm.

955

956

957 3.4—Pete Davis—Class II Conditional Use Permit (#22-123).

958

959 Mr. Cluff stated the property is northwest of Parker. He showed the property location on the
960 wall map.

961

962 Mrs. Schroeder asked if the grid north of the property was one that we approved last year.

963

964 Mr. Cluff stated that is was, and Mr. Newkirk would remember better.

965

966 Mrs. Schroeder stated she remembered there was a question about the intersection and stop sign
967 there as they come out of there onto the road.

968

969 Mr. Forbush asked about the access from the Red Road.

970

971 Mr. Cluff stated there is a road that is not a road but they said, as they modifying their travel
972 plan, that road right now can be added. They had good reason to do it and that they were talking
973 to these people and that road would be added to the travel plan and be available.

974

975 Mrs. Schroeder stated concern about several little pieces that came together and were concerned
976 about traffic there and the speed.

977

978 Mr. Cluff showed about how the crossing will be, he also stated that they had talked to the R&B
979 about it. Mr. Cluff referred to the second page of the Administrative Report, it shows a number
980 of sites, dry camping area, dirt bike track and such that they are planning on. He referred to the
981 Review and Analysis, page 3 of the Staff Report. Mr. Cluff stated the County's rules for RB
982 parks are found in Appendix N of the FCDC (See Attachment A). He summarizes them here:

983

1. The park must be in single ownership.

984

2. Incidental uses may be allowed.

985

3. The maximum density is 8 spaces per acre.

986

4. The park must be a minimum of 5 acres in size.

987

5. At least 25% of the park must be open space.

988

6. The park must follow the sign ordinance.

989

7. The Applicant must have a trash removal plan, and trash bins must be screened and
990 inaccessible to wildlife.

991

8. The park must be graded to drain properly.

992

9. Bathrooms, at least one bathroom per sex for each 15 dependent stations and 25
993 independent spaces (i.e., "dry spaces).

994

10. Sewage disposal must comply with state standards.

995

11. Each space must be a minimum of 1250 ft, in size.

996

12. Driveways must be improved.

997

13. A 9X25 parking space must be included for each RV space.

998

14. Dependent spaces must have water service.

999 15. All utilities must be underground.

1000

1001 Mr. Cluff also stated that for their sketch-plan application, the Applicants included a letter
1002 explaining how they would comply with these rules (Attachment B). The Applicant has also
1003 submitted an evaluation from the Health Department, finding that the site is suitable for a septic
1004 system that will meet state standards (see Attachment C).

1005

1006 Mr. Forbush asked if they would have one big well.

1007

1008 Mr. Cluff stated they will have one well. They are doing a water system, they have to provide
1009 water. A well is all they have out there.

1010

1011 Mrs. Schroeder asked if they had water rights for that.

1012

1013 Mr. Cluff stated you can ask them when they come up. He said they are pretty much on top of
1014 this. The letter they sent pretty well walks through each of those standards and talks about how
1015 they will meet each one of them. So, our recommendation is that you approve the permit with
1016 the conditions. Once they design and receives Health Department approval for their wastewater
1017 system, they need to furnish the County a copy of the permit for the file. They have done an
1018 evaluation that says a system can be built here. Once they get their permit they go in and
1019 actually build it and have a design for it. The Applicant must follow the sign ordinance,
1020 including getting sign permits, where required. The mini dirt bike track shown on the site plan is
1021 approved as an incidental use, so long as the users are limited to people staying at the park. The
1022 concern there is, we don't someone getting a CUP for an RV park that includes a dirt bike track
1023 as an accessory to the RV park, and then down the road that turns into the primary attraction to
1024 the RV park. Now you have hundreds of paying visitors riding in the dirt bike track. We want to
1025 make it clear that is not the business you are doing, the RV park's business. They have to follow
1026 all of our other rules and standards that pertain to the development. It's in our estimation it is a
1027 pretty straight RV park out there. There are plenty of demand of people wanting to get access to
1028 the dunes out there. We are in favor of having it approved.

1029

1030 Ms. Koon asked if this was on 66 acres.

1031

1032 Mr. Cluff stated the overall site is 66 acres, and they are building it on 36 acres of the 66 acres.
1033 He showed it on the wall map.

1034

1035 Peter Davis, 2254 N Fairfield Rd., Layton, Utah. Mr. Cluff covered what we are wanting to do.
1036 This is going to be a family business, they are doing it within their family. The reason they split
1037 the land up as they did was to have 30 acres which is going to be their home. They plan on
1038 moving up here and living year around. We come to the dunes a lot, there is a high demand, we
1039 try to get reservations months in advance and can't find a place to stay. There is a need for ATV
1040 RV Park. They love this area and feel this is a good place to retire to, he is a retired police
1041 officer. This is something they want to do in the later stages of life until their kids will take over
1042 and run the business.

1043

1044 Mrs. Schroeder stated so you have 66 acres.

1045
1046 Mr. Davis explained it is slightly over that and explained what they are going to do. Mr. Davis
1047 stated they have a company in Rexburg, Brent Crather is doing all of our engineering for us. He
1048 is going to do all of the civil engineering that they needed done.
1049
1050 Mrs. Schroeder stated she believes the way it is zoned it requires a 25% open space, is that
1051 correct.
1052
1053 Mr. Cluff stated, right.
1054
1055 Mrs. Schroeder asked how they do open space on something like that?
1056
1057 Mr. Davis stated we should far exceed it. We have over 10-acres of just dry camping. Which is
1058 nothing but space.
1059
1060 Mrs. Schroeder stated so your open space has use on it.
1061
1062 Mr. Davis stated we have another 10-acres that is a dirt track that is open and a vendor area for
1063 folks to bring trucks for food sales.
1064
1065 Mr. Cluff stated the definition of Open Space from the book and he stated as long as they are not
1066 building on it or filling in the pavement, a lot of what they are doing in the RV Park meets the
1067 classification of Open Space.
1068
1069 Mrs. Schroeder asked if anyone else wanted to speak.
1070
1071 Ms. Koon asked about the permission from the BLM about accessing the dunes.
1072
1073 Mr. Davis stated they have been in contact with the BLM for quite some time. He showed her
1074 on the map where they will be able to access the dunes. He explained how his roadway will be
1075 accessing the dunes. They have taken down the fences and will give permission some time in
1076 February.
1077
1078 Discussion about accessing the dunes.
1079
1080 Mrs. Schroeder asked if there were any question to discuss among the commission.
1081
1082 Mr. Lawson stated the access on the Red Road and crossing it or driving down it for a way is his
1083 concern.
1084
1085 Mrs. Schroeder asked about discussion earlier about someone suggesting putting a stop sign up
1086 along there at the ghost road.
1087
1088 Mr. Cluff stated the R&B wasn't concerned about the RVs getting back and forth at the crossing
1089 as long as there was a designated spot with a stop sign when they crossed the road. Then they
1090 could be driving up and down the side of the road to get to the BLM property.

1091
1092 Discussion about driving up and down the side of the road.
1093
1094 Mrs. Schroeder asked about the conditions for this.
1095
1096 Mr. Cluff explained to the commission that upon approval, they design and receive Health
1097 Department approval for their wastewater system, they will furnish the County with a copy of the
1098 permit.
1099
1100 Mrs. Schroeder stated the other conditions, The Applicant must follow the sign ordinance,
1101 including getting sign permits, where required. The mini dirt back track shown on the site plan
1102 is approved as an incidental use, so long as the users are limited to people staying at the park.
1103 Opening the track to outside users is a commercial operation that is not included in this approval.
1104 She also stated there shouldn't be any competitions there.
1105
1106 Mr. Cluff suggested they have the condition that R&B Department will give final review and
1107 approval of the crossing.
1108
1109 Mrs. Schroeder concurred.
1110
1111 **Mr. Forbush made a motion to approve Pete Davis-Class II Conditional Use Permit (#22-**
1112 **123) with the following conditions:**
1113 **1. Once the Applicant designs and receives Health Department approval for their**
1114 **wastewater system, they need to furnish the County a copy of the permit for the file.**
1115 **2. The Applicant must follow the sign ordinance, including getting sign permits, where**
1116 **required.**
1117 **3. The mini dirt bike track shown on the site plan is approved as an incidental use, so**
1118 **long as the users are limited to people staying at the park. Opening the track to**
1119 **outside users is a commercial operation that is not included in this approval.**
1120 **4. The applicant must follow all other applicable rules and standards pertaining to this**
1121 **development.**
1122 **5. The Applicant will have the Road & Bridge Department review and give final**
1123 **approval of the crossing.**
1124
1125 **Mr. Lawson Seconded.**
1126
1127 **Motion passed unanimously.**
1128
1129

- 4.-Plats:**
4.1—Short Plat—Donna Gietzen-Klein Div.1 (#22-093)- Action Item.
4.2—Short Plat—Blaine Briggs—4-T Ranch Div. #1- (#22-121)—Action Item.
4.3—Short Plat—James Morris—Riverbend Estates— (#22-110)—Action Item.
4.4—Short Platt—Darius Abegglen—Meadowlark Division #1— (#22-115)—
Action Item.

1130
1131 4.1- Short Plat—Donna Gietzen-Klein Div. 1 (#22-093).
1132

1133 Mr. Newkirk stated the property is on 300 N. It is a 4 lot short plat. He showed the location on
1134 the wall map, approximately 2546 E 300 N. They will have to put in a road and underground
1135 electric to get to the 2 back lots. The average lot size should be 3.33. (discussion about land
1136 owners around the property). They have to designate open space, it is zoned Rural
1137 Conservation. They have done the 15 days advertising required for this, that portion of the staff
1138 review is to make sure it complies with zoning, there are technical things that need to be done
1139 such as the designation of open space, and review of the name, a whole bunch of meets and
1140 bounds and anything else required during this review to make sure it closes.
1141

1142 Mr. Cluff stated this is a short-plat subdivision, short-plats are review by staff. We look through
1143 the code and manage this whole process. We then make a recommendation to the County
1144 Commissioners to approve or deny. There is a provision in state statute that says, if we have a
1145 planning commission we need to show planning commissions plats before we take them to the
1146 County Commission. It doesn't say planning commission has to vote on a plat, it just says we
1147 have to show them. So, on short plats we have an administrative review and staff review and
1148 bring them to the planning commission, tell you what were doing. Then you can tell us if we are
1149 making mistakes. The review is not always finished by the time you see them, because we are
1150 checking the box in the administrative review that the planning commission has seen them. If
1151 you are seeing plats that don't belong in the short-plat process, or you are worried we are missing
1152 the boat then bring that up and we'll evaluate how we are doing our process and whether or not
1153 we need to change the process. They are not always finished, the county surveyor hasn't looked
1154 at it, there are technical items on this plat like open space, that will still be added before it goes to
1155 County Commissioners.
1156

1157 Mrs. Schroeder asked about the irrigation and water rights.
1158

1159 Mr. Newkirk stated he just got a letter today from the Fremont-Madison Irrigation stating that
1160 there will be a plan to provide irrigation water to each of the lots with an acceptable delivery
1161 system. They have a tentative plan, before they come back to go to the CC for the final plat, they
1162 will have to show irrigation easements and the actual plan how the water will be conveyed to
1163 each of the lots. That is one of the requirements we have is that if they have water rights they
1164 have a plan. He showed that they are going to carve out an acre outside of the area where the
1165 irrigating has been done. If someone does want to do something with wetlands they can ask the
1166 Army Corp of Engineers for a letter indicating that they will not invoke jurisdiction. If they do
1167 intend to invoke jurisdiction they have more work on their hands. This is just a simple two-short
1168 plat for the daughter to build on.
1169

1170 Ms. Koon ask about the County's minimum acreage split.
1171

1172 Mr. Newkirk stated one-acre is the minimum lot size. When the health department changed its
1173 standards that 1 acre is adequate, then the County changed it's standards.
1174

1175 4.2- Short Plat—Blaine Briggs—4-T Ranch Div. #1 – (#22-121).

1176

1177 Mr. Newkirk stated Mr. Briggs want to give his daughter an acre. Mr. Newkirk show the
1178 property on the map and what acre part of his land he wants to give his daughter. They have
1179 been flood irrigating for a such long time it shows up on the National Wetlands Inventory.

1180

1181 Ms. Koon stated she thought it wasn't.

1182

1183

1184 4.3- Short Plat—James Morris—Riverbend Estates - (#22-110).

1185

1186 Mr. Newkirk stated it does have significant wetlands on it. This area is sensitive and they hired a
1187 wetland biologist and did a delineation on this property. He showed the property on the wall
1188 map. They are limiting their development to two lots, (he showed where on the map). He
1189 showed the flood plain and wetland area. They already have a building permit, they are building
1190 on lot 2. He doesn't know what they are going to do with lot 1.

1191

1192 Mrs. Schroeder asked if were it is wetlands, do they run into problems with septic issues.

1193

1194 Mr. Newkirk stated they do. So, East Idaho Health Department is one of the agencies that signs
1195 off on this. Idaho has their own plan. He explained how and what they do.

1196

1197 Mrs. Schroeder stated there is a 300 ft setback by rivers.

1198

1199 Mr. Newkirk explained it depends according to what type of soil there is and the distance can
1200 change. It has to pass the health district.

1201

1202 Ms. Koon asked the location, it is in Egin.

1203

1204 Mr. Newkirk showed her on the wall map. They have done a lot of work ahead of time for this
1205 because of all the items that needed taken care of.

1206

1207

1208 4.4- Short Plat—Darius Abegglen- Meadowlark Div. #1- (#22-115).

1209

1210 Mr. Newkirk stated this property is east of the Teton Highway. He showed where the access will
1211 be off from 419 N. and 434 N 2400 E on the wall map. He talked about of the easements of the
1212 road on 419 N. Before we get to final plat there will be issues that need to be solved.

1213

1214 Ms. Koon asked where the properties will be accessed.

1215

1216 Mr. Newkirk showed her on the map and explained there needs to be discussions with neighbors.

1217

1218 Discussion about accessing the lots and easement access.

1219

1220 Mr. Newkirk stated before we get to final plat and get all the signatures we will want that
1221 cleaned up. The individuals did ask, they claimed there was a ditch, there is not a ditch there.

1222
1223 Mr. Row stated the ditch is behind the house and has pressurized lines out to the lots. He also
1224 explained what is happening with irrigation and access.

1225
1226 Mr. Newkirk stated that is all he has.

1227
1228

5. Other Business:
5.1- None

1229
1230 Mr. Cluff stated the regular meeting is on the 27th of February, he hates asking to have two
1231 meeting in a month. But we could do a training meeting on either the 6th or 13th. Preferably the
1232 13th where we can talk about the stuff you are dealing with. There are enough new people that
1233 we can talk about what the planning commission does.

1234
1235 Mrs. Schroeder asked about the 13th and 20th.

1236
1237 Mr. Cluff stated the 20th is a holiday.

1238
1239 Mrs. Schroeder stated she wouldn't be here on the 27th.

1240
1241 Mr. Forbush stated he wouldn't be here either.

1242
1243 Mr. Cluff stated the regular meeting on the 13th, if there aren't enough items to take care of we
1244 will have a training meeting.

1245
1246 Ms. Koon asked if the regular meetings are on the second Monday of the month.

1247
1248 Mr. Cluff stated they are usually on the 3rd Monday of each month at 6:00 pm.

1249
1250 Mrs. Schroeder stated our next meeting will be March 20th.

1251
1252 Mr. Cluff stated he will email everybody and if you have questions to help you understand what
1253 we are doing better, you can email them to him and he will get you answers or we will discuss
1254 them at the meeting.

1255
1256 Mr. Cluff reviewed ex parte communications with the new board members.

1257
1258 **Dismiss:**

1259
1260 Meeting Dismissed at 9:36 pm.