

Public Hearing on Proposed Development Code

Place: Fremont County Annex Building

Date: June 23, 2011

Present: Commissioners Skip Hurt, Lee Miller and Jordon Stoddard

Also present were: Clerk Abbie Mace, Deputy Clerk Jody Flores, Planning & Building Administrator Stephen Loosli, Public Hearing Officer Trent Grant, Prosecuting Attorney Joette Lookabaugh

Commissioner Hurt opened the meeting at 5:00 p.m. and welcomed those in attendance. Introductions were held. Meeting was turned over to Public Hearing Officer Trent Grant. Meeting procedures were outlined. Stephen Loosli will make a presentation first and then public comment will be entered. Time limits will be imposed.

Proper hearing notice was addressed – a county website link was addressed as referring to an older development code and not the one at hand. However, both documents were nearly identical with minor changes – Mr. Loosli will address these as he makes his presentation.

Mr. Grant asked if there was a conflict of interest from the Commissioners – none was stated or noted.

Planning and Zoning Administrator Stephen Loosli:

Mr. Grant questioned if public comment was submitted – Mr. Loosli stated that there was and that it is in the possession of Clerk Abbie Mace who will label them as exhibits to be held with the record. There was some public comment that was submitted after the closing time for public comment. Commissioner Miller made a motion to allow public comment received after the closing date. Commissioner Stoddard seconded the motion. A full voice vote was heard with all commissioners voting in favor of allowing this comment.

Mr. Loosli stated that he will be serving two roles in tonight's hearing. One will be as the Planning and Zoning Administrator and the second as the Planning and Zoning Commission Secretary.

Idaho Code was reviewed. Governing Board responsibilities were also reviewed. He reviewed the process of adoption of this code. The nature of the application will be to amend the Fremont County Development Code by ordinance, adopt the proposed zoning map, and to adopt the proposed schedule of fees by resolution.

The Fremont County Comprehensive Plan was presented. It is adopted for the purpose of promoting the health, safety, and general welfare of the people of Fremont County. It specifically assures that future land development protects property rights of developers and surrounding land owners and meets reasonable quality expectations. These expectations are stated in this plan and the standards of the Fremont County Development Code.

The Comprehensive Plan Policies 1-18 were reviewed with the relation to the proposed Fremont County Development Code being identified. Completed Studies were identified and the dates of completion were given.

Important concepts of the Development Code were reviewed. These are all based on the work of Randall Arendt who is an internationally recognized authority on rural conservation subdivisions. A brief biography was given.

Mr. Loosli stated that this has been a lengthy process and that the citizens have been actively involved. The Planning & Zoning Committee has worked diligently, recommendation has been made, and all legal requirements have been met. Mr. Loosli presented several documents as Exhibit #1.

PUBLIC COMMENT

Mr. Grant stated his appreciation of those in attendance participating in the process. Procedure of public comment was again reviewed.

Neal Shirley (2202 East 300 North, St. Anthony, ID 83445)

Mr. Shirley felt that we should be cautious about encouraging conversion of productive agricultural land to higher density use. He stated that the cities of St. Anthony and Ashton both have an abundance of commercial and residential sites readily available within city limits. Mr. Shirley also felt that we should not compete with cities and not encourage urban sprawl. Two examples were given.

He supports the lowest reasonable densities for areas that are agricultural lands. Mr. Shirley presented written comments as Exhibit #2.

Jim Hobbs (625 Park Street, St. Anthony, ID 83445)

Mr. Hobbs expressed appreciation to the Board of County Commissioners for their work in this process.

Tim Reynolds (3517 Antelope Drive, Island Park, ID 83429)

Mr. Reynolds is with the Teton Regional Land Trust and expressed appreciation for the opportunity to participate in this meeting. The Land Trust does not believe that the proposed Fremont County Development Code would not have any negative effects on land owners.

Nelson Ishiyama (2794 South Pinehaven, Island Park, ID 83429)

Mr. Ishiyama stated that he is opposed to the proposed amendment to the Fremont County Development Code. His family is the owner of the Henry's Lake Lodge and is concerned of the effects that it will have on tourism. He fears that the changes will increase his taxes as well as other Fremont County residents and business owners. He feels that Mr. Loosli failed to state the requirements of the Board of County Commissioners. He sees no evidence that any studies have been addressed by the Board of County Commissioners. He urges the board to stop and reconsider what they are proposing.

Jeff Dufault (1605 West Ashton Hill Loop, Ashton, ID 83420)

Mr. Dufault also disagrees and is opposed to the proposed amended code. He stated that he had the Smart Growth Coalition statement and questioned if he could read it as well as have his own personal time. He was directed to give his own statement. He does not believe that the Board of County Commissioners has had any studies. He believes that they do not address the majority of the constituents, but only a small percentage.

Sumner Swainer (2804 East Pinehaven, Island Park, ID 83429)

Mr. Swainer stated that he is in favor of this development code. A brief overview was given of his background. He stated that it is a progressive document and will be submitting his notes for the record. He

feels that the Board of County Commissioners is doing a good job. Mr. Swainer presented written comments as Exhibit #3.

Kathy Stegelmeier (1326 North 4500 East, Ashton, ID 83420)

Ms. Stegelmeier stated that she is in favor of this development code. She hopes that they will listen to special interest groups and encourages them to move forward.

Rod Nichols (761 East Targhee, St. Anthony, ID 83445)

Mr. Nichols is on the Planning & Zoning Commission Board. He stated that there has been a lot of public comment and feels that it is the Board of County Commissioner's right and obligation to make the changes that they deem necessary within the proposed development code. He likes the code and supports the changes.

John Nedrow (3079 East 1200 North, Ashton, ID 83420)

Mr. Nedrow stated that he is speaking tonight as a private citizen not as his role on the Planning & Zoning Commission Board. He feels that the proposed development code does not address any of the statements made in the vision statement of the Comprehensive Plan that was adopted in December 2008. He is not in favor of the code. He feels that it will do harm to those things that mean the most to Fremont County. He feels that it borders on insult to the Planning & Zoning Commission and all of the long hours and work that they put in working on details and debating and compromising to reach what was sent to the Board of County Commissioner's in April. Mr. Nedrow urges them to utilize the document submitted by the Planning & Zoning Commission Board. Mr. Nedrow presented written comments as Exhibit #4.

Vance Derricott (Macks Inn, Island Park, ID 83429)

Mr. Deracott stated that the Board of County Commissioners feels that their number of three is more important than those of the Planning & Zoning Commission Board. He feels that if the county continues as it is going, we will end up as Teton County. Mr. Derricott gave a brief overview of his service on the Planning & Zoning Commission Board. He presented a plaque that was given to him by the Board of County Commissioners for his service with the Planning & Zoning Commission Board and stated that he did not want it. It will be retained for the record of tonight's meeting. Mr. Derricott presented his Planning & Zoning Commission plaque as Exhibit #10.

David Loomis (629 North 2800 East, St. Anthony, ID 83445)

Mr. Loomis questioned why certain permits were issued. He also stated that for the same building one on ag land and one in residential – would fees not be the same? Why do the commissioners waive fees on some residential properties? Mr. Grant again stated that the comments made needed to pertain only to the purpose of the meeting and not a question and answer period.

Bruce Raskin (2866 East Pinehaven, Island Park, ID 83429)

Mr. Raskin stated that he has attended many of the public meetings on the Development Code. He feels that most people wanted the county to retain its rural nature and did not want Fremont County to turn out like Teton County. He fears for the future of the county and fears out of control taxes. Mr. Raskin feels that this is the most important action of the Board of County Commissioners and urges them to reconsider.

Bob Rosenberg (2880 East Pinehaven, Island Park, ID 83429)

Mr. Rosenberg stated that he feels that Fremont County is a good place to be. He and his neighbors mostly agree with the Comprehensive Plan, but are dismayed at the proposed amended Development Code. He urges the Board of County Commissioners to act in the spirit of the Comprehensive Plan.

Jan Warnke (359 North 4th East, Ashton, ID 83420)

Ms. Warnke expressed appreciation to the Board of County Commissioners for raising the density. She stated that they are third generation farmers and they believe people should have a choice in what to do with their property.

Jan Neish (417 Idaho Street, Ashton, ID 83420)

Ms. Neish identified what she feels are conflicting items between the Comprehensive Plan and the Development Code. She feels that we all need to work together for the best of the county and asked that the Board of County Commissioners take out the administrative hearing option of the proposed Development Code. She also feels that the Comprehensive Plan should complement the Development Code. Ms. Neish performed a comparison study between the two and submitted her findings for the record. Ms. Neish presented written comments as Exhibit #5 and her analysis of the Comp Plan as Exhibit #6.

Garth Blanchard (1618 West Ashton Hill Loop, Ashton, ID 83420)

Mr. Blanchard stated that this day has been a longtime coming. The Planning & Zoning has been putting in many hours into this document and thanks them with their efforts. They have done this with courage and respect. Mr. Blanchard asks the Board of County Commissioners to accept the Development Code as the Planning & Zoning Commission submitted it without modifications.

Martin McLellan (2762 Galloway Court, Idaho Falls, ID 83401)

Mr. McLellan comes to tonight's meeting wearing his finance hat. Brief discussion was held regarding financing requirements for agriculture financing versus development financing.

Marvin Hill (6699 West 4700 East, Ashton, ID 83420)

Mr. Hill stated that he has farmed for 35 years and feels that Planning & Zoning Commission and the Board of County Commissioners has done good work. He appreciates them and their decisions. Mr. Hill urges them to respect farms.

Kim Ragotski (580 Maple Leaf, Ashton, ID 83420)

Ms. Ragotski remains concerned that the Development Code will not support agriculture. She urges the Board of County Commissioners to reconsider some of their numbers. Ms. Ragotski asks them to reconsider and accept the Planning & Zoning Commission recommendation.

Dennis Wilson (1533 Tallowood Circle, Sandy, UT)

Mr. Wilson expressed appreciation for the work that has been done. He will provide input as decisions are made.

Kristine Baum (P.O. Box 777, Ashton, ID 83420)

Ms. Baum supports the changes that the Board of County Commissioners are planning to make. She stated that she appreciates what they have done to increase the density.

Laura Pickard (4198 East 1300 North, Ashton, ID 83420)

Ms. Pickard stated that she is opposed to the proposed Development Code. She believes that the document that was submitted by the Planning & Zoning Commission was better.

Anna Trenadue (420 Cowboy Trail, Teton, ID)

Ms. Trenadue gave a brief overview of why Teton County is where they are now and identified similarities of the proposed Development Code and the Teton County Development Code that was adopted in 2005. Ms. Trenadue presented written documents as Exhibit #8.

Sheila Nedrow (3079 East 1200 North, Ashton, ID 83420)

Ms. Nedrow expressed that she is opposed to the proposed Development Code and urges them to adopt it as was submitted by the Planning & Zoning Commission.

Patricia Sturm (3750 East 1300 North, Ashton, ID 83420)

Ms. Sturm stated that she is astonished at this code and is dismayed at their disregard for the time and work that the Planning & Zoning Commission put into this process. She is concerned about density levels and setbacks.

Todd Erickson 1274 Pebble Creek, Pocatello, ID)

Mr. Erickson stated that he is in favor of the Board of County Commissioners adopting the proposed Development Code as submitted.

Mike Lawson (2494 East Yellowstone, St. Anthony, ID 83445)

Mr. Lawson stated that he has followed the meeting and was not totally in favor of what the Planning & Zoning Commission did. He came tonight hoping to hear some sort of basis for what he feels was substantial changes by the Board of County Commissioners to the document submitted by the Planning & Zoning Commission. He feels that it should be adopted as submitted by Planning & Zoning. He does not want to criticize, but would like to ask the Board of County Commissioners to really weigh their decision, move slowly, and really study it out. Mr. Lawson expressed his appreciation for their efforts.

Brent Stohl (P.O. Box 505, Ashton, ID 83420)

Mr. Stohl stated that he appreciates the Board of County Commissioner's "thick hides". There were two points that he wanted to clarify, one being that those in attendance tonight do not represent the majority and the second being property rights. He is in favor of the proposed Development Code.

Gary Bidwell (555 Yellowstone Highway, St. Anthony, ID 83445)

Mr. Bidwell stated that he had questions on Appendix 6 of the proposed Development Code regarding family burial grounds such as permit requirements, required surveys to designate a private cemetery, and removal of burial grounds when property owners sell land etc. Mr. Bidwell presented written comments as Exhibit #9.

Brody Harshbarger(4579 East 1000 North, Ashton, ID 83420)

Mr. Harshbarger stated that he thinks property rights are important and is concerned with land values. He expressed appreciation to the Board of County Commissioners and thinks they are doing the right thing.

Steve Huber (248 North 2300 East, St. Anthony, ID 83445)

Mr. Huber discussed the fees of appeals and he is not in favor. He feels that the average citizen cannot afford to appeal to the Board of County Commissioners to protect property rights. Decibel level limits in industrial zones were also discussed.

Greg Stoddard (1991 East 183 North, St. Anthony, ID 83445)

Mr. Stoddard expressed appreciation for all of the hard work that the Planning & Zoning Commission has done. He believes that they function as an advisory committee and offers that advice to the Board of County Commissioners. He also believes in property rights and that this comes with responsibilities. Mr. Stoddard does not agree with everything, but with the majority of the proposed Development Code. He encouraged the Board of County Commissioners to vote on the Development Code tonight and to continuously work to improve it and move forward.

Nathan Scafe (1012 Grainville Road, Ashton, ID 83420)

Mr. Scafe voiced encouragement to the Board of County Commissioners. He is encouraged with the development so far. Mr. Scafe is a fourth generation farmer and is in favor of property rights.

Jennifer Chutz (3509 Rocky Lane, Island Park, ID 83429)

Ms. Chutz would like to commend both the Planning & Zoning Commission and the Board of County Commissioners. She questioned why changes were made to the document submitted by Planning & Zoning. She is not in favor of the proposed density levels. Ms. Chutz would also like them to reconsider the proposed setbacks. She briefly addressed minimum open space buffers stating that she thinks they are vastly too low. She stated that there is no fiscal analysis in this proposed code.

PUBLIC COMMENT SECTION CLOSED

REBUTTALS

Hearing Officer Trent Grant stated that rebuttals are limited to those who gave comment and that this is an opportunity to clarify their statements.

Jan Neish

Ms. Neish offered simple clarification on her statement regarding property rights in relation to the Comprehensive Plan.

No other rebuttal comments were offered.

Planning & Building Administrator Stephen Loosli Rebuttal

Mr. Loosli stated that density ratio should not be mistaken for lot size. This does not produce too small of farm parcels. He stated that an administrative hearing is an option if it is in the Board of County Commissioner's judgment that no further testimony is needed and use permitted by law. A brief explanation and example of the transfer of development rights was given. Mr. Loosli stated that the reason that our Development Code resembles that of Teton County is because it is by the same author. The county does not offer density bonuses unless we receive a corresponding trade. Within this proposed Development Code, the county nor its taxpayers will not pay for resources. Every single application that is received is obligated to have an improvement agreement and needs to provide the financial responsibility to do so in a manner that is satisfactory to Fremont County. In relation to Mr. Bidwell's previous comment,

Mr. Loosli stated that Appendix G does address issues brought to light by Mr. Bidwell. This information will be required to be recorded with the county. It will be known where these cemeteries are located and who is buried there.

No questions from the Board of County Commissioners.

Mr. Grant expressed his appreciation for the professionalism and civility of those in attendance.

Hearing was closed at 8:05 p.m.

Commissioner Hurt thanked Mr. Grant for his attendance and assistance with this hearing. The Board of County Commissioners really does appreciate Planning & Zoning's work on the proposed Development Code. An effort was made to form that commission to be a diverse section of individuals so it was not a biased board. Special thanks were given to Stephen Loosli and his efforts in bringing this together. Commissioner Hurt stated that this is a living document and will be looked at on a yearly basis, not every 19 years. The commission has in mind to adopt this code. Decision will not be made tonight, but on Monday. Thanks to all those who have participated in this process over six years.

Commissioner Miller stated that it has been an interesting 2½ years and wishes that thanks could be given to past and present Planning & Zoning Commission Board members. They have put in a lot of hours and work into this document. Appreciation was also given to Stephen Loosli and his efforts.

Commissioner Stoddard would like to thank also past and present Planning & Zoning Commissions members. He stated that he felt Mr. Loosli has done a good job and thanked those in attendance for coming.

There being no further business to come before the board, the hearing was adjourned.

Skip Hurt, Chairman
Fremont County Commission

Attest: _____
Abbie Mace, Clerk

EXHIBIT LIST
Public Hearing Development Code
June 23, 2011

1. Fremont County Comprehensive Plan 2008
Fremont County Development Code 2003
File 10-050
Proposed Ordinance and Resolution
Zoning Map
Slide Presentation
2. Written Comments (Neal Shirley)
3. Written Comments (Sumner Swainer)
4. Written Comments (John Nedrow)
5. Written Comments (Jan Neisch)
6. Comprehensive Plan Analysis (Jan Neisch)
7. Written Comments (Anna Trentadue)
8. Written Comments (Pat Sturm – Copy of State Statute 67:65)
9. Written Comments (Gary Bidwell)
10. Plaque submitted by Vance Derricott