

Fremont County Special Commissioners Meeting
Minutes
August 12, 2008

Present for the meeting were Commissioners Paul Romrell, Don Trupp, and Skip Hurt

Also present were Prosecuting Attorney Karl Lewies and Clerk Abbie Mace.

Commissioner Romrell declared the meeting open.

Commissioners reviewed the information from the Idaho Sand Resort Subdivision appeal hearing.

Attorney Lewies stated that this was denied for only one access to the property by the Planning & Zoning. We have been waiting for Judge Moss's decision on another appeal with a loop system. That decision was allowed. That was the delay. The hearing was held on June 25, 2008. His notes from the public hearing stated our planner Joshua Chase stated this site is in compliance and there is no overall master plan with the preliminary plat. Also the Administrator submitted exhibit #5. Stating that master planning is inadequate with this subdivision. He referred to Chapter 12 (d) of the development code page 72. The memo states that the staff does not feel the subdivision meets the code.

Commissioners reviewed the development code to see if the subdivision meets the master planning required.

Commissioner Romrell stated that is very simple, only three lines. What was the developer's response to the question about the master plan? It seemed that the master plan seemed to change through the hearing.

Attorney Lewies stated that is correct the developer did flip flop on what the uses would be on the development. Where there would be permanent residences and commercial uses. He referred to the Planning Commission Minutes of March 17, 2008; stating there was significant discussion on what the use would be on this plan. Several board members voiced concerns on not having a master plan. The developer was asking for guidance at the hearing. It was not clear to the board. Mr. Patlovich stated that the master plan does not apply. The current P&B Administrator feels it does apply.

Commissioner Hurt referred to the development code on pg 72.

They discussed whether or not this is a subdivision or not.

Commissioner Trupp stated this is not clear.

Commissioner Hurt stated he feels that the developer changed the plan to meet the questions that were asked of him.

Attorney Lewies referred to Preliminary Plat in tab 5 of the administrators report.

Commissioner Romrell remembers Mr. Tolbert stating there would be no commercial lots, but the preliminary plat indicates commercial lots.

Attorney Lewies stated this is inconsistent.

Commissioner Hurt feels that there is confusion on the master plan. The point of two accesses is not an issue.

Attorney Lewies referred to his notes that Mr. Tolbert stated there are no commercial lots, when the preliminary plat states there are commercial lots. He went on to explain the preliminary plat is what the Planning & Zoning commission reviews. It can not be changed in the process. We have case history that we can not change the use from the preliminary plat. The developer would have to start over in that case.

Commissioner Hurt feels that based on Mr. Tolbert's changes in the hearing that we don't have a choice but to deny the appeal.

Commissioner Romrell agreed along with Commissioner Trupp.

Commissioner Romrell stated that there were inconsistencies between the administrators he has worked with. If we state that part of the problem was with the administrator can we look at the fees for reapplication?

Attorney Lewies states that can be addressed with the reapplication.

Commissioner Romrell was concerned with the wildlife closure areas. Should we address that in this decision?

Commissioner Hurt was concerned with the lack of septic and well identified on the plat. Yet Mr. Tolbert stated that they may have these in the future.

Attorney Lewies stated that if this were approved what is built will be different than what is on the preliminary plat. He will take this direction and put together findings of facts and conclusion of law.

Commissioner Romrell is concerned that we need to identify the particular issues with the subdivision as proposed.

Attorney Lewies stated that that is up to the planners to give that direction if Mr. Tolbert reapplies.

Commissioners agreed.

Commissioner Romrell made a motion to go into executive session pursuant to IC 67-2345 (d) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student; at 9:42 a.m. Commissioner Hurt seconded the motion. A roll call vote was taken with Commissioner Trupp voting I, Commissioner Romrell voting I, Commissioner Hurt voting I. Commissioner Romrell declared the meeting open at 10:15 a.m.

Commissioner Hurt made a motion to approve the bid from Briggs Roofing for \$8,500 to fix the roof on the Prosecuting Attorney's Office. Commissioner Trupp seconded the motion. A full voice vote was heard with all commissioners voting in favor.

Commissioner Romrell made a motion to go into executive session pursuant to IC 67-2345 (d) to consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student; at 10:45 a.m. Commissioner Hurt seconded the motion. A roll call vote was taken with Commissioner Trupp voting I, Commissioner Romrell voting I, Commissioner Hurt voting I. Commissioner Romrell declared the meeting open at 11:15 a.m.

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

Paul Romrell, Chairman
Fremont County Commission

Attest: _____
Abbie Mace, Clerk