

**Fremont County Planning  
& Zoning Commission  
Minutes  
July 28, 2008  
North Fremont High School Auditorium**

The Fremont County Planning & Zoning Commission met for a public hearing on July 28, 2008. They met in the North Fremont High School Auditorium. **Members in attendance were:** Kirk Mackert (Chairman), John Nedrow (Vice-Chairman), Larry Singleton, Joette Lookabaugh, Steve Pinther, Ron Kynaston, Cindy Miller, Vance Derricott, and Glen Pond.

**Staff and others present:** Kurt Hibbert (Administrator) Joshua Chase (Planner II) Molly Knox (Administrative Assistant), and Letta Laux (P&Z Secretary).

**I. Welcome**

Mr. Mackert welcomed everyone to the meeting at 6:11pm.

**II. Minutes**

There were no minutes to approve tonight.

**III. Public Hearing – 2008 Proposed Version of the Comprehensive Plan**

Mr. Mackert thanked the public for coming and participating in the process of the Comprehensive Plan (CP). He thanked the staff for their help in this ongoing process especially Joshua Chase. Stated they had organized two subcommittees: the Land Use Committee, and the Agricultural Land Use Committee, and special thanks go to them for their work. He also thanked the P&Z for their commitment and hard work for the CP. There are copies of the CP available to view on the Fremont County website. This is not 100% complete and they are here to listen to the public and receive their input.

Mr. Joshua Chase gave a power point presentation showing a recap of the CP process. He explained what the CP is as well as what it is not. He discussed public input that the county has received to date and the results of that input. He discussed the roles of the two advisory committees that have been working on land use issues and their recommendations to the P&Z. He discussed the Preferred Land Use Map and stated it is important to understand that this document is a living document and it will have more alterations. He explained that it is not a regulatory map, it recommends to the P&Z areas that need to be considered more closely.

Mr. Mackert asked if the proper notices had been posted and if there were any conflict of interest. The notices were posted and there were no conflicts of interest.

Mr. Mackert recommended adding the high nitrate map and accompanying information into the public record as a recommendation to look at and discuss during deliberation.

Mr. Mackert read into the record written comments from the County Planning and Building Department dated 7-18-08, a letter from Steve Roberts (Fremont Growth Solutions) dated 7-15-08, the summary comments from the Public Hearing on 7-21-08, and the recommendations from the Agricultural Land Use Advisory Committee. He also read into the record the Nitrate Priority Map information and a letter from Steve Trafton (Henry's Lake Foundation).

Mr. Hibbert read into the record written comments from Paul Woody which is available to be viewed in the file located in the Fremont County Planning and Building Department.

Mr. Mackert read written comments from Mr. Chan Atchley dated 7-21-08. Those comments are available to be viewed in the file located in the Fremont County Planning and Building Department.

Mr. Mackert opened the public hearing for comment.

Kip Martindale 664 N 4400 E Ashton, Id stated he worked with the P&Z for several years and it was a long hard fight. All their efforts were derailed by some employees of the county. He is in agreement with the most of the CP. He is concerned with Policy 4 degrading of property values due to conflicting land uses. Being a farmer, he is concerned about the values of his land as a 4<sup>th</sup> generation farmer. He wants his property rights to be acknowledged as a farmer. Stated he deserves his right to farm. Policy 6- taxpayers should not be made to support the cost of development to the roads. He supports Policies 10, 11, 12, and 14. In Policy 17 he is pleased to see the county is directing development away from viable farm land and protecting the existing farms. He is pleased with the CP.

Bob Rosenberg 280 E Pine Haven Dr. Island Park, ID stated he is from Washington DC and he has been here for 10 years. They chose this place for there home. What brought them here was the good fishing, but what continues to keep them here is the beauty and the sense of place that is Fremont County. Money can not buy the views that are in this county. They are happy to pay the property taxes and spend their money supporting the local businesses for the benefit of living even part of the year here even though they are not full time residents and therefore can not vote. Stated he would urge them to consider these aspects of this special place that can not have a price put on it. He would hope that they will continue to experience what is important here.

Peter Young PO BOX 581 Ashton, ID stated he was very uncomfortable with what was discussed by the people at the last public hearing and how comfortable everyone seems

with this CP. It seems the Fremont County CP would repudiate a free market economy with a government controlled economy. It seems a form of socialism would be preferred by most residents of Fremont County rather than a free market economy. His suggestions for changes to the draft CP are as follows: The vision statement has the word "Democracy" and it should be replaced with the word "Republic" as the US Constitution makes no mention of Democracy, but rather guarantees each state a Republic form of government. Also in the vision statement the line "freedom of choice" should be struck since freedom of choice, individuality, and self-sufficiency is not encouraged and seems to not be allowed throughout the rest of the document. Stated he believes in those values but this document is clearly hostile to them and that language should therefore be struck out of the document. Policy 4 states that property rights must be upheld as per the Federal and State Constitutions, but the US Constitution does not give the people the right to property in the 5<sup>th</sup> amendment, it merely stated that property can not be taken away without due process. Rights to property are gifts from God. The Declaration of Independence makes this clear and this CP should acknowledge where our property rights come from. In Policy 12 we are clearing having the choice to not have a free market by not allowing people to put up billboards. What if the government chooses to limit other commodities such as restaurants, buildings, cars or milkshakes? Stated he is also concerned that the county wants to dictate the designs of the billboards or signs that will be allowed. He questioned what defines a visually sensitive area? He recommend getting rid of policy 12. Why do we not trust the free market as in Policy 2 where affordable housing is pushed? In Policy 18 the County recommends open space bonds despite the fact that over 60% of the county is already government owned and in Policy 15 they say they want to protect the general taxpayer. Questioned how those bonds would be collected. Stated they do not need any more taxing. In Policy 17 it alludes to the idea that productive agricultural land is seen as a public commodity. Stated that viewing private land as a public commodity means that they do not respect the private property rights of the land owner and this is a communist mindset. He has high hopes for the future and he loves this place, but he is concerned if we do not protect the true private property rights of the people.

Tom Atchley 3653 E 1000 N stated the only thing that made him nervous about last weeks meeting was that everyone was in agreement. He has been talking with Mr. Hibbert and he wanted to commend the P&Z on their work so far.

Marvin Hill 669 N 4700 E Ashton, Id stated he is an active farmer in Fremont County and Teton County. He wants to keep on farming and does not want to infringe on anyone else's rights in the county. If he chooses to develop his farm land he should have that right and he would not want to hurt any one else property rights in that process. Stated agricultural land should not be discriminated against in any way.

John Steele Island Park stated this is an outstanding vision statement. Policies 10, 11, 12, and 18 are great. Policies 13-17 are great for development. Good work.

Chan Atchley 4077 E 1300 N Ashton Id stated what he spoke of last week is in the record. He also is highly appreciative of the vision statement. He also want Glen Jans

and Jane Hawkins from Smart Growth Solutions wanted him to say they are supportive of the CP. He read a quote from Leopold about respecting the land that we love. We must respect the rights of the people around us as well as our own.

Jan Brown Idaho Falls, and 3508 N Pine haven Dr. Island Park stated this is a great CP and she appreciates the input from the advisory committees. Stated she works for Yellowstone Business Partnership and she is currently working on a project that looks at the 25 counties surrounding Yellowstone National Park. Neither Montana nor Wyoming requires land use planning. Stated she is pleased that Policy 2 looks at the reality of Island Park and who is really living there. Fremont County is the only county that has the highest number of seasonal homes beating all the other counties surrounding Yellowstone. That demands a serious look at what that impact has on the county. Keep digging and finding out the impacts as that is important. She questioned if they are they really taking into account the special circumstances of the county. She is pleased with Policy 4 and that it is not just the rights of the property owner but the rights of the community as well that are taken into account. In regard to the airport policy, West Yellowstone has applied for year-round status; they need to look at what that will do to Fremont County. They should look at keeping the railroad tracks open and restoring those rails. There is demand for the rails. Regarding Policy 7, they should keep the floodplains free of houses. For Policy 9, they need to make sure they are looking at the increasing needs for commercial land in Island Park. Stated in regard to Water Resources, they should put meters in to impress upon the people the value of the water. In the Fish and Wildlife policy, she is concerned that they are not paying enough attention to all the species and the ecological habitats in the county. Stated she is thrilled that the Henry's Lake Flats are protected as a Visual Resource. She is supportive of TDR's and for keeping the number of billboards down. Stated that the density provisions in Policy 14 are appropriate and that density is important to keep open space. She is glad they have a provision for protecting public access to public rivers and lands and that the costs go to the developer. She is pleased about the idea of having an Island Park School. It is still difficult to keep people in the area for the simple reason that there needs to be a k-3 school. There could be bio fuels coming into the area and they should protect all crop lands. Do we have enough information about energy efficient green buildings? They need to put emphasis on building smartly. She questioned if there is anything in the CP about protecting the cultural values and heritage of the county.

John Pocock 756 S 7<sup>th</sup> W Sugar City, Id stated he is interested in purchasing property that is zoned commercial and has heard that they are planning on changing that land back to agricultural lands and they would ask that it stay commercial.

Laura Pickard Ashton, Id stated she thanked the P&Z for all the hours and work they have done on the CP She stated that the vision statement is kind of "frou-frou". The sense of place idea is "out there". The backbone of the county and state is agricultural lands. They should use any tools available to protect the viability and sustainability of those lands. Flood plains should not have homes built on them. Regarding Policy 14, she would like to see more land included rather than just productive crop land and they should refer to agricultural land and range land etc. as protected as well. TDR's are

important. Agriculture is the backbone even though it has not been growing. The commercial zone map should have the commercial zones located closer to the towns. Also, the growth area that was not highlighted on that map was the Salem Road, and it should be on that map. Chester is big enough and a lot more growth should not be directed there as it would be difficult to support.

Ben Copley 950 N 4100 E Ashton, Id stated he has heard a lot of people say that the developer must pay for all costs of development. He understands that, but at the same time it will put the extra cost onto the land being sold. It might make it so that it is an elitist group of people owning ground in Fremont County. We need to be sensitive to the people that want to move here. He does not want to overdue the costs to the developer so that the land then has to be sold at a higher cost limiting the number of people who could afford to live in Fremont County.

Kurt Hibbert stated many of the Policy statements are written in a regulatory tone and it needs to be changed from a regulatory tone to a non-regulatory tone. They need to save regulatory language for the code. We do not want to confuse people. The CP is not code.

Mr.Mackert closed the public hearing portion of the meeting. He expressed appreciation to those that spoke tonight and gave recommendations. He asked if the P&Z would like to have a work session with all these recommendations presented to them by the staff so they can discuss any changes that need to be made to the CP.

**MR. POND SUGGESTED THEY HAVE A COMPILATION OF THE VIEWS FROM THE PUBLIC HEARING AND THEN HAVE A WORK SESSION ON AUGUST 4, 2008. MRS. LOOKABAUGH SECONDED. VOTE TAKEN: ALL IN FAVOR. MOTION PASSED.**

Mr. Hibbert stated that he and Joshua have started to compile the comments from the previous public hearing and will have all of them available for the work session.

Mr. Hibbert stated that Mr. Pocock had asked about a specific commercial area. He showed the land in question on the map.

## **V. Adjourn**

**MR. POND MOTIONED TO ADJOURN AT 7:29 PM. MR. KYNASTON SECONDED. VOTE TAKEN: ALL IN FAVOR. MOTION PASSED.**