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**Fremont County Planning
& Zoning Work Meeting Minutes
March 7, 2011
6:00 pm**

County South Bridge Street Meeting Room

7 The Fremont County Planning & Zoning Commission met in a special meeting on March
8 7, 2011. They met in the County South Annex Building. **Members in Attendance were:**
9 Cathy Stegelmeier (Chairman), John Nedrow (Vice), Sam Davis, Larry Singleton, Rod
10 Nichols, Layne Hepworth, Patti Crapo, Jim Gerber, Steven Trafton, and John Harrington.
11 **Excused:** Cindy Miller

12
13 **Staff and others present:** Stephen Loosli (Administrator), Greg Newkirk (Planner/GIS
14 Specialist), and Kaylie Bowman (P&Z Secretary)
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1. Call to Order and Welcome

16 Ms. Stegelmeier called the meeting to order at 6:01 p.m.
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2. Work Meeting – Development Code

20 Mr. Loosli said that there were not a lot of topics left to discuss. He said that he still had
21 the notes from prior meeting so we don't need to go through past things, unless the
22 commission felt they needed to be brought up again. He then told them that Mr. Newkirk
23 had maps for them. He explained what they were going to go over on the maps. He held
24 up a map and explained what each color represented.
25

26 Mr. Trafton asked if this was land that had a permit out or what is currently on the
27 ground.
28

29 Mr. Loosli said this is from the Assessors current records. He pointed out where the
30 density is in the county. He just wanted this map to point out where the population is
31 now and for the commission to think about where they wanted it to go.
32

33 Mr. Davis asked if the two tan colors were the same.
34

35 Mr. Loosli said no, he explained again what each color was.
36

37 Mr. Trafton asked if the majority of the county fell in the 1-50 section.
38

39 Mr. Loosli said yes.
40

41 Mrs. Crapo said that according to the research she had done only 32% of the County is
42 owned privately, the rest is BLM, Forest Service, or State land.

43 Mr. Loosli showed a map with the roads more defined. He talked about what happens
44 when roads are added. He said that it creates more access to an area. He talked about
45 how planning should be designed around the infrastructures that you have today or that
46 could be put in today. He said that putting in the roads and maintaining these roads
47 create problems. He explained what the Commission needed to think about this
48 regarding where to put the zoning. He talked about rural conservation and rural living
49 and where they are on the Preferred Land Use Map and the map Mr. Newkirk created.
50 He referred to the Preferred Use Map and talked about what has happened and what is
51 happening in these areas. He talked about Wilford and what they are asking for. He said
52 that the question becomes what is the plan of the County and at what expense. He said
53 that city services already exist in St. Anthony and Teton City, but not in Wilford

54

55 Mrs. Crapo asked if it was Wilford's goal to get city services.

56

57 Mr. Loosli said it would have to be to get the density that they want. He returned to the
58 Preferred Land Use Map and explained that just because something is on it doesn't mean
59 the Commission needed to carry that over to the Zoning Map.

60

61 Ms. Stegelmeier asked if what they were doing tonight was coming up with the zones.

62

63 Mr. Loosli said yes, and explained what the map needs to have.

64

65 Ms. Stegelmeier asked if that is what Chapter 4 is about.

66

67 Mr. Loosli said yes. He wrote the different zones on the white board and explained the
68 different districts in the Code on page 56. He went through each of the districts and
69 pointed out the subcategories. He said that rural infill has been taken out.

70

71 Ms. Stegelmeier asked if rural infill was residential.

72

73 Mr. Loosli said yes it was residential. He said that now there are more typical residential
74 zones.

75

76 Mr. Trafton asked if before they got too far into the zones, why they discarded the old
77 draft of Chapter 4 in the Code and started a new one.

78

79 Mr. Loosli said we didn't lose rural living or conservation. Rural infill was a catch all
80 and it scared everyone because it was too dense. He said that the existing Preferred Land
81 Use Map has this in Chester and the people of Chester didn't want ½ acre lots. He said
82 that he had talked to the Mayor of the City of St. Anthony and that they wanted to have
83 the county help them bring people into the cities not take them away. In order to do this
84 the Commission had to come up with ways to do this, and the new chapter is very
85 specific on this. The things that went away are PUDs and rural infill which was replaced
86 with four residential zones. Rural Village is in and added is a mixed use (MUD) that we
87 may not like, and will need to look at.

88

89 Mr. Loosli asked Mr. Trafton if that cleared it up. He said that he didn't feel that it was a
90 wasted effort, it was just more defined than the previous chapter.

91

92 Mr. Trafton said that there were other changes that have been made to tables and the
93 system has changed.

94

95 Mr. Loosli said that the challenge he had received from the Board was to get rid of
96 vagueness and uncertainty. He said that the old Chapter 4 left a lot of things open for
97 interpretation. He gave some examples of what this referred to. This new Chapter gives
98 a list of questions that need to be asked on each use allowed.

99

100 Mrs. Crapo asked if feed lots were still in there.

101

102 Mr. Loosli said that this is to help the applicant know if what they want to do is
103 something that is permitted according to the Code. He talked about a permit that has
104 come before him and that it took a lot of time to look up if this was a permit that was
105 permitted in the County. He said that in the old Code it was pass or fail. This new Code
106 has the same system; it is just more specific with a longer list.

107

108 Ms. Stegelmeier asked Mr. Trafton if he would rather stay with the rural infill for now.

109

110 Mr. Trafton said no, it was just a question that he needed answered.

111

112 Ms. Stegelmeier said that she had the same question and why it was separated into the
113 different sections.

114

115 Mr. Loosli said there are uses that are alright for rural and others that are alright in
116 residential or commercial. He said that this Code clears up when a person has moved into
117 commercial and industrial zones. He said that if the Commission thought about it they
118 could think of a business that was out in the community that was either commercial or
119 industrial that shouldn't be where it is now.

120

121 Mr. Hepworth asked if the districts will show up on the map and if the subcategories
122 would also be on the map.

123

124 Mr. Loosli said that the Preferred Land Use Map is the map of the districts. He explained
125 that this is what was going before the Board for approval. He returned to the white board
126 and explained what each area was for. He gave examples of how people could still come
127 in and ask for changes to their area, which the Commission would have to approve. He
128 explained that the districts are rural, residential, commercial, and industrial. That if
129 someone wanted to come in and apply for one, they could get a rural village.

130

131 Ms. Stegelmeier asked if in every section the first one was the default zone, and then the
132 ones below them became denser.

133

134 Mr. Loosli said yes. He said that in Residential the least dense is the Rural Urban
135 Transition or the RUT zone. He referred to page 62, and what the ratios would be for
136 each subcategory. He explained what each one would allow for density. He said that if
137 people wanted more than this density they would have to follow certain checklists to
138 upgrade zones.
139
140 Ms. Stegelmeier asked if the applicant would be asked why they were not asking to be
141 annexed into the cities.
142
143 Mr. Loosli asked how Ashton felt about annexing right now.
144
145 Ms. Stegelmeier said it would be new, but that the city wants lots annexed if they have
146 city services.
147
148 Mr. Loosli gave an example of annexing. He said this is why these rules should be
149 established up front.
150
151 Ms. Stegelmeier asked if these rules would make the applicant show if they wanted to be
152 on city water and sewer.
153
154 Mr. Loosli said yes and in the case of Ashton they need to stay on a city grid. He talked
155 about a city that didn't follow the County grid system, and the repercussion of this. He
156 said that they didn't want to adopt codes that would go against the cities codes. He said
157 that land uses change as they get into different zones. He gave examples of this. Zoning
158 is getting the right things in the right places. It isn't saying that we don't want things in
159 this County it is just saying this is where they can be.
160
161 Ms. Stegelmeier asked what remediation is.
162
163 Mr. Loosli said it is waste land that is being fixed up.
164
165 Ms. Stegelmeier asked if this isn't permitted in rural living.
166
167 Mr. Loosli asked where she was looking.
168
169 Mrs. Crapo read from this.
170
171 Mr. Loosli said that this means the individual that is offering this has agreed to remediate
172 as he goes. He said he didn't know why this wouldn't be permitted in rural living.
173
174 Mr. Nichols asked if it needed to be conditional or permitted.
175
176 Mr. Loosli said that it should be permitted in both cases.
177 Ms. Stegelmeier asked why a sanitary landfill would be conditional.
178
179 Mr. Loosli said that this can only happen in a rural area.

180

181 Ms. Stegelmeier asked if the Commission could permit this.

182

183 Mr. Loosli said yes, but you don't just want to let it happen. That they would want to
184 approve this, not just let them get a permit.

185

186 Ms. Stegelmeier asked if they could permit this, she didn't think they could.

187

188 Mr. Loosli said they could permit it, if the applicant had DEQ approval. He said that this
189 is something that the County might face; they may need a new landfill.

190

191 Mr. Gerber said he didn't see subdivision and asked where they are at.

192

193 Mr. Loosli said that is the rest of Chapter 5. He said that single family dwellings are
194 permitted, but to get there the lots have to be subdivided.

195

196 Mr. Gerber asked about expanded transient use.

197

198 Mr. Loosli said that this is alright with a Class II permit. He said that home occupation is
199 there and this is the blanket term for residential business. He asked if there was a
200 challenge with any of the Zone concepts. He went back to the Zones and gave more
201 examples on commercial use. He read from page 68 of the Code. He said that they
202 haven't shown any areas on the map because they don't want to step on the cities toes.

203

204 Mr. Singleton asked who decided the changes on the Preferred Land Use Map.

205

206 Mr. Loosli said that when the Comp Plan was adopted in 2008 there was a map that went
207 with it. He talked about what that map had and how it didn't go with the Commission's
208 recommendation to the Board regarding Chester. He said that the Board came and
209 looked at the map and gave a different proposal. There was a hearing and people came
210 in and said that they wanted changes. He said that the Board said they were going to
211 make the changes this is the map that they are going to talk about on March 15th.

212

213 Mr. Singleton said people wanted to know why nothing is being done on the West side of
214 Highway 20.

215

216 Mr. Loosli said that the Board is proposing that one half of the commercial be on the west
217 side of the road. He said that the map follows section lines, not the road. He said that the
218 confusing thing is where ITD says the new intersections will be. He talked about the
219 changes that ITD is making to the exits on highway 20.

220

221 Mr. Davis asked if they had a timeline for these changes.

222

223 Mr. Loosli said they don't have the money, but they want the county to act as if they are
224 already done. They want the County to build frontage roads. The County has some
225 control over where the exits will be, but not much. He said that the big thing is some

226 people don't want commercial by the highway it ruins the views of the community and
227 other people say yes we want it by the highway not by their houses.
228
229 Mr. Davis said that there couldn't be any commercial areas by Highway 20 because there
230 won't be any access to the highway.
231
232 Mr. Loosli said right. That is why people are saying lets put them in the cities. St.
233 Anthony is now saying that they don't want more business by the south end of the city.
234
235 Ms. Stegelmeier said they will let them put them in, unless they don't want to have jobs.
236
237 Mr. Loosli said that the County has been talking with the City of St. Anthony and that
238 they know that they are going to have to expand their horizons. He said that the
239 businesses haven't come yet but they don't want to make it so they never can. He talked
240 about why Boise County filed for bankruptcy. He stated that if there is something that
241 they don't want in the County now is the time to say it.
242
243 Mr. Davis asked if the boundaries are yellow and not red, and was this determined by the
244 population.
245
246 Mr. Loosli said yes by population and also by what they have already done. He pointed
247 out there isn't more room for Marysville, Twin Groves, and Parker to become denser
248 because of what they have already done. The area to look at is Wilford and how they
249 want their own zip code.
250
251 Ms. Stegelmeier said according to this map they don't have the density to have their own
252 zip code.
253
254 Mr. Loosli said no. He asked if they get what they want will they be happy. He said the
255 Commission had to look at it as if they felt alright about helping a community become a
256 town.
257
258 Mr. Davis said it is about having some control.
259
260 Mr. Loosli said they were alright with that part of it, but that density wise they were
261 looking at a whole new set of issues. He referred to water and sewer. He said if they had
262 village rules then it would be like Chester or Shotgun. He said he didn't want to spend a
263 lot of time on this because there isn't a wrong answer; they just needed to be careful on
264 how they draw the maps. He explained the different options that the Commission could
265 do on zoning.
266
267 Ms. Stegelmeier asked what rural living was before, was is it the 70/30?
268
269 Mr. Loosli said that he didn't have that. He returned to the white board and explained
270 what the Commission had decided in each section.
271

272 Ms. Stegelmeier asked if there was open space in the residential.
273
274 Mr. Loosli said he hadn't put it in, but there could be. He said for rural living they had it
275 at 20%. He explained at that density this is what it normally is.
276
277 Ms. Stegelmeier said she was comfortable with what it was; she just wanted to make sure
278 it was going over into residential.
279
280 Mr. Loosli asked if the Commission was alright with these numbers.
281
282 Mr. Hepworth said he wasn't. He thought that open space should be 80%, but he wasn't
283 here for that discussion.
284
285 Mr. Nichols said that he had heard from people that since 70% of Fremont County is
286 owned by the feds, the rest ought to be free game.
287
288 Mr. Hepworth said that didn't matter.
289
290 Mr. Nichols said he agreed and said this is the mentality of people around here.
291
292 Mr. Loosli asked if they were alright with density.
293
294 Mr. Trafton said it is too high.
295
296 Discussion on open space requirements in rural conservation
297
298 Ms. Stegelmeier said they have already gone over this a lot and said she wanted to move
299 on to changes she wanted made in Chapter 4.
300
301 Mr. Harrington said he had a lot to look at in this also. He said that Mr. Trafton said he
302 would like to go back to the old Chapter 4 and asked how the Commission felt about that.
303
304 Mr. Loosli said that they could adopt these concepts with the wording of the old chapter
305 four. He then asked if any of the comments were for the commercial or industrial section
306 in the new section.
307
308 Discussion on Chapter 4. They decided to take out rural infill and replace it with the four
309 new subcategories under residential, to go back to the old tables, and use the new sections
310 on Commercial and Industrial. They also agreed to add Mixed Use Development and
311 leave rural village in. All PUDs will be removed.
312
313 Ms. Stegelmeier asked if they needed to talk about set backs.
314
315 Mr. Loosli said they would match to the buffering in Appendix K on set backs for non
316 compatible uses.
317

318 Mr. Gerber asked if there is anything in there where a business would be mixed in with
319 houses.
320

321 Mr. Loosli said there were two ways to do this. He explained that the two ways were by
322 following Appendix I or a rural village. He explained how each one would be used.
323

324 Ms. Stegelmeier asked if the mixed use would be a commercial permit and would need a
325 Class II permit.
326

327 Mr. Loosli said it would be an overlay that permitted a mixed use. He gave an example of
328 the Enchanted Forest in Island Park. He said there are ways to do it. He said that an
329 applicant could come in and show what they want to do.
330

331 Ms. Stegelmeier asked why a bed and breakfast would not be allowed in the LO and C3
332 areas.
333

334 Mr. Loosli said that C3 is usually industrial and a bed and breakfast wouldn't go well in
335 an industrial area. He said the theory is, what is the complaint that neighbor A would
336 have with neighbor B and the use of their land. He said are we inviting nothing but
337 complaints.
338

339 Ms. Stegelmeier asked why not in LO.
340

341 Mr. Loosli said limited office that he didn't have a problem with a bed and breakfast in a
342 limited office area.
343

344 Mr. Hepworth asked if on the Allowed Use tables, if someone comes in with something
345 reasonable and it is not on the table then they aren't permitted to do it.
346

347 Mr. Loosli said that the P&Z can issue a special use permit. He said there is something
348 that is before the state legislature that if it isn't documented and on the list the applicant
349 doesn't get it. He said it goes to the fact that neighbors could complain about one
350 another. Special Use permits could be done away with by the state. He said that at this
351 rate the applicants may have to go to some state agency.
352

353 Ms. Stegelmeier asked about the M3 zone where it talked about small air field and that
354 they are not permitted by other air fields, if this was a typo.
355

356 Mr. Loosli said that it isn't a typo it is absolutely correct. He said it refers to the zone
357 around the airport. He explained what this means.
358

359 Ms. Stegelmeier asked what kind of studios and if this should go away or better defines
360 what they are.
361

362 Mr. Loosli said that was fine.
363

364 Mr. Gerber said that there are three uses on this table that are not permitted any where in
365 the county, example townhouses.
366
367 Mr. Loosli said that this was going to shift back to the old residential in Chapter 4.
368
369 Mr. Gerber said but they are not listed.
370
371 Mr. Loosli talked about townhouses and a permit that came in from Island Park. He said
372 that a townhouse is twenty units per acre. He said that except for resort type use the
373 county has no need for townhouses. He said there has been some discussion of this in the
374 Island Park area.
375
376 Ms. Stegelmeier said that Ashton has talked about condos for sun birds but that nobody
377 has followed through.
378
379 Mr. Loosli said that this goes back to TDRs and explained this.
380
381 Mr. Gerber asked about the multi-family dwelling.
382
383 Mr. Loosli said that single family attached could go up to four. But anything else is
384 multi-family. When it talks about multi-family this is anything over five.
385
386 Discussion on TDR's.
387
388 Mr. Harrington said that on page 57 on 4.13.010 would be good place to put the
389 percentages back in.
390
391 Mr. Loosli said that this will be back in there.
392
393 Mr. Harrington said on page 79 it referred to PUDs.
394
395 Mr. Loosli said they would all be gone.
396
397 Mr. Harrington said he couldn't find Articles E and J.
398
399 Mr. Loosli said they don't exist. That the proof reading stopped until he could talk to the
400 Commission about this, but that all of this would be deleted. He gave examples of what
401 would be changed. He said that the Commission would get an e-mail version of all of the
402 changes.
403
404 Mr. Gerber said on page 53 on 4.05 there should be a fifth exception that would say it has
405 to be allowed by the laws of the State.
406
407 Mr. Loosli said that they needed to understand what this section is talking about. He read
408 from these allowed uses. He then said that what Mr. Gerber said is to add it but it has to
409 be legal in our State. He said that if you looked at marijuana growing, this would be

410 accepted by these four exceptions. He then asked if anyone on the Commission had a
411 problem with adding that it has to be a legal use.
412
413 Mr. Gerber then referred to page 61, the Table on 4.2.
414
415 Mr. Loosli said that he hasn't changed these numbers yet. The table will be updated and
416 so will the other tables.
417
418 Mr. Trafton asked if anyone has an objection to say that we don't want adult
419 entertainment centers in Fremont County.
420
421 Mr. Loosli turned the time over to Mr. Newkirk to answer this question.
422
423 Mr. Newkirk said that you can't say no. They have to be allowed somewhere. You can
424 say they can't be within this amount of feet from, gave examples.
425
426 Mr. Trafton asked why can't we disallow theses. We have taken out other things.
427
428 Mr. Newkirk said it is free speech.
429
430 Ms. Stegelmeier asked if in the sign ordinance if they had to be allowed also.
431
432 Mr. Newkirk said yes they have to be allowed, but they could regulate the signs.
433
434 Mr. Trafton asked if Mr. Newkirk could give a recommendation on how to word this.
435
436 Mr. Newkirk said that putting it in the industrial zoning and then say that there has to be a
437 1000 foot buffer from anywhere children would congregate.
438
439 Discussion on where to put adult entertainment and how to word it
440
441 Ms. Stegelmeier asked if they needed to work on the map.
442
443 Mrs. Crapo asked about page 57.
444
445 Mr. Davis asked about little town sites that haven't been included.
446
447 Mr. Loosli said that on the land use advisory committee, there was talk that the little town
448 sites need to be recognized and they were even mapped out. It didn't survive the new
449 maps. He said that they could be named in the new chapter as historical hamlets.
450
451 Mr. Nichols asked what is the purpose of naming them.
452
453 Mr. Davis said for memory.
454

455 Ms. Stegelmeier said Mr. Newkirk knows a lot about this because of mapping. They are
456 still on the maps because they were the school sections.
457
458 Mr. Nichols asked what the value is for us naming them.
459
460 Mr. Loosli said that the heritage value is still there. He gave examples for each town site.
461
462 Mr. Harrington said that the idea is there was already development there and that you are
463 steering development to the areas that had established town sites.
464
465 Mr. Loosli said that Fremont County was developed in two different ways, Mormon
466 Villages and Land Homestead Act. He talked about each development. He said that part
467 of the reason is that if you have this kind of density everywhere there is no reason to look
468 anywhere. If you keep these areas then this makes these areas more appealing (referring
469 to sections on the map).
470
471 Ms. Stegelmeier said there would be a break.
472
473 Ms. Stegelmeier called the meeting back to order at 7:57 p.m.
474
475 Mr. Loosli talked about the fact that people want this new Code to go away and return to
476 the old Code and why. He said they feel that Chester is a farming community and they
477 don't want subdivisions. He asked if anyone would farm in Chester.
478
479 Mrs. Crapo said no it isn't farm ground.
480
481 Mr. Loosli said that he isn't picking on Chester, that there are other areas in the County
482 that feel this way. He talked about the meeting he attended in Utah and that there is not a
483 way to have a subdivision without having the feeling of a subdivision. The complaint
484 isn't that they don't want more people, they just don't want subdivisions. It takes away
485 from the feeling of the community. He said this is why they are unhappy.
486
487 Mr. Trafton said that one of the problems he has is when people come in and say that
488 they are real farmers and someone else is not because of the size of their farms. It
489 doesn't matter the size of the farm it is a farm. He said that this is what people are saying
490 to sway our thinking.
491
492 Mr. Loosli said that he gave a permit to a 30 acre farm that would make more money
493 per acre than a big farm.
494
495 Ms. Stegelmeier said that she liked chapter three because it explains this and people look
496 at the land and see what works best for the surrounding areas.
497
498 Mr. Loosli said that the reason he told the Commission about Chester was so that they
499 could understand that the design issues of the past subdivisions is what is upsetting them
500 and others in the community. He referred to the map to show them an example.

501

502 Mrs. Crapo asked about on page 57, 4.13.20 and asked how they are defining what
503 important agricultural land is and what is not. She said that they need to provide for
504 everyone's property rights.

505

506 Discussion on what productive farms ground is and who should define that

507

508 Mr. Harrington said that this brings density back up and asked if Mr. Loosli could explain
509 this again.

510

511 Mr. Loosli said that in the old rule; the densest areas were 40/100, 2.5 acres. He said that
512 they are proposing that the second least would be 50/100. He said that there have been no
513 problems with this and that no one has come in. They could cluster to get more density.
514 He then talked about the numbers they had discussed again. He also talked about the
515 LESA plan in Idaho.

516

517 Mr. Harrington asked what are more conservative numbers that we could look at. His
518 concern is that Fremont County will end up like Teton County.

519

520 Mr. Loosli said there is a good system, if the city is the most attractive thing that is where
521 people will go. He said that we are a rural county and the default is 40 to 100. He gave
522 examples of what would happen if you went more conservative. He talked about
523 personal property rights.

524

525 Ms. Stegelmeier tried to make a point that people can say they want to make people buy
526 in the city, but that none of the Commission lives in the cities and wouldn't want to.

527

528 Mr. Loosli read part of a quote from the Idaho Supreme Court about zoning (Exhibit A).
529 He talked about zoning and what that does to property values.

530

531 Mr. Hepworth said that we could keep the open space the same, but look at the density
532 numbers.

533

534 Mrs. Crapo asked if it could vary from one area in the County to another.

535

536 Mr. Loosli said yes, it has before and could again.

537

538 Mr. Nichols said they need to make sure they don't hurt the big farmer by putting
539 something in that says they can't get the assessment on their land that they need to get
540 money from the bank. Or that they can't break off a piece of land that they can't farm to
541 sell. He said he likes little farms but both need protected.

542

543 Mr. Trafton said that he understands that, but his concern was that in placing value on
544 land that way could create a problem of people seeing how many houses they can cram
545 on the land.

546

547 Ms. Stegelmeier asked how you take this to the bank.
548
549 Mr. Nichols said that if it is restricted to much, we are taking the value away.
550
551 Mr. Trafton said open space at 70/30 with 25units per 100.
552
553 Mr. Nichols said he is alright with that, he just doesn't want to make it more restrictive.
554 He said that no one wants what happened to Teton County to happen here but that he
555 doesn't want to hurt the full time famers either.
556
557 Mr. Trafton agreed, and asked if this was the right formula.
558
559 Mr. Nichols said he didn't know. He said that they would just have to adopt one and
560 revisit it if it isn't working.
561
562 Mr. Hepworth asked under the current program what the numbers are.
563
564 Mr. Loosli said 40 units per 100. He said that there are only two zones, LESA which is
565 1/40 and not LESA which is 40/100.
566
567 Discussion on units in the Chester subdivision
568
569 Mr. Loosli talked about the LESA plan and how this affects the units per acre. Also how
570 they would fall into the different sections in Chapter 4 of the Code.
571
572 Mr. Nichols asked if on 40/100 if they had to have a common well.
573
574 Mr. Loosli said no.
575
576 Mr. Trafton said that the prior code was very restrictive and people were getting loans on
577 their land with it. He just wondered if there is something in between.
578
579 Mr. Harrington said that they could test this but the results are subdivisions. Once they
580 are there we can't do anything about them. If we over develop now we can't go back.
581
582 Mr. Nedrow said that before we go any farther lets see by a show of hands of who wants
583 to look at this more.
584
585 Mr. Trafton asked if they could throw out a middle ground rather than all or nothing.
586
587 Mr. Loosli gave out numbers for the commission to look at.
588
589 Ms. Stegelmeier asked if that would make rural living more than what they have it as.
590
591 Mr. Loosli said no, less. We are 40/100 they are 10/100.
592

593 Mrs. Crapo asked if on 40/100 if that would be 2.5 acre lots. She said there is nothing
594 wrong with a 2.5 acre lot.
595
596 Mr. Newkirk said there is a problem with trying to stop development.
597
598 Mr. Singleton said that we need to review this every ten years.
599
600 Mr. Loosli said every two years.
601
602 Mr. Singleton said this is economy driven and doesn't see anything in the near future that
603 would cause a problem. They could review this in the future and see if there needs to be
604 a change.
605
606 Mr. Nedrow said if you make it to dense to begin with it is hard to go the other way.
607
608 Mr. Harrington said you can not go the other way.
609
610 Mr. Hepworth said that Chester has a point here and that we need to think about this.
611 What is the density that we want from second homes? He asked about having the density
612 areas for Island Park, North Fremont Zone and South Fremont Zone different.
613
614 Mr. Loosli said they have been different in the past, but are currently the same. He
615 referred to the map that shows density and that Island Park should be the least dense, but
616 isn't that way. He said that LESA wasn't a limiting factor in Island Park because it is too
617 high in elevation.
618
619 Ms. Stegelmeier said that if you are in the trees, you can have more houses.
620
621 Mr. Harrington asked if Mr. Loosli knew the density numbers for Teton County.
622
623 Mr. Loosli said no, he did not. He said that one of the problems in Teton County is that
624 they didn't have open space rules so they ended up with cookie cutter subdivisions.
625
626 Mr. Trafton asked what if they said 25/100 under rural conservation.
627
628 Mr. Harrington said that is where we are now. He said that we are proposing five times
629 more density than Ada County. To him that is a red flag.
630
631 Mrs. Crapo said that we have a million acres, we can't compare to Ada County.
632
633 Mr. Hepworth asked if she was talking about the size of the Counties.
634
635 Mr. Nichols said no she was talking about the personality of the Counties.
636
637 Mr. Loosli said that we don't have a Nampa or a Boise.
638

639 Mr. Nichols said that we do not have business that draws people here. We have
640 recreation.
641
642 Mr. Harrington said that people want the rural character that we have here and with the
643 type of density we are asking for we are asking for trouble.
644
645 Mr. Hepworth said that even if you put a cookie cutter subdivision in a rectangle you still
646 have a lot of homes.
647
648 Mr. Loosli said you are building hamlets.
649
650 Mr. Gerber said we are going from 40/100 in the old code to 25/100 in the new code, so
651 we are reducing the numbers.
652
653 Mr. Harrington said that is not true. We are going from 1/40 to 25/100
654
655 Mr. Loosli discussed the ratios from the old Code to the new Code.
656
657 Mr. Gerber said that 2.5/100 would make it impossible for a subdivision, and asked
658 where do we go between there and 40/100. He said we have settled on 25/100 as a
659 reasonable balance.
660
661 Mr. Newkirk said how much you bring it down is important. He gave examples of what
662 happens if the county builds out of land to build on. He gave examples of this. He said
663 times change and things change look at the rental cabins in Island Park. What you do
664 now is important to the future.
665
666 Mr. Harrington asked what Mr. Newkirk thought was reasonable.
667
668 Mr. Newkirk said he didn't know. He would have to look at buildable land in the
669 County. He talked about how this is done. The idea is doing an analysis on what this
670 County is going to become.
671
672 Mr. Trafton said won't price push against that pressure a lot.
673
674 Mr. Newkirk said prices have a lot to do with it. He said that in the county he lived, it
675 doubled in size. They didn't think this would happen, but now it is close to tripling. If
676 you have a certain density and try to change that, when the pressure comes there will be
677 problems.
678
679 Mr. Harrington said that this analysis needs to be done. He asked where this number
680 came from.
681
682 Mr. Loosli said that this was from negotiations from previous proposals. He then gave an
683 example from Teton County and trying to control density. He said we just need to get a
684 number that is a good policy number.

685
686 Ms. Stegelmeier asked everyone in favor: Mr. Hepworth, Mr. Trafton, Mr. Nedrow, and
687 Mr. Harrington wanted to keep talking about it. Mr. Gerber, Mrs. Crapo, Mr. Davis, Mr.
688 Singleton, Mr. Nichols were against relooking at this. She said that with that count they
689 would move on.
690
691 Mr. Loosli said next we are going to draw on the map. He read the whole quote from the
692 Idaho Supreme Court (Exhibit A). He said that what they were proposing to the
693 community is a set of standards to dictate the yield that their property could have.
694
695 Ms. Stegelmeier asked if it is zoned rural then it will be rural conservation and rural
696 living.
697
698 Mr. Loosli said no, she was looking at the wrong color on the board.
699
700 Ms. Stegelmeier asked if they were in rural living there is no limited office in it.
701
702 Mr. Loosli said if they wanted a mixed use they would have to come in and petition from
703 the Commission for a mixed use overlay. He gave examples.
704
705 Ms. Stegelmeier asked if they were starting at rural conservation and then deciding where
706 to put rural living, etc.
707
708 Mr. Loosli said yes. He said that on commercial that everything is limited office, unless
709 they wanted to put something into the C1 area. He asked if anyone wanted to do this
710 right now.
711
712 Ms. Stegelmeier asked what C1 was.
713
714 Mr. Loosli said it is the next level of commercial use. His recommendation was to let
715 anyone who wanted this to come in and ask for the change in zone.
716
717 Ms. Stegelmeier asked if there was anywhere that they had to do this or if everything out
718 there would be grandfathered in.
719
720 Mr. Loosli said everything out there is already fine. They wouldn't be able to take away
721 from anyone their right to function as a business if it is currently there. This is for future
722 use.
723
724 Ms. Stegelmeier said she thought that the cities should be residential.
725
726 Mrs. Crapo asked if she meant Ashton and St. Anthony.
727
728 Ms. Stegelmeier said yes. She then asked what the rest of the Commission thought.
729 They all agreed.
730

731 Mr. Loosli asked if they wanted all of the area on the Preferred Land Use Map that is
732 rural now, to start with rural conservation on the Zoning map. He asked if there are any
733 areas in the brown that should be designated as rural living the next step up.
734
735 Ms. Stegelmeier asked if they had to do this.
736
737 Mr. Loosli said no.
738
739 Mr. Nedrow asked if someone wants to change it, can they come in and request for the
740 change.
741
742 Mr. Harrington asked out of rural conservation into rural living.
743
744 Mr. Nedrow said yes.
745
746 Mr. Loosli asked if they were suggesting that all rural start with rural conservation and
747 that rural living is a requested change.
748
749 Mr. Singleton asked about impact areas around the cities.
750
751 Mr. Loosli said that is a different area.
752
753 Mr. Nedrow asked if they were already taken care of.
754
755 Mr. Loosli said yes.
756
757 Mr. Trafton asked if Mr. Loosli was asking for something above and beyond the current
758 map.
759
760 Mr. Loosli explained that on the Preferred Land Use Map, everything that is brown on
761 the map could be rural conservation or rural living. It is going to get rural conservation;
762 he was just asking if there is anything on the map that they thought needed to be changed.
763
764 Mr. Gerber asked about Marysville.
765
766 Mr. Loosli said don't worry about the yellow yet. We will get to it.
767
768 Mr. Nichols said he agreed with Mr. Nedrow that if they want something different they
769 could come in and request it.
770
771 Mr. Hepworth asked if the little areas counted in this. Like Drummond.
772
773 Mr. Loosli said that Drummond is a city and it is not affected. The reason it doesn't look
774 different is because it has no area of impact, but they are considered a city. Warm River
775 is the same way. He said there is no reason to invite the growth out there.
776

777 Mr. Davis asked about Twin groves.
778
779 Mr. Loosli said that it is also yellow.
780
781 Mr. Trafton said he thought it was good the way it is.
782
783 Mr. Loosli said everything in rural will be rural conservation and if they want a change
784 they will have to ask for it. He moved to residential on the preferred map. He asked
785 what they wanted to make Marysville.
786
787 Mr. Davis asked what their population is.
788
789 Ms. Stegelmeier asked if they were incorporated.
790
791 Mr. Loosli said they were not incorporated and said they were in the 51 to 150 for
792 population and that they had 4/1. He said that they are currently built out at rural
793 conservation. He said they would want to go up a level or they wouldn't be able to build
794 anymore.
795
796 Ms. Stegelmeier said rural living in Marysville.
797
798 Mr. Loosli he asked if everyone was alright with that. He moved on to Parker and asked
799 if they wanted rural living for them.
800
801 Mr. Nichols said they want an impact agreement.
802
803 Mr. Loosli said that they have two that are higher density and two that are not. He said
804 rural living would probably be the better option.
805
806 Ms. Stegelmeier asked if everyone was alright with that.
807
808 Mr. Trafton asked Mr. Loosli to clarify on the map where he was talking about.
809
810 Mr. Hepworth asked if the point was to drive the growth to these areas.
811
812 Mr. Loosli said that the cities are not going to turn down growth in the right places. He
813 talked about Twin Groves and said they are in the improvement area of the city services.
814 He then said that rural urban transition should be 75/100.
815
816 Mr. Hepworth asked if they upped the density of rural urban.
817
818 Mrs. Crapo said that this would encourage Twin Groves to come into the city.
819 Mr. Loosli said yes.
820
821 Mrs. Crapo said that they have their own water system, but that they piggy back on the
822 city's sewer.

823
824 Mr. Loosli asked what they wanted for Twin Groves.
825
826 Mr. Harrington said make it the same rural urban transition.
827
828 Mr. Loosli asked about Wilford. He said that they have not built out.
829
830 Mr. Davis said rural living in Wilford. He said he didn't think that they wanted rural
831 urban transition and if they wanted they could go towards rural village.
832
833 Mr. Nichols said when it is less dense there are more weeds and those areas that are more
834 dense have less weeds.
835
836 Mr. Loosli said that is alright, Fremont County is going to spray your weeds and bill you.
837
838 Mr. Nichols said that there are some areas we should zones more dense. So that people
839 can take care of this problem.
840
841 Mr. Trafton asked what he was going to see at the next meeting. He asked if they will
842 have a final draft to discuss. He asked if they would see the old charts and wording for
843 rural conservation and rural living and new for commercial and industrial.
844
845 Mr. Loosli said yes, and explained.
846
847 Mr. Harrington asked both verbiage and charts.
848
849 Mr. Loosli said yes, and gave the numbers again. He asked about mixed use areas and
850 they agreed to have it be the under lying zone.
851
852 Mr. Trafton asked if as a group could they have one final discussion.
853
854 Mr. Loosli asked if they needed to have another meeting.
855
856 Mr. Harrington said he thought there should be one more discussion.
857
858 Mr. Gerber said he thought that they should go around person by person and say if they
859 are alright with the new Code.
860
861 Mr. Loosli said that there had to be a hearing first. He asked if they wanted to have one
862 more work meeting or just look at it as a draft and schedule the public hearing. He asked
863 if they felt that they needed to look at it again as a group.
864
865 Ms. Stegelmeier asked how many public meeting there would be.
866
867 Mr. Loosli said there would be only one.
868

869 Ms. Stegelmeier said that we should have another work meeting but also have a public
870 meeting scheduled.
871
872 Mr. Trafton asked if they needed to have a public open house.
873
874 Mr. Loosli said no. He said they need to give a twenty-one day notice. He said that he
875 would like sometime to look at this.
876
877 Ms. Stegelmeier asked when the public hearing would be.
878
879 Mr. Loosli said the 11th of April would be the soonest. He pointed out that there are still
880 some areas that he wanted them to look at. An example of one of the things we need to
881 look at is the permissibility of a second house on a lot. He asked if they wanted to talk
882 about this at the regular work meeting on March 28th.
883
884 Discussion on when to have the meeting and decided on March 28, 2011
885
886 Mr. Harrington said that he wanted to go over a few things in Chapter 5 before the next
887 meeting. Page 143, 5.59.050 he asked if this had been changed.
888
889 Mr. Loosli said that Mr. Trafton wanted the wording changed for the conservation groups
890 because they would shy away from this.
891
892 Mr. Harrington said if you can't put an easement on a property then a deed restriction is
893 the perfect tool.
894
895 Mr. Loosli said they were there but due to comments there was a reason for things to
896 come out.
897
898 Mr. Trafton said that the language problem was that the easement needed to be held by an
899 approved conservation organization. He said there should be other tools there that people
900 can use.
901
902 Mr. Loosli said that this is an easement and you are saying there needs to be a deed
903 restriction.
904
905 Mr. Harrington read from the 5.59.050 and said it needs to have deed restrictions in there.
906 He moved on to page 123, 5.42 roads. He said that there is nothing in here that says that
907 roads can't be moved for development.
908
909 Mr. Loosli said that this doesn't go in this Code it goes on the official road map, which
910 Fremont County does not have. He talked about Fisherman's Drive. He said that Mr.
911 Newkirk is working on an official road map. He talked about roads. He said it is being
912 worked on but it is for Ms. Vik's department not ours.
913
914 Ms. Stegelmeier asked if they would have to have a public hearing on this.

915

916 Mr. Loosli said yes. He said that the County has to have legal proof they own the road.

917 He reminded everyone about the meetings on the 28th and the 29th of March.

918

3. Dismiss

919 Ms. Stegelmeier adjourned the meeting at 9:16pm.