Jefferson County
Planning and Zoning Public Hearing
June 3, 2021 at 6:00 PM

6:00:39 PM  Planning and Zoning Commission Present: Corey Beebe, Ryan Ashcraft, Heath Lewis, and Michael Clark.

6:03:40 PM  Commissioner Clark opened the meeting. Hathaway led the Pledge of Allegiance. The staff was introduced.

6:04:09 PM  Commissioner Ashcraft brought up page 2021-6, line 14 from the May 6, 2021 minutes. He thought that he and Steel had voted the same and Lewis and Clark had voted the same. Commissioner Lewis agreed. The roll call vote from May 6, 2021 minutes was “Steel votes aye. Clark votes aye. Ashcraft votes nay. Lewis votes nay.” The proposed corrections to be made are “Steel votes aye. Ashcraft votes aye. Clark votes nay. Lewis votes nay.” Ashcraft – It’s still a tie, so it doesn’t change anything. Lewis moved to approve the minutes with the corrections from the May 6, 2021 Planning and Zoning meeting. Ashcraft seconded. All in favor.

6:06:11 PM  Ashcraft moved to approve the written decisions for the previous meeting. Commissioner Lewis seconded. All in favor. No ex parte communications disclosed.

6:06:59 PM  Clark read the proceedings of the public hearing.

6:12:52 PM  Public Hearing No.1 Preliminary & Final Plat/ Applicant Brian Lott/ Located at approximately 4030 E 200 N, Rigby, Jefferson County, ID/ To propose a 6 lot subdivision.

6:13:31 PM  The Staff report was read by Planner Jenny Kerr.

6:14:45 PM  Kerr read letters into the record.

6:24:04 PM  Clark noted that this is being considered under the joint City of Rigby Area of Impact Board.

6:24:27 PM  Presenting: Brian Lott (241 N 4200 E) – We want to do a 6 acres subdivision. We’ve put the pumps in. I think they’re put in the box in today. They’re supposed to be putting in power, the
power company is on board with going under the road with the new main line. The pump system's in
that will be watering it all. We will have the domestic use for each house. Or they can use the main line
and pump to water also.

6:26:03 PM    Ashcraft – You installed the mainline, so where it refers to the Packers, you won’t be using their
main line. Lott – No.

6:26:20 PM    Lewis – So when you say 6 acres, it’s 30 acres parcel, so it will be 5-6 acres? And will it be
accessed with a private road? Lott – It’s six lots. There’s no private roads, just access off the road.

6:26:43 PM    Beebe – The Rigby Canal letter referenced an irrigation plan. Did we have that? Kerr confirmed
that it was on the table tonight, but it was not received in time to be in the packet. Lott – I have the certificates
here. I haven’t put them in my name. I didn’t want to transfer them twice. There are 8.4 shares that came with the
farm. That will be what transferred. I have them right here. I’m just going to do it once and put in into Lynnclo
Acres.

6:27:55 PM    Clark – It sounds like the canal company is okay changing the point of diversion. Lott – Yes, they
gave me the approval. It will actually be better for the canal. This will be a water saver for the canal system.

6:28:27 PM    Beebe – The city talked about water service, and you’re going to tie in. Was there any response
as far as sewer? Lott – There’s no sewer system at this time. They’ll have their own septic.

6:29:14 PM    Public Testimony Portion Opened:

6:29:29 PM    In favor: None

6:29:37 PM    Neutral: John Reed (3991 E 160 N) – Brian, I see a bunch of heavy equipment out there.
Clark told him that comments were being made to the commission, not to the applicant. I was
wondering if it’s all for Lott or is there another subdivision.

6:30:49 PM    Janet L Reed (3991 E 160 N) – I’ve lived in almost 14 years in Stongate housing development.
I’m a county resident, not a city resident. I watch out for the taxes I pay. Since Boise came over and talked to our
County Commissioners and raised our taxes. Some questions have been answered. Is it residential and the lot size?
Or is it a quadrant? What is the lot size? You started describing the 30 acres and the 6 lots. I wanted clarification on
this. Development on wells or treated city water. That happened in Ammon a lot of years ago, and a lot of them
got upset at Ammon. I was part of the Snake River judicature years ago and learned a lot when I lived in Rim Rock
Estates for 23 years east of Ammon. I gave testimony in Boise about water rights, irrigation, groundwater, surface
water. I have a concern about metered water in the city and the cost. I prefer not to have chlorinated water. How
much traffic on 4000 E. Where is going to be the 4 lane outer belt to Rigby? Like what happened in Idaho Falls.
Finally they finally came up with Sunnyside outer belt after I made some phone calls. Where is the 4 lane outer belt?
4000 E is narrow you can’t even walk along there. Platting is permanent without change. Don’t want to be annexed
to the city of Rigby. We’re paying higher taxes for what Boise did.

6:34:16 PM    Daniel Chrisman (4033 E 200 N) – I think I’ve had my questions answered. I won’t like the
additional traffic, but I support private property rights. It looks like the plan’s pretty solid. I’m also the water
master for the canal.

6:35:08 PM    Speaking in Opposition: None

6:35:22 PM    Rebuttal: None
Discussion of the Board: Lewis - Most of my questions were answered. I saw 30 acres then heard 6 acres. That’s why I asked clarification on that.

Ashcraft – This is in the R-1 zone and 3 acres is the smallest lot. The metered water that the one person brought up, this wouldn’t require anyone else to be on metered water, this is just this subdivision. It doesn’t affect anyone else. And whether it ever gets annexed in the future, we don’t have an idea.

Lewis – The taxes are out of our hands too.

Clark asked for clarification on where city limits were. Kerr indicated where that is. It looks like at least a quarter section line. Clark discussed how annexing into the city would work. The reason the water is there is an agreement to supply water for the LDS church. The church is not in the city limits. In order for those parcels to be annexed, the properties between would have to be annexed first. That’s why the language was in that agreement stating that if and when it was annexed, those properties would be annexed without protest.

Ashcraft clarified access from the county roads to the lots.

Lewis – I kept thinking it was R-1 and there would be more. It’s pretty simple. There could be a lot more houses there, but he opted not to. Clark – It really sets the densities in those areas, it’s not going to increase. Everything in the presentation and application is in keeping with the subdivision ordinance, specifically with water issues. In this case they will have a pressurized system. Lewis – It sounds like it’s taken care off, not like some others that aren’t finished.

Beebe confirmed with staff that the plat meets requirements.

Ashcraft moves to recommend approval to county commissioners with the condition that they adhere to the agreements made as stated in the letters read in. Beebe added that we are recommending it in accordance to page 12 (c) that it meets the requirements. Beebe seconds.

Hathaway reminded that this was applied for as a preliminary and final plat.

Ashcraft agrees to add that it’s recommending to approved as preliminary and final plat to motion. All in favor. Motion carries.

Public Hearing No.2 Variance / Applicant Kyle & Hayley Maddux / Located approximately at 4154 E 100 N, Rigby, Jefferson County, ID/ To propose building a single family dwelling closer to the road than the required setback.

The Staff report was read by Planner Jenny Kerr.

Presenting: Dillon Wray (549 W 1st N) – Owner of the lot adjacent to the proposed lot. Presenting on behalf of the owner. Read in letter from applicant that was submitted. Beebe – You’re not the person building? Wray – We own the lot to the west, the other half of the cul-de-sac. Indicated where he was on the lot.

Lewis – How close? Wray – The cul-de-sac requirement is 100’ from the centerline. It will be 35’ to the property line on one corner but average of 57’. They have a hard time building in a skinny lot. It’s really
putting them closer to our lot, which is fine for us. Referenced the site plan. They have it where it fits. If they turn it, it becomes to a small buildable spot. The dotted area is the original setback if they didn’t get the variance this shows where it would be. Lewis – That still gives them the setbacks on the sides. Wray – Yes, they’re right to the edge.

6:49:11 PM    Beebe clarified the dotted line on the setback as the R-5. Wray – That’s how I understand it. The current area is pretty small and limited. This allows more flexibility.

6:49:50 PM    Ashcraft – This has porches and everything accounted for? There would be nothing else sticking out? Wray – This would be the border, nothing would go beyond that.

6:50:15 PM    Lewis – If they turn that, there’s still room, right? Wray – They could, how they have it is the best option. He is the structural engineer, so he designed what we see now. He put it based on how the variance would allow him to build.

6:50:47 PM    Beebe – The portion that is to the east, is that living space, or is that the garage? Wray – That is the garage. Lewis – What’s around this property now? Wray – The previous owners of the entire subdivision live just to the east. Some homes are built. Development ceased, then recently began again within the last two years. It’s a subdivision with roughly 1 acre lots.

6:51:58 PM    Public Testimony Portion Opened:

6:52:29 PM    In favor: None

6:52:31 PM    Neutral: None

6:52:34 PM    Speaking in Opposition: None

6:52:37 PM    Discussion of the Board: Beebe – This is zoned R-5, in a 1 acre lot. Do we adhere to the R-5 setbacks? Staff indicated that the 1 acre setbacks and R-5 setbacks are the same. The setbacks are 100’ from the center of the cul-de-sac and 50’ from the property line.

6:53:24 PM    Lewis – What I’m seeing, I think it would fit without the variance. Last month we denied a variance because of the setbacks. There’s room to do what they need to.

6:54:27 PM    Ashcraft – Referenced 3.9.2. I would argue that he meets (a) It is narrower than most of the others in the vicinity. (b) I guess the property right is to build a house. Clark – To build a house with the backyard and the same general characteristics of others existing. Ashcraft – They have septic systems. Any setback requirements for septic systems? Staff indicated yes, that there are setbacks for septic set by East Idaho Public Health.

6:56:16 PM    Lewis – It could but he has room. Hathaway – There is room, but the subsequent activity that takes place. A house could fit and meet the setbacks, maybe not this configuration or size. For this size and configuration you may need a variance. But it’s not an anomaly with the land. It’s up to you to interpret.

6:57:33 PM    Ashcraft – Are the septic required to be behind the house? Hathaway – Some plats designate the location in the back. I don’t believe this one does.

6:58:06 PM    Ashcraft – (b) I guess is a question. I don’t see any interference with (c). (d) You could argue that he could try half of that. Lewis – From what I’m seeing, if he turns it a little, it would fit.
6:59:08 PM  Beebe – Why can’t it be pushed back in that same orientation?

6:59:20 PM  Clark – It seems that it makes it smaller backyard than they would like. Beebe – I don’t know the scale, but it seems maybe 20’ smaller. Clark – It would probably be 15-20’.

6:59:51 PM  Ashcraft – It says 80’ to the center now, you’d have to move 20’ to get to the 100’. Clark – I think you can argue that the minimum variance is 50’ off the property edge. That’s what I would say would be a minimum. It comes down to, could it be oriented in such a way as to fit that size of house, the answer is yes. We don’t have the layout for the septic systems, but there is room. As far as (a), the only conditions would be that it’s a longer, skinnier lot than others. Obviously the applicant has no control, but I’m assuming it was the configuration of the lot when it was purchased. I tend to agree. I’m not sure that you can argue that it’s really that there are any conditions that remove preservation of property right.

7:02:21 PM  Beebe – If this is not granted, does this create a hardship? I only see that it won’t be like you want it. You still have a house. Your backyard may be a little smaller. I don’t know what the hardship is.

7:03:02 PM  Beebe moves to deny the variance as it doesn’t create a hardship in that is beyond their control in accordance with 3.9.1. Lewis seconds. All in favor.

7:04:41 PM  Public Hearing No.3  Zoning Ordinance Map Amendment/ Applicant Michael Cardwell/ Located at approximately 3660 E 100 N, Rigby, Jefferson County, ID /To propose changing the zoning from Residential 5 to Residential 1.

7:04:52 PM  The Staff report was read by Planner Jenny Kerr.

7:05:56 PM  Presenting: Michael Cardwell (1101 Spratt Ave, Idaho falls) – We purchased this 10 acre lot. We would like request a change in the zoning for the first 5 acres to change to R-1 to eventually be 1 acre lots and keep the back as an R-5 acres. This would be serviced by access that goes to 100 N. It’s contiguous with N-1 lots in the Garfield Subdivision. Lewis – Do you own the other two parcels on each sign? How long have you owned it? Cardwell – I do not, those were purchased by others around the same time. We closed in February. Ashcraft – Is the part you own shaped like a bottle? Cardwell – Yes. That slant is because of cul-de-sac and easement. The easement goes between houses through Garfield subdivision. They’re all serviced by the one access point. Lewis – Is that an easement or right-of-way? Cardwell – Right now it’s an easement. We have a request in for it to be changed to an access road. That would require a variance because it would be within 200’. Based on the zoning and the easement, that’s the only access point. Lewis – There’s houses on both of those lots with the access? Cardwell – Correct. Lewis – What’s the road like right now? Cardwell – It’s grass, but not a track. Lewis – The property owners are aware of the easement? Cardwell – I believe so. The field was being farmed as of last year. Beebe – Is the easement for farming access? Cardwell – I believe so, I don’t know exactly. I believe its 60’. Clark – There’s two parcels on the sides, do you know how those are accessed? Cardwell – The 3 strips that used to be one 30 acre parcel are all accessed through the same access point. I’m not sure why the top of the property is slanted slightly. I assume the access goes on either side of that strip.
7:11:14 PM Beebe – Your plan is to have 10 lots? Cardwell – We would like to have R-5 zone for the southern 5 acres and change the northern to R-1 lots. We purchased this and some family approached us for family and we  would pursue that as much as we could. We also think it aligns with the Planning and Zoning statement for  improving property values. It’s currently a farm field, but it’s zoned residential. We would like to change the first 5 acres into 1 acre lots.

7:12:27 PM Ashcraft – Is there a water right? Cardwell – Yes, we are currently in the process of forming a water right association between us three purchasers. I believe there are 5.5 shares per parcel that came with the land. And it’s on a canal that serves on the east side. Indicated on the map. It flood irrigates down towards the west. My thought on that is that any building or access is going to make flood irrigating not really a thing anymore. My thought is that it would need to switch to a pump situation to service the property after that. That would apply to my property to either neighbors if they were to split theirs into two R-5. Flood irrigating would be a problem.

7:14:18 PM Public Testimony Portion Opened:

7:14:25 PM In favor: None

7:14:40 PM Neutral: None

7:14:48 PM Speaking in Opposition: Kerr read in letters of opposition.

7:21:11 PM Kevin Hancock (62 N 3600 E) – I have two concerns. Water and infrastructure. That’s it.

7:21:47 PM Gloria Dillon (3775 Rustic Lane, Idaho Falls) – We own property to the west. We bought it thinking we could build maybe two houses at most, one per 5 acres. We didn’t want a bunch of houses around us. I’m opposed to breaking it down more.

7:22:46 PM Laura Knighton (3660 E 68 N) – I see a negative impact on the community. So I respectfully oppose.

7:23:14 PM Jennifer Kulp (67 N 3685 E) – Before I moved to Rigby, I lived in Idaho Falls. I had a small yard that was a peaceful quiet place, but it wasn’t. Due to the neighbors close proximity cigar smoke, voice carrying over, all night party animals, the meth dealers. It wasn’t peaceful or quiet. I rarely got a good night sleep or felt safe. I moved to the rural Rigby area and it is peacefull. I can look out over the fields and see trees and sunsets. If all these houses go in, we won’t see sun our space will slowly disappear. There will be too many people trying to live in a rural area that no longer exists. Rigby will become another Idaho Falls. We can’t stop growth, but it shouldn’t compromise what we value.

7:25:02 PM Maurette Clark (3670 E 68 N) – 14 years ago, we moved here and one of the things that attracted us were the spread out houses that were on 5 acre lots. I feel keeping it in R-5 keeps the rural feel of the area. This property also shares property borders on three sides with parcels in R-5 that have 10+ acres and a lot if it is being farmed. I’m opposed to changing to R-1.

7:26:06 PM Jerry Matthews (78 N 3700 E) – Signage for public notice needs to be addressed. This sign has been face down for the last few weeks. I tried to stand it back it, but it fell down again. I can probably answer more questions than most people in this room. I farmed this property for several years. The 60’ easement is a road and utilities easement. It is Burgess Canal water. On the ditch, it runs across this parcel here (indicated on the map). It was laser leveled four years ago. The property waters from the east to the west. It could be set up to water from the north to the south. On the plat map, if you look at the layout. They’re not taking into account the loss for the road and cul-de-sac. I’m opposed to it, I think it’s a great
place for 5 acre parcels. It allows enough area for people to move around in. The Burgess Canal water rights can only be split in increments of 10". The amount of water could not be broken down equally among the 1 acre lots. But with the 5 acre lot, the surface water rights could be broken down with individual ownership. If you were to allow this to go to the R-1. I would enact a stipulation that surface water rights have to stay in canal. It would negatively impact other agricultural users. Potentially we would lose the head pressure to get it across our land. We all share water for a 2 mile area. I would like you guys to not change zoning in areas like this unless you look at the county as a whole. It’s been exciting to see the county look like this. I know the Garfield subdivision has been there for a long time.

7:31:47 PM    Beebe - You talked about the easement, you said road and utilities. Matthews – That’s how it’s stated right now. Bryan Lott was farming last year.

7:32:27 PM    Nancy Hansen (30 N 3700 E) – In my review of the information, it’s not in accordance with the Comprehensive Plan. It is not in the area of impact and under definitions it says it should be a transition from residential to agricultural. It is not right next to R-1, it’s in R-5. It should not be having clusters in R-5. Those homes have been there longstanding. The zoning was done after. Policy 8.7 talks about encouraging land development that doesn’t have a negative impact. I feel it would have a negative impact the surrounding areas. I do not feel it would be wise to change it. It would set precedence. Like the Billmans when they requested the same across the road.

7:34:29 PM    Terry Matthews (3670 E 100 N) – We wouldn’t be having this meeting if I wouldn’t have had a crazy ex-wife. I used to own it. I don’t want this subdivision in my backyard. I hope you keep in an R-5. It’s a nice community, let’s keep it.

7:35:28 PM    Wayne Smith (3652 E 100 N) – I’m in the existing homes that have been there forever. Our neighborhood consists of people my age or older, so the homes were grandfathered in. The easement really is an awkward approach into the property. It’s a privately held easement. It has a sprinkler system in it, it’s grass. That road would need substantial improvement. It’s coming between two homes and a shop. It’s an awkward place. I’m friends with the other property owners, the Rices. To the east of this requested change. They live outside of Portland, OR. They came here looking for rural property. I know they are disappointed that there is a request to change it to an R-1. I would hate to see them sell their property. There are water issues. I agree with Cardwell that there would be issues because it’s in the middle. There are methods for the others. But to irrigate and make it useful. We stand opposed. It’s outside the area of impact. It has poor access to 100 N. We’re disappointed. I feel bad for the folks that bought their 10 acre lots thinking they are moving into Mayberry. This is disturbing to them and to us. I request you use the same wisdom as with the Billmans request. Their property is directly to the north. The board reviewed that request and denied it.

7:39:35 PM    Rebuttal: Cardwell – I don’t know if I captured every concern that was raised. Hopefully I have answer to these. Access: It’s good to know that it has sprinklers in it. Regardless, there are at least three of us, and I know one neighbor wants to build two houses. That is going to have to change regardless. We’re proposing for my family, there would be 5 one acre lots. One would want 2 acres. So instead of having 2 houses, it would be up to 6 house. Before we turned in the request, we talked to the Rices and he didn’t have any objection then. It is outside the AOI, but it’s fairly close by. We are planning on planting most of our 5 acres with trees to limit noise, sound, and sight pollution. I think they don’t want a subdivision there. I understand that. Consistently what I heard is about not it not being contiguous, it is
contiguous with R-1 lots, and I understand that those are older lots. But they are there, we’re touching
them and you have to drive to the middle to access the property. If there were concerns about 1 acre lots,
it was a bad decision to buy property that touches a subdivision. In the Comprehensive Plan, there are
things that align with and things that it not necessarily does. That’s up to the board to decide what applies.
I looked at developing property values was encouraged and keeping with the zoning ordinance and it
would be serviced by a single access point. I understand desire to not want a lot of neighbors. It’s not a
huge increase. The specific impact on water table, I couldn’t tell you, I’m not an expert. Jefferson County
has an excess from what I read. I don’t have any specific numbers that show it would be a negative impact.
We would like to keep our lot as R-5 but have a part that is R-1 that is contiguous with the existing. We
want to do a lot of trees. I don’t know why it’s a negative impact, other than more people. As far as
utilities, nothing is serviced by utilities there, other than power and road. The houses out there are on
well, septic, and propane. The water rights issue is a new one to me, we would need to address that. We
are asking for an additional 3 houses vs potentially 2 as it is now.

7:46:35 PM  Ashcraft - Are you planning to build here? Cardwell – No one lives here currently, we are
planning on building our house on the 5 acre portion.

7:47:08 PM  Discussion of the Board: Lewis – On the application, it’s to change the zone for the whole
parcel, not zoning half of the parcel. Clark asked staff to clarify if the Garfield subdivision is R-1 or R-5.
Staff indicated that it is in the R-5 zone and indicated the zoning on the map.

7:47:52 PM  Lewis – The applicant sounded like he’d like to leave part of it R-5. Clark – The application
is for a zone change, not for a subdivision plat. We have to be careful not to base the deliberation on that,
the matter before us is, is the population density being requested appropriate for the ground it’s being
requested for. There’s been a lot of discussion about people moving here because no one lived here.
That’s not necessarily a basis for making a zone change. It is R-5 and is R-5 appropriate in that area? I think
yes. Is the R-1 density appropriate for that area, regardless what they intend to do with it? If it is R-1, they
could put as many as they can fit in there.

7:49:42 PM  Beebe – How you separate the zone change without considering the population density
with an associated buildup of homes. I don’t know how to separate that.

7:50:10 PM  Clark – It’s a good question, there are R-1 parcels next to it. Some of the argument against
comes from people who live in those. I don’t know how you separate it, but one of the requirements is
that it be contiguous with an R-1 zone, not R-1 parcels. Even though they are R-5, they are legal non-
conforming. How do you delineate that? It’s still zoned R-5. If you look at the population density, it is
higher, but if you look at the surrounding parcels, it’s not that dense.

7:51:36 PM  Lewis – I don’t know who platted it, looking at how it’s laid out, I think it’s a perfect spot
for the R-5, they’re intended for the bigger lots. With the easement, I don’t think it was intended to be an
R-1 go through there. I could be wrong. It’s an easement, not a right-of-way, it’s not a dedicated road.
Clark – It is a guaranteed road. A road could be put in.

7:52:44 PM  Lewis – Looking at the existing Garfield estates, that is deeded property that the
easement is on. It would wipe out yards.
Hathaway recommended to clarify easements with legal counsel. Taylor indicated without seeing the language of the easement, he couldn’t speak to the nature of it.

Clark – I’m not sure that bears weight in our discussion whether the R-1 density is appropriate. I don’t know if it adds a great deal either way.

Hathaway – I don’t know how road and bridge would view that. The loading of that easement could be a variable for their approval.

Taylor – The concern I have with the easement is that, under our current subdivision ordinance, you deed the road to the county and it would be a county road. That easement would need to be a county road and that’s basically a taking unless something else was arranged. That’s a complicated situation with that easement if a subdivision were to go in. It’s a complicated issue.

Clark – I agree, but we are not hearing an application for a subdivision. If it were to be changed, the potential applicant would come in with a subdivision plat application. That is where that would come into play as the road are platted. I don’t think it’s subject to our debate this evening.

Beebe – We’re looking at this and using our ordinance as a guide to help us make a decision. What’s guiding us is 3.14.3. We be in accordance with our Comp Plan: Goal 8.1, Policies 8.2 and 8.7. In my opinion, those are the pertinent goals, policies, ordinances to make a decision. Another factor is the Billman property across the road that had a similar request. We need to be consistent.

Clark – Clarified where it says it has to be contiguous. Staff stated that it is in State statute. I agree, not necessarily because of the Billman application. Because of the general characteristic of the population density. If you look at the purpose behind an R-5 zone. It states that the desire is to retain the similar density. Even though there are some areas of more dense areas, but the aggregate parcel size is greater than the R-1 zone.

Ashcraft – It’s important that you say similar sizes. I would add 3.3.2 (a) regarding boundaries for zoning districts. It seems that it is breaking away from that pattern.

Ashcraft moves to recommend denial to commissioners based on 3.3.2 (a) and what Beebe referenced in 3.14.3 and Comp Plan Policies 8.2 and 8.7 and Goal 8.1 and the R-5 zone purpose in 3.3.11. Beebe seconds. All in favor.

Public Hearing No.4 Conditional Use Permit/ Applicant David & Heather Hill/ Located in Cobblestone Acres Div. No. 1 at 4326 E 100 N, Rigby, Jefferson County, ID/ To propose placing a second dwelling on the property to care for a loved one.

The Staff report was read by Planner Jenny Kerr.

Presenting: David Hill (4326 E 100 N) – We are asking for a Conditional Use Permit in order to care for loved ones. The proposal is to add a second dwelling temporarily (not a month or two) we are discussing a longer period of time. Currently the individuals are between 45-65 years old with outstanding health concerns. Our desire is to place a mobile home on the property for the remaining of
their lifetimes or until they need to be put into an assisted care facility which maybe up to 17 years or so. I suppose the reason we’re here is that a separate dwelling is allowed up to half the square footage of the home. The home that we would like to set there is 64%, so we passed the 50% threshold.

8:06:06 PM Lewis – Can you go smaller? Hill – We’re married to what they have now. The initial purpose was to purchase the vacant home across the street, but prices have priced them out, so they purchased an existing mobile home in Idaho Falls that we would be moving. It’s a double wide. If it didn’t have the extra room at the back, we would be at the 50% not at the 64%. We submitted the floor plan as well. The optional activity room on the end is what pushes us over the boundary. Lewis – And that’s part of the house now? Hill – Correct.

8:07:20 PM Beebe – So it’s 1439 ft² the additional activity room? Hill – Correct. My plan isn’t as detailed as some others, the site plan has the overall square footage. Beebe clarified the 1439 ft² vs the 1700 ft².

8:08:03 PM Ashcraft asked for clarification on the purpose of the room. Hill answered it’s an extra room that is connected with an arch.

8:08:20 PM Lewis – How old of a house is it? Hill – I want to say it is a 2011, +/- 3 years.

8:08:39 PM Clark – Who is it that will be staying there? Hill – It will be my mother-in-law, father-in-law, and brother-in-law. Lewis – Do they have health conditions? Hill – Yes they do. Part of the reason for this is, I don’t want to say they went downhill, but we have seen a decline. It allows them to preserve some autonomy and self-control, but has us be close enough.

8:09:37 PM Public Testimony Portion Opened:

8:09:54 PM In favor: Laura Knighton (3660 E 68 N) – I feel it would be a hardship to this family if it’s not approved. I don’t see it negatively impacting anyone having a double-wide on this property.

8:10:40 PM Neutral: None

8:10:44 PM Speaking in Opposition: Jenny read in letter of opposition

8:12:39 PM Jared Hibbart (4347 E 84 N) – I object to the conditional use permit. I agree with my neighbors in their letter. By allowing this, I worry about precedence in our subdivision and other subdivisions’ covenants due to the high cost of land at the moment. People will be taking advantage of situation like this. It would contradict our covenants by having another home and a manufactured home. I believe this permit should not be allowed as it is larger than 50% of the primary residence. I believe in abiding by subdivision covenants that have been present for the last 18 years. I purchased my property because it’s zoned R-5 so it’s not in a high density subdivision. As stated in their request, placing a second dwelling is what they have desired since they purchased the property. We all have aging parents that need taking care of. They knew the covenants. Referenced CCRs. We should honor our covenants for our subdivisions. Lewis – Does it say it on the deed? Hibbart – it’s in the Cobblestone Protective Covenants that are recorded.

8:16:17 PM Doug Sorensen (4340 E 84 N) – I live inside of cobblestone acres. I respectfully ask that the commission decline the conditional use permit to add additional manufactured home. We do this for 2 reasons. 1. We ask that the commission enforce the R-5 zoning. And because of the previously stated subdivision covenants we have in place. We have full sympathy for their situation and wish them the best, however we feel that approving the permit and allowing an additional house could and would be detrimental to the property values of the other lots in the subdivision. We are concerned that it could
set a dangerous precedence for others to make changes contrary to the covenants and R-5 zone. It’s my understanding that previous owners tried to add an additional house and were turned down. The protective covenants that we all signed, including the Hills, I imagine. They moved a couple of years ago. Referenced language in the covenants. Allowing two homes on the lots is essential subdividing. There is nothing more permanent than a temporary structure. We put time and effort into improving the value of the homes and yards to maintain a standard of living. It would be unfair for any owners to violate their agreements. We understand that the county doesn’t enforce covenants, but we ask that the county respect them and uphold the R-5 zoning.

8:21:01 PM Robert Nash (4350 E 100 N) — I oppose the conditional use permit. My neighbors hit all the talking points pretty well. I would reiterate that we are not in the impact zone or the R-1. By allowing this conditional use permit it would push us into this R-1 area. If you look at the zone map, the closed R-1 is a small parcel about ¾ mile away, the rest of it is approx. 2 miles away on either side.

8:22:37 PM Don Gneiting (87 N 4235 E) — We live just south of the proposed conditional use permit. It’s not a personal issue. We have nothing against the Hills. In my research, I wasn’t able to find any information on hardships in a conditional use, it’s more in the variance. We want to uphold our agreements.

8:23:50 PM Jim Fitch (4336 E 84 N) — I’m opposing for the same reason as we all signed the covenants. I’m worried that if we allow one, and don’t abide by one, it would become expected rather than just requested.

8:24:38 PM Rebuttal: David Hill — I don’t want to say I’m claiming ignorance, I don’t remember signing covenants. I most likely did, I was not aware of existing covenants. I am pleading ignorance, that’s on me. I would generally rebut a precedence is set. Once is an exception, twice or more can be argued as a precedence? Doug did make the crack that nothing is more permanent than a temporary structure. We did change this from a variance to a conditional use permit to stress that it is a temporary situation. Saying 15 years is temporary is a stretch, but it is something that everyone is in the position to make plans for the future. I’m not looking to negatively affect property values and we’re certainly not asking for a rezoning of the property. I like having R-5 I’m not changing it to an R-1. The whole reason I was here is that it was a 50% or less and the structure is 64%. This is not a permanent request or intentionally structure. To be blunt, the day they go under the ground is when a “for sale” sign goes on it. I don’t want to keep it for any longer than I have to.

8:27:12 PM Beebe — What are the plans for water and sewer for the new one? Hill — If you look at the ground plan, there is a 65 ft. space between our home and where we would propose to set it. Right in the miss is where our well is. The intention is that we would use the same well. There would need to be an additional drainage field for septic tank. Lewis — Were you going to put it on permanent foundation? Hill — I was not planning on it. A permanent foundation makes it a permanent structure and that’s not what it is.

8:28:09 PM Discussion of the board: Beebe — How binding are the covenants of a subdivision? Would their subdivision enforce it? If we approve it, their covenants wouldn’t allow it. Hathaway — If you choose to approve it, it’s a zoning thing and they have the right to proceed and get the building permit and do whatever they need to do. If the subdivision homeowners choose to challenge that based on their covenant rules that would be in their purview not within ours. Beebe — Is it the responsibility of
the county to adhere to covenants? Hathaway – No, I wouldn’t say it’s irrelevant. It’s a guideline like
many of the guidelines we use. They’re established by HOA to hopefully develop a standard or establish
a lifestyle that is conducive to their goal. We deal with ordinances that are more concerned with density,
health, safety, and environmental issues. I don’t think it’s irrelevant, but it’s not within our purview..
Beebe – We can’t enforce, but we can consider.

8:30:11 PM  Hathaway – You can absolutely consider. There are some other things to consider. It is
not clearly a variance or CUP. It fits within both guidelines. The CUP gives the option to apply conditions
by the nature of the permit to mitigate the concerns that have been brought forth with subdivision
issues. Beebe – I was trying to find why it’s a CUP. If I look at the Land Use Table. If it’s a temporary
structure, it is allowed with a CUP. By the definition, it’s not temporary. It does fit under a dwelling #2.
Hathaway – We did run into a lot of issues with in the 1 acre subdivisions in placing an accessory
structure on a 1 acre subdivision lot, but those concerned sewer, septic and water issues. But this is in
the R-5 and the septic is something they’ll need to work out with District 7. That would not be a concern
in this case like it would be in another. Beebe – So, is this a dwelling #2? Or an accessory dwelling.
Hathaway – It’s a structure to care for a loved one.

8:32:24 PM  Beebe – Dwelling #2 is blank in R-5 on the Land Use Table. Hathaway – It’s a conditional
use, it’s allowed under very specific circumstances. There was concern with a precedence being set. You
would not allow in my opinion in an additional structure on an R-5 lot just because it’s nice. There would
have to be another reason, such as caring for a loved one.

8:33:20 PM  Clark – It’s not a permitted or conditionally permitted in an R-5 (looking under Dwelling
#2).

8:34:08 PM  Beebe – A conditional permit is not applicable for a Dwelling #2. It’s either permitted or
permitted via CUP. Clark – But if it was permitted with a CUP, it would have a C on the Land Use Table.
Beebe – It does not have a C.

8:34:30 PM  Clark – Often times we use the exemption for a mobile for 1 level of consanguinity. That
is for a mobile home, not necessarily for a second dwelling. That’s some of the conditions. It would
normally have to be variance. Hathaway – It could be a variance, but a CUP gives you more control over
what’s being proposed. Clark – That second dwelling is not permitted in the R-5. Even with the
conditional use permit. Hathaway – It could fit under an accessory apartment. It’s not a secondary home
for sale or rent as an income property. It’s an accessory apartment to care for a loved one.

8:35:50 PM  Lewis – I don’t see anything that’s pro for or against it, but 15 years is a long time. And
we’re not even set on 15 years. None of the other subdivision are happy with that.

8:36:26 PM  Clark – Coming back into the ordinance to set it up.

8:36:34 PM  Lewis – I’m trying to find something more for or against it. Where it’s in a subdivision,
I’m having a hard time wanting to see it pass. Hathaway – The applicant has stated that it could be 15
years, they don’t really know the term. A CUP is evaluated every year on a year to year basis.

8:37:05 PM  Stout – Referenced the Land Use Table showing that a secondary dwelling is
conditionally allowed.
8:37:30 PM  Beebe — What’s the difference between dwelling #2 and secondary dwelling? Stout — There is ambiguity in our ordinance, and that is one of the reasons we’re updating it. Lewis — It would be a secondary dwelling, we don’t have a timeframe. It’s not a short, temporary thing. Clark — We are treating it as a temporary dwelling because, you have to go that route to allow the use of the siting of a mobile home. That’s in 3.11.6. That’s the one that would allow to site manufactured home in an area that’s not designed for manufactured home siting. One exceptions is the need to care for 1 level of consanguinity.

8:39:16 PM  Clark — I think what I’m saying is that it sounds like it’s doable with a CUP in an R-5. Then based on that, we have to look at it and decide what conditions would you place on it to minimize impact on the neighbors? That might become the more difficult issue. Referenced the aerial. One issue is, I don’t see a way to minimize the impact on the neighbors. If it were a tree-lined lot, there’s minimization of it. Where they have it proposed, it essential impacts every owner in the subdivision. Being able to place conditions which minimize the impact is difficult.

8:40:54 PM  Hathaway — Are you speaking of screening? Clark — Yes, which we have done in the past. I’m not sure if that really addresses the concerns. There was a lot of concern that it sets a precedence. The entire intent of a CUP is to not establish precedence, that’s the reason for that mechanism in our ordinance. This particular mechanism says we will put conditions to minimize the impact. Hathaway — Maybe that’s more concerned with traffic, noise, screening, etc. If several of those conditions were present, not just the screening that might be more of a question. That would be up to you to consider, are there other components to mitigate the impact? If it’s just one, maybe you can accommodate that better.

8:42:55 PM  Beebe — I can’t find the definition for a secondary dwelling. Read definition for apartment. Staff explained the accessory apartment ordinance from what it was to what it reads now and read from page 36 regarding accessory apartments.

8:44:52 PM  Lewis — It’s hard not to impact the neighbors. I’m having a hard time seeing that.

8:46:01 PM  Hathaway — That could be mitigated. You could consider if the applicant would be willing to consider screening.

8:46:55 PM  Clark read from page 37. It says accessory apartments should be real property with a permanent foundation. There’s no clear path to place it, given our current ordinance. I know we have done it in the past, but in this case it’s different.

8:47:35 PM  Hathaway — I think with the complicating issues. It’s not clear, does fit in within one or the other guidelines. But it does fit under certain circumstances. Maybe you have to look at the requested use, could it be an allowed use.

8:48:08 PM  Clark — That becomes a difficulty because it’s not necessarily an allowed use. It’s an allowable use for placement of a manufactured home. But the conundrum is that some of the other language doesn’t say that it’s applicable in the case.

8:48:43 PM  Hathaway — If you really want to complicate it, it is 24’ wide. Anywhere else in the county it could be placed with a building permit, because it’s not considered a single-wide. Clark — But it falls under the definition of a manufactured home, which does have specific requirements. Hathaway — but you could anchor it.
Lewis – They’re going to fight it with their own covenants with the commissioners, if we pass it. I don’t know how the covenants work. Clark – Basically, it goes into civil litigation. If we can structure it to avoid that, it may not be the popular decision. But our desire is not to start battles within subdivisions. Are we looking in the wrong ordinance? Do we need to be looking in the subdivision ordinance?

Stout – Referenced 3.11.6 2(f). It does provide exceptions under the manufactured home section of the ordinance.

Ashcraft – What does it say in (2), what does new mean? Allowing new manufactured housing? Staff indicated it means new to the location, not a new manufactured home.

Clark asked Taylor for any counsel on the matter.

Taylor – It is a discretionary question. You have the discretion to allow it. You have the discretion to deny it. Even with all the conditions, you still don’t have to allow it, it’s discretionary. You can put additional conditions.

Clark – It is allowable, so the question is, should it be allowed. And, if it is to be allowed, what conditions would need to be placed on it. I won’t say that it mitigates everything, but what makes it palatable. Clark – It is challenging. Normally when we have one of these it meets the (f) 1 and 2. It really isn’t temporary. The temporary aspect in the past has been easier to define. We’re talking 15-20 years now.

Hathaway – The permit is a temporary permit. Whether it lasts a year or 15 years, if it meets all the terms during the time it’s allowed, it can continue. Or if something changes that it doesn’t meet the requirement you have the discretion to say it needs to be removed. If it changes, and doesn’t meet that. Clark – That’s what we say in there, that within 1 year of the change of occupancy or purpose that it is removed. That’s one of the conditions to place on it. There is not an expectation that we know exactly when the use will go away. There’s no guarantee, but it says that after that use or need changes, then the permit says it goes away.

Beebe – So then we have to define the need for that? Clark – No the petitioner has defined that use, to care for a loved one within one level of consanguinity. I think that’s already stated. Is it appropriate, should we grant it? If we grant it, then what are the conditions you are going to permit?

Beebe – One of the conditions I had was that it be in agreement with HOA. Clark – That can be.

Lewis – The biggest heartache I’m having is thinking temporary as being 3-5 years. We’re talking way longer than that. That’s hard to juggle in my mind. It’s going to effect the neighborhood for years to come. Hathaway – Can you address that for more time limit and then reevaluate.

Clark – In most cases, that accessory dwelling is isn’t in the front yard. Even with respect to the surrounding land owners, it’s in the front instead of the back yard. I don’t know that screening is necessarily an option. I don’t think putting a fence around it addresses the concern.
Hathaway — Can it be placed differently on that lot? Clark — I’m wondering if there are other alternatives. That’s not for me to say, because I’m not sure if it would be okay or not. It’s in the neighbor’s front yard as opposed to being in the backyard. In most cases, as a neighbor, if it’s in the back yard I can live with it. But it’s in my front yard. It’s a little more difficult to mitigate the impact. Given the current the position, I don’t think we can mitigate the concerns or even partially mitigate the concerns.

Hathaway — It’s currently at 190’ one way 90’ the other. That more than meets our setbacks.

Ashcraft — Is the purpose of the 50% size of the primary dwelling to mitigate that? Clark — It certainly reduces the impact. I don’t think you deny the intent behind it.

Beebe moves to approve based on the Land Use Table under an accessory apartment with the following conditions: 1. That the placement of the structure be in alignment with the Cobblestone covenants; 2. The CUP be reviewed annually to ensure that it is meeting the original intent to care for family members of one level of consanguinity. Clark — How would you propose to document alignment with the covenants? Beebe — It’s black and white. The covenants say whether it’s allowed or not. If it’s not, then the permit is no good.

Taylor — If I was one of the neighbors, one of the things I would be considering is I’ve got covenants that could be enforced as a civil matter. So I would have to go to court to enforce that. This is making an exception to our own ordinances. If the county places it on the covenants that is at the HOAs expense. If you’re going to pay attention to the covenants at all, I would go with it. You don’t have to approve it. Putting that condition is shuffling enforcement off of the county onto the private residents at their expense. Clark — Maybe, but I think we’ve shown that it is allowable per our ordinance. Maybe the issue would be the size. But that’s where the ambiguity comes into play. We’re treating it as a manufactured home and allowing it to come in under that portion of the ordinance. I don’t think we’re going contrary to our ordinance. I believe it’s allowable with conditions. Taylor — Without a CUP, it wouldn’t be allowed there. We’re creating an enforcement issue for the neighbors.

Hathaway — I think you have to keep county ordinances and CCRs separate. It’s a private agreement between a separate groups. We deal with the ordinances.

Taylor — If we put that condition, we’re just shifting enforcement.

Hathaway — I think we evaluate based on the ordinances or not. The covenants come into play at a different level. Lewis — Just because it can happen, doesn’t mean we have to.

Beebe — I think we’re trying to band something to make it work. This is a manufactured home. We’re trying to make it happen. If we’re putting a manufactured home, does our ordinance allowed it? Referenced 3.11.6.

Beebe — It “may be allowed if the following conditions,” does it have to be all? Ashcraft — We haven’t made it meet all in the past. Beebe — 1. The dwelling is temporary. It’s 15-20 years, but not on a permanent foundation. 2. Care for a relative of not more than 1 level of consanguinity. That’s true, so we can allow an exception to put a manufactured home Lewis — If everyone wanted one for their ailing parents, would we allow that to happen? We’re fighting an uphill battle trying to pass this.
Beebe referenced 3.11.6 – The operative wording is “may be.” I like things that are cut and dry. Who wrote this?

Lewis – Just because it may be permitted doesn’t mean it has to be. Lewis moves to deny the application on the findings that it’s in the subdivision, we can’t put enough restrictions to not damage the neighbors, and I don’t see that it’s a temporary dwelling, it’s pretty permanent.

Beebe rescinds original motion.

Ashcraft seconds the motion to deny.

Lewis – It could be permitted or it could not. With the neighborhood, let’s not step on covenants. Ashcraft adds that it exceeds the 50% of an accessory apartment.

Lewis and Ashcraft vote aye. Beebe votes nay. Motion carries.

Lewis moved to recess. Beebe second. All in Favor.

Beebe moves to reconvene. Ashcraft seconded. All in favor.

Clark – Question for counsel, there may be a conflict of interest on the last matter. Ashcraft stated that his niece is an applicant on the final hearing and asked if it would be considered a conflict of interest and if he would need to recuse himself and therefore table the item as there wouldn’t be a quorum at that point. Taylor explained that it would be a personal choice of whether he could be impartial. Obvious is a financial interest would create a conflict. A niece is far enough removed that it’s not a clear conflict. Ashcraft stated that he believed he could remain impartial and look at the facts.

Public Hearing No.5 Conditional Use Permit/ Applicant Gloria Dillon/ Located at 3708 E 200 N, Rigby, Jefferson County, ID/ To propose placing a recreational vehicle on the property for more than 60 days, while the occupant builds their house.

The Staff report was read by Planner Jenny Kerr.

Presenting: Gloria Dillon (3775 Rustic Lane, Idaho Falls) – The property is 3708 E 200 N that I own in Rigby. We bought a ten acre parcel off of 100 N to build two homes on, one for my daughter and one for my son. We’ve run into several snags with that property. They put their house on the market and it sold really fast, so they need a place to say until we can get building permits to build on that property. He has a 5th wheel trailer that he parks at the house to live in. My daughter lives in the house and he would be living beside the house in the 5th wheel. Lewis clarified which location it was at, Dillon confirmed the 3708 E 200 N address. Beebe – They won’t be on the property where the new home is being built? Dillon – Not right now. They are living where my daughter lives until they get building permits and power and water on the other property and then they’re moving over to that. Lewis – Do you have an approximate time frame? Dillon – Now that the other issue is settled, it might go a little bit faster. When we originally bought the property, we were told it could be divided into two 5 acre parcels. Now we’ve been told it’s not that easy and we have to go through the subdivision and there was a moratorium on those. Then we had an engineer tell us he couldn’t do a plot plan because they’re not going to approve it because there’s going to be too many houses on a private road. So it has to have a permanent road. Hopefully in the next 60 days we will be able to get something going. And get a building permit to get working on it.
Ashcraft – Will he build it himself or will he have a contractor? Dillon – It’s kind of both. They will have someone put up the main structure and then they want to do some of the finish work themselves. They want to build a “shouse” which is a shop/house metal building all in one. They want to move into the shop with the trailer once they get water, sewer, and power while the other building is going up. Lewis – Where are they currently living? Dillon – They’re in the fifth wheel at the property.

Public Testimony Portion Opened:

In favor: None

Neutral: None

Speaking in Opposition: None

Discussion of the Board:

Stout indicated that they an Administrative RV Permit that was good for 60 days. The property that Dillon mentioned they had purchased requires a subdivision for any further splits. In that time there was a moratorium on subdivisions. At the time when that plat is approved, they can move the 5th wheel onto that property if they have the building permit from us. This is to allow them more than the 60 days while they get the approval for the plat and permits. They can stay at the property with this CUP if they wish, or they can move to the other property once they have the building permits.

Clark Referenced 3.4.12 – They have the 60 day permit, this particular CUP would allow them to continue to use it. I think you could put conditions that they will get the building permit and it will be reviewed after a period of time. If they don’t, they’ll have to make other arrangements. Beebe – This is a unique situation. The building permit referenced is for the property where you are building, and this is not. Clark – That’s the reason here. I think they presented extenuating circumstances that are somewhat beyond their control and even contributed to by the county. I believe we’re within 3.14.2 and could allow the CUP with conditions. We can make those explicit to obtaining the building permit for the properties that they intend to build on.

Hathaway – They can’t accelerate the processes to get the permits required. This is to allow them to continue until they can comply.

Lewis moves to approve with the following conditions: 1. Reviewed in 1 year; 2. If the situation is deemed that the plans to get building permits on that property doesn’t work out, they need to do something different. Clark – If they’re unable to get that, the CUP is reviewed and they may need to reapply. Beebe – Can we also put that once the building permit is obtained that they relocated to the property once the well and septic are in place. Clark - And this would apply at the location of the building site as well as the existing. Ashcraft seconds. All in favor. Motion carries.

Public Hearing No. 6 Variance/ Applicant Dillon Stucki/ Located in Broken Bar S Subdivision at 61 N 3500 E, Rigby, Jefferson County, ID/ To propose building a shop closer to the road than the required setback.

The Staff report was read by Planner Jenny Kerr.
Presenting: Dillon Stucki (610 N 3500 E) – The variance is to move the setback from 80’ to 65’. When I got my shop designed and went to lay it out, I was going to be on my drain field. I’m asking for the variance so I’m not on my drain field and not on my proposed replacement drain field.

Beebe – 60’x60’ and you’re within 10’ with that 65’ setback? Stucki – I would be at the 10’ setback from the drain field with the 65’ setback. It was 80’ and I would be on top of my drain field.

The required minimum setbacks were clarified.

Ashcraft – If you moved back to the 80’ setback, you’re too close to the drain field in the back? Stucki – That is correct. Stout – We have 10’ from property lines and 80’ from center of road setback. The setback for septic is governed by East Idaho Public Health.

Beebe clarified with staff that the setback in question is the 80’ requirement from the centerline of the road and staff indicated that the other setbacks were adequate. Lewis – Is that a dirt road in front, or is it paved? Stucki – It’s paved.

Beebe – What’s on the other side of the house? Stucki – The edge of my property. Clark – What is directly to the south? Stucki – That is my kids’ playhouse that I have to move. Indicated on the map.

Clark – Where is the shop going to sit? Stucki indicated where that would be on the map and a driveway along the property. Clark – I was wondering if you were able to vary the 10’ property line setback, would that alleviate the problem. Stucki – It still puts me in the drain field.

Beebe – What’s the purpose of the shop? What are you going to use it for? Does it have to be 60’x60’? Stucki – A portion of that is a sewing room for my wife and portion is woodshop and someday toys storage.

Public Testimony Portion Opened:

In favor: None

Neutral: None

Speaking in Opposition: None

Discussion of the Board: Clark – One consideration is that it is facing onto directly onto 3500 E. Moving it closer, does that create a public hazard? Beebe – What’s the purpose of having it back 80’? What are we jeopardizing moving it 15’ closer?

Hathaway – Setbacks are a combination of safety and future growth and development of the road. They looked at the satellite image of the site.

Lewis – The only way to make it fit is to make a smaller shop, but he doesn’t want to do that. If he sticks with 80’, he’s not going to have a replacement drain field.

Clark referenced the variance ordinance. Is it a hardship that is brought on not by the applicant? I don’t know, you can weigh that how you want. As far as it being the minimum, I think you can argue that it is the minimum variance. Is it deleterious to our ordinance? As Kevin stated the purpose is to give enough room for when things happen. One of the comments that might be made is, what if 3500 E becomes a major arterial? Is that a likelihood? I don’t know.
Ashcraft – On the property to the south, what are those white things? It looks like there are buildings closer to the road to the south. Or maybe it’s a concrete pad.

Hathaway – That’s the other concern is the replacement area of the drain field that still gives separation from the well.

The commissioners studied the map and site plan.

Beebe moved to suspend the rules. Lewis seconds. All in Favor.

Clark asked Stucki where his replacement drain field is, Stucki indicated where. Clark – Moving it to the south would move it into the replacement drain field? Stucki – Yes.

Beebe – I was going the same direction, to reconfigure, but it still pushes you into the drain field.

Lewis moves to return to discussion. Beebe seconds. All in Favor.

Clark – The possible hardship is based on the lot size. You could argue to make the building smaller. There have been resources expended. Is it the fault of the owner? You could argue that, but there is a hardship based on the resources expended and the need to keep replacement field area. If you do this, we have people ask, are the issues individual enough that we can say yes in this instance and no in another. That becomes the question we have to answer.

Lewis – I think 65’ is plenty of a setback for that road.

Beebe – If it did come down to needing to widen that road, it just makes the driveway shorter. I don’t see it as a safety issue. Clark – Generally your road basis 24’ and then another 15’ to the edge of the easement.

Lewis – Right now they have about 30’ from the center to play with. They’re roughly 8-9’ from the asphalt from the center so they have plenty of room if they had the other lane.

Ashcraft – I don’t see issues to neighboring properties.

Clark – It doesn’t put it in the vision line of site to the road of the driveway to the south. It does not protrude beyond the structures to the south. It would not be an issue with vision. It’s not within a quarter mile of an intersection. The only issue is if it’s the minimum variance.

Beebe – I think with a clear conscience you could say that (c) applies. Does this preserve a property right? He can build a shop and build it the size he wants. Is there a condition here, yeah, the lot size is what it is. Some of the others are subjective.

Lewis moves to approve according to 3.9.2 (a,b,c, and d). Beebe seconds. All in favor.

Ashcraft moves to adjourn. Lewis seconds. All in favor.

Date of Document completion: July 1, 2021
1
2  Kevin Hathaway
3
4  Jefferson County
5  Planning and Zoning
6  Administrator

Warren Albertson
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