Jefferson County
Planning and Zoning Public Hearing
August 5, 2021 6:00 PM


Staff Present: Kevin Hathaway – Planning and Zoning Administrator
Erik Stout – Planner
Jeff Ottley – Building Official
Samantha Farr – Assistant Planner

6:00:56 PM Chairman Albertson opened the meeting. Commissioner Beebe led the Pledge of Allegiance. The staff was introduced.

6:02:30 PM Commissioner Lewis moved to approve the minutes from the June 24, 2021 and July 1, 2021 Planning and Zoning meetings. Commissioner Ashcraft seconded. All in favor.

6:04:39 PM Commissioner Lewis moved to approve the written decisions from the June 24, 2021 and July 1, 2021 meetings. Commissioner Ashcraft seconded. All in favor. No ex parte communications disclosed. Chairman Albertson read the proceedings of the public hearing.


6:11:57 PM The Staff report was read by Planner Erik Stout.

6:12:50 PM Presenting: Bobbette and John Thompson (297 N Bassett Rd, Roberts, ID) – We have 3 acres and we are hoping our daughter can build on our property so our grandkids can be close to us. It's not a terrible hardship, but it is a hardship because we also opened a business when we moved here. We own Teton Adventures RV. It's a small business, we're trying to help the economy. It's hard opening a business and taking care of 3 acres which are not like a normal yard. My husband does most of that. He has pretty severe scoliosis. He's afraid he's going to be in a wheelchair on day, but we love it out there. We love the people who are out there. We love the privacy and the fun things it offers. Our grandkids can run around. We're hoping they can raise their family next to us. It's hard to see them with the business and property. We want to deed some of our land to them so a section would belong to them. We're not going to take any money. We may share a well, our water is terrible but some of our neighbors don't have terrible water. Maybe it's that our well is not deep enough. It's a cabin. I thought if
I didn’t like cabin living, we could build another house because there’s enough room. No one ever told me we couldn’t do that when we purchased. I had no idea we couldn’t. We signed our papers when we lived in Washington State. We were raised in Idaho, not Washington. We just came back home. I would love grandkids close.

Warren – Are they planning to build a house? Thompson – They would like to buy a manufactured home. There are 5 or 6 houses on the other side of us are all manufactured homes. They are all in Bassett Acres next to us. We haven’t seen it personally, but it looks nice in the pictures. Her husband is a machinist, so he would work in the community.

Warren – How much are you wishing to deed over. Thompson – About a half-acre. I measured where they would set it.

Beebe – You’re planning a manufactured home on concrete? Thompson – Concrete. They would like a basement. They’re family is going to grow. Beebe – Looking at the site plan, setting back from the center of the road, is that 79’? Thompson – It’s over 80’. Indicated on the site plan.

Beebe – The proposed well you’re going to share, is that it? Thompson – Indicated the existing and the proposed shared well. We want to go 750’ and ours is 250’ right now. It has a lot of sand and smell, very sultry. We have 3 filtration systems and have to empty the sand trap once a week. Beebe – What about septic system. Thompson indicated the potential spot. Beebe – Have you talked to the department of health? Thompson – We were waiting to talk to you first. We thought that could be jumping the gun a little.

Ashcraft asked about the septic and the orientation of the house. Thompson indicated on the site plan. They walked around the property and saw where the farmer waters and where his water goes. Thompson – They wouldn’t be getting any water rights.

Lewis – What are you currently doing with the property? Is it being cultivated or is it just weeds? Thompson – We mow it down. We tried to plant trees around the perimeter, but what the moles didn’t get year 1 they got in year 2. Beebe asked about the green area on the aerial image. Thompson – That used to be old irrigation before we moved in.

Public Testimony Portion Opened:

In favor: None

Neutral: None

Speaking in Opposition: None

Discussion of the Board: Ashcraft – Are there any setback requirements for septic’s from the road. Stout – That’s governed by EIPH, we don’t have those. When they come in for building permit, they need the septic permit and EIPH inspects that. They have to pass the final before the CO is issued. Hathaway – It’s not clearly indicated on the site, but there would need to be 100’ of separation between the well and septic. I think they were hoping to split less than an acre off. It would have to be a minimum of 1 acre.
6:26:07 PM  Lewis - This is out in the Ag-20, how do we make a 0.5 acre lot? Warren - We don’t have
0.5 acre residential. Lewis - This doesn’t fit our comprehensive plan or our new ordinances we just made.

6:26:40 PM  Beebe - They’re not asking for a rezoning, are they? Albertson - No, this request is for a
variance to split off 0.5 acre. Stout - What was submitted was an application was to have a second
dwelling on the property, not split off any land. If they wanted a second home there temporarily, it would
be accepted as a Conditional Use Permit. Because they want it to be permanent, it would not be
Conditional Use Permit but a variance. In their letter and their application, it was not to break off the half
acre. Albertson - But there was testimony that it was going to be deeded this evening.

6:27:43 PM  Hathaway - You could choose to review it on that basis, because it was mentioned.
Technically it’s on here to place a second home. Lewis - I don’t have a problem with a second home, but
I would hate to see a non-conforming lot that we purposefully make. Albertson - We can’t make a
nonconforming lot. It’s one thing to deal with a pre-existing lot. Lewis - I don’t have a problem with a
second dwelling as long as it stays in one lot. We know what happens, they split it off into a half acre and
it turns into a mess you can’t correct.

6:29:02 PM  Albertson - Question for staff, was requesting the variance the proper request? Stout -
It’s the only one that really fits. A CUP is temporary and it wouldn’t be a zone change. They are essentially
asking for an exception of a certain section of the ordinance. By that nature, it’s considered a variance of
the ordinance itself. Albertson - Which ordinance? Stout - Our Zoning Ordinance, 3.9.0 is the section
regarding variances. Albertson - I get that, but it’s a half acre lot. Stout - It’s a 3 acre lot. Albertson -
There seems to be a question of if this variance is creating a lot split. Hathaway - If you choose to do it
and include that in your consideration, it would include a lot split. But it would have to be an acre. The
way I interpret the ordinance, it couldn’t be less than an acre.

6:30:37 PM  Ashcraft - Does building a second dwelling require a lot split? Stout - We’ve had them in
the past. In fact, one was presented to you guys last year out in the Roberts area. They wanted to build a
second home without splitting it. Because it was a pre-existing, non-conforming lot already. They
requested that a second manufactured home be built on the property. They wanted to do it to take care
of a loved one, however, they didn’t want it to be temporary, and they wanted it to be permanent. At the
point where it becomes a permanent structure, that’s when it becomes a variance. The Conditional Use
Permit is temporary by nature. Hathaway - The variance deals with the anomaly. In this case, a second
home on a pre-existing, nonconforming lot. Lewis - This is pre-existing as it is. Hathaway - I don’t know,
you could ask the applicant, but I suspect it involves having property available for mortgaging separately
to obtain a loan. Stout - It’s existed this way since at least 2008. Hathaway - If it doesn’t matter, if they
don’t need to mortgage to get a loan, it could be a second home and that could be less of an issue, I think.

6:32:16 PM  Albertson - At any rate, they have to go down the road of the variance and it has to meet
those conditions. In the fact that it is a nonconforming lot, it meets (a). The lot was created before the
last the zoning was done. If you go to (b) it asks the question if the variance is necessary for the
preservation of a property right. Which the property rights of the applicant are important. Lewis - I think
it meets all the requirements, it’s just whether they’re going to split the property. I’m all for the second
dwelling, but not for splitting and making another nonconforming lot.

6:34:15 PM  Ashcraft - A second dwelling is allowed in the Ag-20 on the Land Use Table. That would
be the property right that someone else would have in the same zone. Albertson - You’re taking a legal
non-conforming lot, and potentially creating a more nonconforming lot.
Ashcraft – If as part of the approval, we require that if there is a property split, a minimum of 1 acre as a condition. If you do that 1 acre split, is that still creating a nonconforming lot? Albertson – Potentially. Basically, it’s 3 acres in the Ag-20. It’s already a legal nonconforming lot. And you would create a 1 acre lot next to a 2 acre lot. So you’re creating another nonconforming lot. Lewis – In a zone that doesn’t support it. Albertson – In an Ag-20 zone, correct. But as you go down Bassett Rd, there’s houses all up and down the road.

Beebe – There’s no room to make provisions in the variance? Albertson – We can apply conditions to it. Hathaway – You still have a 3 acre parcel, but now with a second dwelling. The complication is desiring to split 1 acre off. Which, without the financing portion or some need for doing that, it wouldn’t be much of an issue. You can look at it as the lot size doesn’t change, the configuration of the lot changes. The variance deals with the anomaly with the land. You can say, is splitting an acre a fault of the applicant? But is that critical or enough difference from just placing a second home on 3 acres or having one home on 1 acre and the original on 2 acres.

Lewis – It has to meet the conditions. It has to be an acre, it can’t be a half acre. Hathaway – In my opinion, we don’t have the latitude for smaller than an acre. You can have a well, but the septic has to be 100’ separation and have room for a secondary or replacement drainage. That’s the complication with smaller than an acre aside from the fact that our minimum lot size is 1 acre. What I’m hearing is not heartburn from second dwelling, if they don’t split it. The applicant could spread some light on the reason for requesting a lot split. Lewis – The half acre just won’t work. Hathaway – But an acre could. Lewis – Maybe we could open it and ask a question again.

Clark – Would this fit under accessory apartment provision? Hathaway – It could now. Clark – 3.4.4. There are conditions on that. The accessory dwelling would have to occupy less than 50% of the gross area of the principle structure. That’s really the limiting factor. Beebe – It doesn’t have to be attached? Albertson – No it doesn’t, but it would have to be 50% of the main house.

Albertson – Was the clustering permit considered? Stout explained that clustering would require a division right.

Albertson – We can apply conditions? Staff indicated yes.

Lewis – Does 3.4.4 fit under a variance or is that a separate deal? Albertson – I think that would be different. Stout – It’s its own thing. It would have to look the same as the existing, shared drive, its own facilities, etc. 3.4.4 (d). Typically it’s living quarters in a shop or something to that effect.

Albertson – But potentially we could approve the variance with the condition that it was a 1 acre lot. Hathaway – That would be within your discretion to allow. Clark – So the variance in that case would be to allow a lot split, basically granting a building right that does not exist. Hathaway – It could exist. There is a building right, but this would be splitting the lot and having a 1 acre and a 2 acre parcel. You have the latitude to allow that. You’d have to address that in your findings. Clark – The variance allows the second lot without changing the zoning. Hathaway – You have to determine if the anomaly with the lot is significant enough to allow it.

Lewis – We could put the stipulation as long as it’s a second dwelling. Clark – Basically the variance would allow them to create a second minimum size lot without a zone change. If you did a zone change, then it wouldn’t require a variance. We’re varying from the zone in a specified area. Lewis – Roberts doesn’t have a lot of 1 acre lots to choose from. Albertson – No they do not. You have to be
careful of setting a precedence. **Lewis** – Most of them are nonconforming lots. **Albertson** – Most are corners of pivots and places they couldn’t make the water run uphill.

**6:46:56 PM**  **Lewis** – I’m all for the house, but how to get there? **Clark** – One is to grant the variance to allow a minimum 1 acre or to effect a zone change. **Lewis** – Both are capable under our ordinance. **Clark** – The variance requires the criteria to be met. The nature of the property is outside of the owner’s control. **Lewis** – Can they split an acre off? **Clark** – That’s what the variance would allow. You can split your parcel, but you won’t have a building right. By allowing them to split the parcel, they could exercise a building right. It was indicated they wanted a 0.5 acre. We can’t do that because it doesn’t allow us to create that. Again, they could sell a half acre, but it would not have building rights.

**6:49:07 PM**  **Albertson** – The variance would give the split and the building right.

**6:49:30 PM**  **Ashcraft** – We’ve talked a half a dozen ways a house could be there without the line drawn in there. I’m all for it. I’d like to see people use their property in the way they wish, this way it’s allowed. I don’t see how it’s injurious. There’s no one here to testify against it. It’s a hodge-podge of the dwellings along that highway. I don’t see how that would hurt. I’d be in favor of it.

**6:51:06 PM**  **Beebe** – I think it meets the conditions if we are able to stipulate a 1 or more acre lot. If that is the desire to deed it, then it needs to be a minimum of 1.

**6:51:43 PM**  **Lewis** moves to approve the variance as long it’s a 1 acre lot created. **Albertson** – I think you still put in there it needs to meet the criteria of EIPH. **Ashcraft** seconds. All in favor. Motion carries.

**6:53:44 PM**  **Public Hearing No.2** Conditional Use Permit / Brady Ericsson / Located at 3738 E 38 N, Rigby, Jefferson County, Idaho / To propose a home based business assembling and repairing firearms.

**6:53:46 PM**  **The Staff report was read by Planner Erik Stout. Stout read letter from ATF Inspector Axel Kappes.**

**6:55:48 PM**  **Presenting: Brady Ericsson (3738 E 38 N)** – I applied for my FFL, hoping to build and repair rifles, mostly in the winter when I’m not so busy. I like to shoot. I’m an NRA certified pistol instructor. I like working on firearms. I don’t anticipate having a store front or an increase in traffic on our road. Custom build one at a time. The ATF has strict rules and we’ll adhere to those.

**6:57:30 PM**  **Ashcraft** – This isn’t your full-time job. **Ericsson** – We have a ranch in Leadore that I manage and a small business. I’m real busy in the summer and have a lot of time in the winter.

**6:58:00 PM**  **Clark** – You don’t anticipate having tons of people there from what I’m looking at.

**6:58:13 PM**  **Ericsson** – No storefront, no parking space. It will mostly be word of mouth for stuff I already do for friends and family. I will give advice and help them order the right parts. **Clark** – You don’t have a test range? **Ericsson** – There will be no test range, no machine shop. I won’t be building any parts. I’ll just be ordering and assembling.
Beebe – You will be the only employee? Ericsson – Correct.

Ashcraft – Are you familiar with home based business ordinance and those requirements?
Ericsson – I think I can meet them. I’ve gone through all the ones with ATF and homeland security. Ashcraft – I didn’t see any that stood out that you would have a hard time with anything that would disturb neighbors like noises, smells, etc. Ericsson – No chemical, no increase. FedEx or UPS might stop. My wife shops Amazon a lot, so I don’t think there will be more deliveries. As far as traffic, most of it will be call me on the phone and tell me what you want and pick it up when I’m done. I don’t think anyone would ever notice that I was doing it.

Public Testimony Portion Opened:

In favor: None

Neutral: Marlow Blanchard (3749 E 38 N) – In listening to what Brady has presented, I do not have any concerns. I’m not for or against it. Based on his discussion of traffic, that would not be an issue. I think the application said just Saturday, so I’m not sure if there’s anything special about that. It sounds like it’s maybe more than just Saturday. But still minimal traffic. I’m fine with it. But if there is any clarification on why it’s just Saturday instead of throughout the week, I wouldn’t mind hearing that.

Speaking in Opposition: None

Rebuttal: Albertson – There is a question on operating hours? Ericsson – When I did my application, I was worried about my schedule with work. There is a possibility of someone stopping on another day. Any day but Sunday. Ashcraft – It might be possible to do work any day on the week, but customers would come in and out. Ericsson – I didn’t think I’d have time during the week. Circumstances have changed. I’m not going into mass production. A couple weeks or longer for a custom firearm. In my application with ATF, I anticipate maybe 20 a year. It’s something I like doing, but not a full-time business. I wasn’t planning on advertising or anything. Albertson – There could be a customer showing up Monday through Saturday.

Discussion of the Board: Clark – I think in response to the question. I think it meets the requirements for home-based business. 3.4.5 (2). It’s incidental to the residence, there’s minimal impact, it’s a permitted use, parking does not appear to be an issue, and there’s not an increase in traffic. I think it meets the requirements. I think it’s a good use of the ability to have home based business.

Lewis – I think it meets the criteria and he’s going about it the right way. Beebe – I don’t see anything in the ordinance that would cause concern.

Clark moves to grant the Conditional Use Permit according to 3.4.5 (2). Condition: Annual review to report how many customers he has had during the year. Heath seconds. All in favor. Motion carries.

Albertson clarified the findings of fact for the previous hearing with staff.

Public Hearing No.3 Variance / Kurt Hendricks / Located at 142 N 4100 E, Rigby, Jefferson County, Idaho / To propose building an addition to the home closer than the required setbacks.
The Staff report was read by Planner Erik Stout.

Presenting: Kurt Hendricks (142 N 4100 E) – I want to build an addition on my home. The corner of my house is 70’ and the setback is 80’. I just want to keep the 70’. Indicated on the map. I did mark where the septic is there in the front.

Beebe – How far are you currently from the road? Hendricks – Currently 70’. Beebe – You’re not going to exceed the 70’? Hendricks – No. Indicated on the site plan where it was going to layout.


Ashcraft – The next house on the map looks as straight as yours. Hendricks – it appears to me to be lined up and the rest of them as well. It was built in the 70s. Beebe – You’re not part of the subdivision? Hendricks – Yes, I am part of the subdivision.

Albertson – It’s just 0.03 short of an acre. Looking at the setback chart. Is that the front or the side? Where is the front? Hendricks indicated on the map. Albertson – Basically you’re wanting to keep the same setback. If I go the 80’, the access to the addition goes into my bedroom. Beebe – Are there covenants that would preclude that? Hendricks – Not that I’m aware of.

Public Testimony Portion Opened:

In favor: None

Neutral: Debby Bowen (125 N 4100 E) – We were unsure where they were adding on to their house. We have no problem with them adding on. Our concern was if it was going towards 4100. When we moved into our property, we were told that no further egresses would be allowed on 4100. But now we see a new high school going in and a new subdivision going in. Our concern was if the city of Rigby or Jefferson County have a master plan for 4100 E where, if they were going out towards 4100, would have impacted if they widened the road so we can see how it would affect us or the people on other side of the road. It appears it would not impact 4100. I have no problem with adding to the back. If you have any information on 4100, I’d love to hear it. Albertson – It’s a narrow road. That’s what I know about 4100.

Bob Bowen – Declined to speak.

Speaking in Opposition: None

Discussion of the Board: Clark - Jenco Acres was the first subdivision built in Jefferson County. Variance 3.9.0. It meets all the requirements. If you look at the aerial view. Most homes are right on the same space or even closer. We’re not granting anything that is materially detrimental to the ordinance. If it were going to 4100 it might be a different story, in this case it doesn’t impact it. It’s the minimum variance they need. I don’t see a reason not to go forward. Lewis – I agree. He’s already at 70’. I don’t see any problem. He’s not creating new access or blocking views.

Clark moves to grant the variance as requested. Beebe seconds. Clark – They meet the conditions of 3.9.0, and it does not go beyond requested variance. All in favor. Motion carries.
7:22:25 PM  Public Hearing No.4 Preliminary Plat / Kip Salas / Located at approximately 46 N 3800 E, Rigby, Jefferson County, Idaho / To propose a 38 lot industrial subdivision.

7:22:42 PM  The Staff report was read by Planner Erik Stout. Read letter from Central Fire District.

7:24:25 PM  Presenting: Kip Salas (1241 S Desert Rock, Rexburg, ID) – I would like to talk about this plat and the business park. We bought this so we could move our location. We’ve outgrown our shop in Lorenzo. We need more space. I like the visibility. I want to provide the opportunity for others to grow a business. It’s along a good corridor. I believe it fits the Comp Plan Goal 7-2.

7:26:42 PM  Clark – Tell us a little about the reasoning for the road layout for cul-de-sacs as opposed to looping roads. Salas – There are lots of canals. We’re trying to avoid bridges and reroutes and everything else. Albertson – There are canals that run through it that service other areas? Salas – Yeah, I’m still a little confused on the canals. Maybe need to talk to Hancocks to figure it out better. I do believe that we have designed this so they exceed minimum size for trucks and plows to make it easier.

7:27:53 PM  Clark – In the letter from Central Fire, they mentioned needs for fire protection. Salas – LI zoning, the way it reads that construction trades need to be in the LI. Our current location is currently not compliant where it’s currently in a Commercial zone. As far as industrial uses if we could have a variance or look at something, it’s not cost effective to put in a million dollar water system. Albertson – I understand, the main concern is that it’s LI, it’s the same concern with all subdivisions. You get far away from town and you have a large fire, water is an issue. Their thought is that if there could be some sort of water supply they could draft off, that would helpful in the case when you’re putting 38 lots close together. If you can’t get water to it, it will burn down one end to the other. You’re not in the impact area. Lewis – It was at one time, but they changed the boundary.

7:30:30 PM  Albertson – They want to know that you’re willing to work with them, whether it’s a large pump they could use to pump off. Where it’s not in the area of impact and the city hasn’t sent water that way. Water is a big concern in the event of a fire. I’m not trying to paint you into a corner, but there are requirements.

7:31:15 PM  Lewis – Are these ditches or canals? Salas – After the infrastructure is done, two canals will remain. Lewis – Are they fairly small. Salas – Yeah, I don’t know how many inches flow through them. Indicated the canals on the aerial image. There’s three. I do believe the three will have to remain in place.

7:32:44 PM  Beebe asked about the orientation of the map. Salas – It butts up against gravel pit on Hwy 20.

7:33:26 PM  Lewis – Will this be done in phases. Salas – I don’t know yet. It depends on expenses. I would like to do it all at one time if I could. I need a new place for my business, Advanced Home Services. It’s in C1. It’s been there a long time.

7:34:10 PM  Ashcraft – On the plat it says the current zone is C1 and statement of use says single dwelling housing development. Salas – That’s just a mistake. Hathaway – That will be corrected on the final plat. We’ve already talked to them.
**Lewis** – Do you need the frontage road along Hwy 20? **Salas** – I went back and forth with cul-de-sacs throughout the whole. I like the flow of that one better, it seems like trucks can move better.

**Clark** – One comment, the thought of at some point maybe tying frontage into any further development through the gravel pit. Not that you’d have to do that now, but maybe in the future consideration. Not knowing of the other properties. It might be for a future consideration.

**Salas** – I asked about this piece that still hasn’t been mined. Tony Black with ITD said the state wants it for mineral still. **Clark** – So it’s not really feasible to attach in? **Salas** – Not unless someone wants to build a bridge.

**Albertson** – What is plan for water and sewer? **Salas** – Private septic and well. The majority of commercial businesses—I picture this having smaller shops; landscaping, plumbing, etc.—don’t use much water. There is no laundry or showers. The water use is very limited compared to a residence. **Albertson** – In the event you have industrial outfits, some use more water than your average little shop. **Salas** – Some could, yes. If there was a way to control it I would put it in the CCRs. **Albertson** – I think EIPH will put a lot of that one. What are your thoughts for water and sewer? It is hard to tell how much water any of these will use. We still have to follow the ordinance on this. And we do have community well and septic requirements on this.

**Clark** asked about existing water rights. **Salas** – Right now, nothing is planned for them. It’s going to be in the CCRs that you cannot have more than ½ acre for irrigation.

**Albertson** – In looking at the lot sizes on the plat, they’re all over 1 acre. **Salas** – There is one 1 acre lot. The average is 1.6 acres.

**Public Testimony Portion Opened:**

**Randy Waters** (700 S Woodruff, Idaho Falls, ID) – I’m a commercial broker from Rigby originally. Kip has looked a long time for an industrial development to put his business on. Currently there is a lack of lots. This would be a great addition to Jefferson County. It’s well developed, it has roads, it looks good. Kip has widened roads and cul-de-sacs to make it flow more easily. It’s easy access. The fire suppression is an issue and it is an issue everywhere. This being just off Hwy 20, hopefully the quicker response would help. Right now in Bonneville County, we’re lacking industrial lots. I think it would bring a lot of economic development. It’s a great central point between Ririe and Hwy 26 and I-15.

**Joshua Ball Connect Engineering** (2295 N Yellowstone Hwy, Idaho Falls, ID) – I just want to cover what hasn’t been covered through Kip and Randy. There is a traffic study in process to address any road issues. There is a pathogen study scheduled and will be complete before the final plat is submitted in accordance with the standards. Standard 60’ right of ways. We’ve made every effort to make this seamless and flow properly. As far as Bart Hancock is concerned, we have discussed the buffering issues with him for residential and commercial properties. There are negotiations to deed a portion of the property on the south side to him on one of the roads. He has stated that he would like to still see Heise Mountain. He is in favor of the least amount of buffering as possible. There is an irrigation ditch to the north that can act as buffering for that side.

**Lewis** – Is there any reason you didn’t loop the road other than the bridge? **Salas** – Cul-de-sacs are a nuisance. I’d just like to see if we could avoid them. **Ball** – Because of the irrigation ditches, we are...
proposing to redirect the ditch along this property line and then feed it back in. Indicated on the map. With that being the case, we couldn’t really connect the road.

7:46:48 PM  Lewis – What if you could run the ditch along the road. Ball – It is a possibility. Lewis – Just from other subdivisions, cul-de-sac maintenance is a nightmare. Ball – We looked at multiple options for road designs and this is the one that ultimately Kip approved and the one we went with.

7:47:36 PM  Neutral: Verl Jarvey Central Fire District (4173 E 550 N) – We’re with Heath, we hate cul-de-sacs. It would be nice, but we can’t require no cul-de-sacs. Our code says 96” for the cul-de-sac, so we want to make sure they’re covered. With water, you’re seeing us say that more and more. We’re trying to be liberal as we can. We’re allowing wet hydrants, dry hydrants, open pond, even a moving water source, irrigation pumps. As long as we get the flow volume. If these gentlemen have questions, they can go to the chief or assistant chief. We’re trying to improve our own act in that so we can help and have cut sheets. You’ll see us every time now. Bringing a tender to all these fires is more difficult for us every time. Albertson – I don’t think you’ll get away from it. Jarvey – Oh no, we’ll still have the tenders. We just don’t want to keep adding to the existing problem. Albertson – And access to water in the event of a fire is an important aspect.

7:50:09 PM  Marlow Blanchard (3749 E 38 N) – We mentioned canals, where I come from, those would be ditches in my mind. My main concern is 3800 E. I’m not sure if the traffic study is in the development or if it will take in 3800 E. Albertson – It would take in 3800. Blanchard – My concern would be adding the traffic on 3800. Tonight coming down County Line, traffic coming off 3800 E and the freeway was backed up and very busy. I hope there would be a consideration for widening, improvement, turn lanes to get it to flow better. There are also students driving to the high school. It’s a busy road that will get worse and could get dangerous if we’re not putting in appropriate infrastructure first.

7:52:06 PM  Speaking in Opposition: Jerry Matthews (78 N 3700 E) – I’m against it. I was signed up to be neutral. It’s the perfect spot for a nice industrial subdivision. The reason I’m against it, once I saw the plat, it’s not going to work primarily because of the canals. They are canals are not ditches. It’s the Severson Canal that’s governed and has shareholders. It’s an interesting water concept because we’ve got Ucon-Garfield Canal that services the lateral canal into the Burgess canal. It services us as well as the Harrison canal. Indicated on the map where the canals run. Part goes into our canal and part services this property here. All of this is the Severson Canal. The Harrison Canal comes through Ireland Acres. There is a 3rd canal, this one could be called a ditch, possibly. There are three unique canals that have to be taken into account. It would be very difficult, well impossible, to relocate the water from this canal and expect it to service the people below because they’re a half mile away from each other down below. You don’t want to push water north, it won’t go uphill and you’ll lose water. With a canal, you need to keep the distance the shortest length. We have setbacks or right-of-ways for servicing each canal. I’ve serviced them my whole life, I know everything about them, and I know how we have to take care of them. I think there’s going to be a lot of difficulty with the way the plat map is on the north side. I don’t think they’ve taken that into account well enough. There are a lot of lots that would be almost unusable once you take into account the right-of-way and setbacks, they couldn’t fence over it. The useable area is going to be very small that most business would not be able to conduct business on. On the fire suppression standpoint, I’m all for it. I think it should be required that they do something. They do have surface water rights that could be in a pond or pumping system. That surface water is shared between other users. They couldn’t just put a pump in and expect it to be there. The water comes into our canals in April and leaves in September. That leaves the whole winter without water for fire suppression. In Idaho Falls, they told us
it's easier to have a large tank underground. That's possibly something they could do. I'm concerned with the canals and keeping access and to take care of them effectively the way it's platted.

7:58:57 PM  Lewis — For those canals, is there water continuous all summer? Matthews — Most summers, yes. This summer we're sharing to try to keep a large enough stream to water our properties. Right now it's 7 days in, 7 days out. Lewis — They're fairly small canals?

7:59:28 PM  Matthews — This canal coming out of the Burgess is 640 or 680 inches. Harrison is about the same. Indicated on the map. Between the two of these, 300-340 inches. The 340 inch one you could consider that it ditch potentially. The others by far are canals. Lewis — But relatively small. Matthews — Yeah, by the time they go together, there's over 900 inches of water. Lewis — What would be the suggestion so they could make that work? Matthews — Indicated non-useable areas to suggest where the lots and roads could be to not loose so much land. I'd have a bridge across here and 2 or 3 lots here and loop it around and utilize both sides of the road. That would be my comment. The way it lays out is going to be difficult. Those lots against the canals are going to be hard to utilize for commercial purpose. If you drive by, the canal comes up that high above the ground. This property on the island is higher by probably 6' than this property here. This property on the island is higher in elevation by 6'. I think the canal bank is that size too. This is the same as the island relatively. I don't think it will work with how they have it in that section. I'm not against a subdivision in that area. I think it provides us a great commercial opportunity. I share concern with access to Hwy 20 sometimes it's extremely difficult to exit Hwy 20. It's a mess with a train tracks and all those roads.

8:03:10 PM  Lewis — Can they move the canals? Matthews — I don't think they could move either of those canals. Not without our permission. We would have to see everything in order to allow it and I can tell you that if the water was being pushed north or the length increases, that increases water loss. Ashcraft — What are the sizes of easements and right-of-ways? Matthews — I would have to read the state statutes. I think 15' on each bank. It's fairly substantial with the canal and the easements on both sides.

8:05:01 PM  Rebuttal: Salas — I appreciate the concerns. I would like to get with you and anyone else involved with the canal to make sure we get things right and they get the water. We put a lot of thought into the canals with the engineers and the Hancock's and went over the ditches in question. What we are proposing is doing some reroute work and levelling some ground. I understand septic myself and there's gravel through here, good for septic not for canals. There's a lot of work in order to make this happen. I'm sensitive there is concern. We want to straighten the ditch to the best we can and turn the ditch to make the lots useable.

8:06:46 PM  Albertson — But if the canal company has easements, and they say no, it's probably not going to be possible.

8:07:00 PM  Salas — I don't know what the attorneys will say on that. I want to be compliant. I know there are two islands. If we can make it usable and easy for everybody with the easements, that's our goal. As far as the fire system, I think since we have shares we'll be able to satisfy the fire district and work something out and talk to them.

8:07:56 PM  Discussion of the Board: Beebe — I think this has issues that need addressed. The traffic is already a mess. Additional traffic is going to compound that. I come home from work that way. When the high school is getting out at times you can almost be backed up all the way on to the highway. It's an issue and if this were to get approved, I know the traffic study would hopefully take that into consideration and make the changes that are necessary. I think the irrigation could be worked. It may cause some
modification of some lots, but I think it’s possible. I think there are some positives, being close to a
corridor, if it gets fixed.

Albertson – When this came for a rezone, it fit the Comp Plan to make it Light Industrial.
But there’s no doubt that the traffic situation can be horrendous at times. But it has been stated that a
traffic study and a pathogen study going to be done. This is a preliminary anyways. Beebe – Somebody
stated, that’s out of our hands, but it does need to be considered. Albertson – It is required by the
subdivision ordinance and it has to be done.

Lewis – It’s probably going to only take in this road. It probably wouldn’t take into account
County Line from what I’m understanding. Hathaway – It should. Beebe – To be done right, it needs to
take into consideration the ramps, railroad, etc. Lewis – I agree that it’s going to account for that. But I
don’t think it’s his burden to fix it all. He could put turn lanes on 3800 to help his subdivision, but I don’t
think County Line and Hwy 20 are his problem. The canals and ditches need to be resolved before the final
plat. I’d hate to see those lots be not usable.

Albertson – They have to get that worked out themselves. If the canal company doesn’t
want to move them, they will have canals in the lots and they’ll have to be what they are.

Lewis – I think it’s a great place for a subdivision, it’s a long time coming. Albertson
agreed.

Lewis – The county and the state are going to have to take care of the traffic down there
where the congestion is. But I think you could make it nice and put turn lanes on 3800.

Ashcraft – I would agree. It’s a great location that serves a need. There’s a demand for it.
The canals will have to be worked out with them. The traffic study needs to be done and considered. It
would be appropriate to work with the fire district to have a solution. Those are the three issues I see.

Lewis – I appreciate the fire coming and speaking the last few months. I appreciate it. If
there’s any way to get rid of cul-de-sacs, that’s good, but that’s his choice. Albertson – You can’t make
him not have it. Lewis – I know.

Beebe – What are the order of events here? The traffic study before final plat? How does
that work? Albertson – The traffic study and NP need to be done before the final plat. Beebe – And then,
if the final plat gets approved, when/if there are changes to the road, does that have to be done before
construction? Albertson – I believe so. If there needs to be changes to 3800, it needs to be before or at
the same time. I would highly illogical to put the subdivision in and then say fix the road, because the road
will not be fixed.

Lewis – This meets the requirements of the preliminary plat. Staff confirmed that
everything required for a preliminary was submitted.

Lewis – It’s great timing to talk about the ditches, to get that worked out before we see a
final. Albertson – Yeah and that’s why we have a preliminary and a final.

Clark asked what the action on this item would be. Staff explained.
Clark moves to recommend that the preliminary move forward with the following:
address and come to an agreement with Central Fire on acceptable provisions for emergency water; they
are completing the traffic study and the final plat include any recommended changes or additions to 3800
such as turn lanes or signage; the final plat needs to address the ditch, canal, and irrigation issues,
including an irrigation plan and ditch details; include buffering plans around the residential lot.; and the
final plat references the NP study and shows compliance with that.

Beebe – How far can we make suggestions on traffic study? If you had turn lanes on 3800
and funneled everything county line and it created a hazard there, can we recommend that it include the
area of county line and the off ramps? Clark – My guess is that at that point you’re entering into the
County Commissioner’s domain. At some point they see it. If the traffic study indicated a need there, that
could be addressed by them.

Albertson – The traffic study should indicate what should be needed. Beebe – I’m thinking
that’s their job and they know what to do. Hathaway – Probably the way it will work is, the traffic study
will be done and you’ll see the results of that and any input you see from that, you could make that part
of the hearing on the final plat.

Lewis – Does this have to meet our current subdivision like the R-1? Does it need
community septic? Staff – If the NP study recommended it.

Ashcraft seconds the motion. Staff repeated recommended additions. All in favor.
Motion carries.

Public Hearing No.5 Preliminary & Final Plat / Timothy Kiser / Located at approximately
526 N 3400 E, Lewisville, Jefferson County, Idaho / To propose a 10 lot subdivision.

The Staff report was read by Planner Erik Stout. Read letter for central fire.

Presenting: Jeremy Matsen (565 Pioneer Rd, Rexburg, ID) – I’m co-owner in the project
with Drew Kriser. We’re seeking approval for subdivision. We’d like to express gratitude for those in
Jefferson County Planning and Zoning that have helped us. They’ve been super helpful. I’m originally from
southeast Idaho with ties in Lewisville. My wife and I just moved back from Florida where we lived in a
subdivision similar to this. When we moved back, we looked for parcels of land of 3-5 acres in Lewisville
area. They’re hard to come by. We’ve talked to relators and locals. When this parcel came up, we thought
it would be an opportunity to create that. We understand that’s it’s in the impact area. We tried to balance
this being in the impact area with the Comprehensive Plan and the county goal of preserving Ag. That’s
the reason for bigger lots. Our family had a great experience on a lot like this to have animals, and it was
big enough that they got a farm type feel. We’re trying to build character and have the lots bigger to teach
the kids to move irrigation pipe. To have neighbors and a big enough area that they can enjoy agriculture.
We love that area. Instead of 1 acre lots, we want to preserve some land. I manage a farm in Lewisville. I
work closely with some farmers in the area. Some of them expressed concerns with 1 acre lots, so we
explained what we were doing and they supported what we planned. We’ve completed everything for
our application. The NP study supports the plat. Same with the traffic study, it came back in support. We
feel like we tried to meet every ordinance and every requirement. We’re trying to make a nice country
lots with pressurized irrigation and power and natural gas so people can live in the country but have amenities. We presented this in a city council meeting in Lewisville. There’s a 4.84 acre parcel that runs west to east in the city of Lewisville. Indicated sections that are in the city of Lewisville. The remaining parcel, 37.73 acres, is in the county. We met with them to ask their approval to subdivide that parcel. They agreed that they liked the bigger lot size. They agreed to subdivide that parcel with the commitment that once it was approved with the county, the entire project would be annexed into the city of Lewisville.

8:32:23 PM  Ashcraft – Explain the agreements provided? Matsen – There are two agreements. Shared irrigation agreement: there are 7.9 shares from the Parks and Lewisville Canal. One issue is that the 7.9 shares can’t be divided less than a share. We would only would be able to divide these 7 times. That made it difficult to split it up between 8-10 lots. The way it sits, there is a main canal on the south side (indicated on the map) that runs along 500. Currently it’s in alfalfa and flood irrigated with lateral ditches. In order to make it convenient for the land owners and the irrigation company, a pressurized irrigation system will have a pump here. They have approved a 25 horse power pump that would pump 80% of our shares. In tight share we would still be able to pump. Indicated the irrigation system layout. Each lot would have a riser. There shouldn’t be any issues. In order to share that, we needed an agreement. It states who own the irrigation equipment, which is a water association that will form. They will collect money for operation and repairs and maintenance. We feel like it’s a good route to go. It would be expensive for someone to put in themselves. Easy to connect into. In addition to that it will have a shared road agreement. They will pay for maintenance and snow removal for private roads. For the residents that will be on those roads. Drew lives in a subdivision with a long private road. They all pay into it. It works very well.

8:37:19 PM  Ashcraft asked to show what he meant on the plat. Matsen explained again where the irrigation easement would be, not a road. Ashcraft: the owners’ access would be just out of the cul-de-sac.

8:38:26 PM  Lewis – Are they going to be paved or dirt? Matsen – They’ll be gravel, but put in a nice spec gravel road. Everyone has access.

8:38:55 PM  Drew Kriser (1448 Potpourri Dr, Ashton, ID) – Private gravel roads. Jefferson County has had issues with private roads. We read the article on that where it became a through road. This shouldn’t be much of an issue.

8:39:32 PM  Albertson – The city is fine with it being gravel.

8:39:43 PM  Matsen – They won’t issue building permit without it being a dedicated road. We anticipate that there will be more improvements. Albertson – Interesting, part of it is in Lewisville and they say it will be annexed in Lewisville, but they want it to be dedicated to the county which has to be 60’ right-of-way.

8:40:38 PM  Kriser – If it’s annexed into Lewisville, is it dedicated to the county or the city?

8:40:47 PM  Hathaway – It would dedicated to whoever it is going to. I talked to Mayor Judd. I think a city council member could probably bring you up to speed. After that meeting, the mayor came in and discussed with me. One concern is that these are 50’ private roads. 60’ is what the county requires. It seems it would be more prudent to make them 60’. It’s configured to avoid having to pave it. You’ve heard concerns from Central Fire. To get large equipment in there. That’s what the Mayor and I discussed. Maybe reconfigure the roads. At this time. I understand why it is the way it is. There are several issues
that might come up later. You or someone could possible amend the plat in the future. I don’t know how
to make a hybrid of the two.

Albertson – The majority of it is in the county. This is a preliminary and a final. To grant a
preliminary and final on the word that the city will annex, I’m not sure. Hathaway – I’m sure the
commissioners would have same concern. Albertson – We have road width and right-of-ways. It makes
it a little difficult. I’ve had this annex thing, we’ve talked about it that the cities say they’ll annex, but they
don’t. They want our approval, and they say they’ll annex it, but then they don’t want it. If the city will
annex, they should annex before.

Hathaway – I think that would be consistent. It’s difficult to manage and evaluate using
two different criteria that may or may not apply. It should probably follow either the county rules or the
city rules. It should be consistent. It would be ill-advised to approve it on this basis alone because you
wouldn’t have the option in the future with the way it’s configured now.

Kriser – We appreciate your council. We don’t know what to go through, county or city.
We feel a little between a rock and a hard place. We’re open to your recommendation.

Matsen – There has been some concern with the attorney for the City of Lewisville to
encourage us to work through the county because the city hasn’t grown since 1800s. They don’t have the
experience of the county. There is a stipulation to annex it into the city. The city doesn’t have a subdivision
ordinance. It’s configured the road doesn’t have to be paved, that was our intent, so we could do bigger
lots without higher cost. Paving forces our hand to make smaller lots. Albertson – I like the lot size. Did
the city offer or any letter of understanding or is this talk?

Hathaway – The sentiment the mayor gave, we do this more and we have rules
established. That’s why it would be one or the other. If you’re going to follow Lewisville’s, refer back to
Lewisville, it will be back in the same place. They’re standards are the county’s standards. It’s acceptable
to include city portion in this platting, because the rules are the same. After the new area of impact
agreement is finalized, that could be something to address at that time. I don’t know how to manage that.
The reason you’re here is that we want to make good planning choices. To take into account future needs.
Make sure we right standards in place. County standards probably have to prevail.

Kriser – We have applied with the city. We’re trying to move forward. We already applied
for annexation and final approval there. They would like to annex but want us to work with county.

Albertson – I understand. It’s hard for us as well because you’re here for a preliminary
and final plat. Kriser – Jeremy and I are satisfied with reasons. Albertson – It’s a small amount that is in
the city.

Kriser – Historically, this isn’t the first time, is it? What do you do historically? Do you
recommend not annexing and follow county ordinances? Albertson – If it gets approved under the county
subdivision ordinance, then that will be the law until Lewisville annexes. I realize it shouldn’t be this
complicated but it is.

Kriser – Can we get some feedback to what we’ve proposed. We’ve been careful to meet
the ordinances. If it stays in the county, we don’t know if you approve or not. We don’t see a reason why
it wouldn’t.
Albertson mentioned the 60’ right-of-way from the subdivision ordinance. **Kriser** – We could go to 60’. We can do that, that would be no problem.

Clark – You can say these are changes we’re asking to make it. Those are options. **Albertson** – There are options available. I want to make sure this is done correctly.

**Matsen** – We understand. The city has been good to work with too. They’ve tried to give us as much help as they can. **Kriser** – The city does need to know what will happen. Is that possible to get approval from the county?

**Stout** – We contacted Jeff Rowe, the County Surveyor, who actually surveyed their plat. The question we asked was, can the county approve? Jeff said the county would approve it, but the city would also sign the plat. You would need the signatures from the County Commissioners as well as the City Council of Lewisville. That doesn’t mean it has to be annexed, but they have to be signed by both jurisdictions. And the city would sign first.

**Stout** showed what portion is in the city and what is in the impact area.

**Kriser** – We would like to see approval. We’ve been in this 3 month process, getting the studies. At least some kind of approval even with conditions to proceed with Lewisville. We realize that there has to be conditions. **Albertson** – Everyone wants approval, but not everyone comes in with a preliminary and a final plat. We have to make sure we get it done right.

**Stout** on the other side, based on Mr. Rowe’s comment, the road block is the city’s comments. If the city wants to recommend approval, anything that happens after with annexation is between the city and the developers.

Lewis moves for a 5 min recess. Clark seconds. All in favor.

Lewis moves to reconvene. Clark seconds. All in favor.

**Public Testimony Portion Opened:**

In favor: None

**Neutral:** Verl Jarvey, Central Fire District (4173 E 550 N) – All weather roads per code does not mean paved. It can be a gravel road. Does not have to be paved. As per fire code, that means it will support the heaviest apparatus that locally responds to that area.

**Donetta Fife, City of Lewisville** (3443 E 465 N, Lewisville, ID) – I am the Clerk for the city. At our meeting with the applicants, it moved to approve on the stipulation after the county approves the plat. The motion was seconded and the motion passed. They were depending on your expertise. We’ve never done this before. You have done it quite a few times. That’s why they worded it like that. The one problem I saw was private roads one problem. Our building ordinance requires that they be facing a dedicated road, private roads are not dedicated. If you approve their plat and they are annexed, I can’t issue a building permit because they don’t face a dedicated road, I think that’s our biggest problem. The county’s zoning is R-1. Lewisville is also R-1. Once they become a portion, those residents, if they chose, would be able to subdivide 1 acre plots on their subdivision. I don’t know what effect that has on this, but it’s always a possibility when they move into our zoning.
Albertson – I realize they made a verbal commitment to annex if it was approved. That’s what we’re dealing with. If you annex, then it becomes R-1, that’s not our problem anymore. Fife – Can we require they put in dedicated roads? Hathaway – If your ordinance says that. You don’t have a developed subdivision ordinance, per se, you have the county’s. That’s the conundrum. If it’s platted or approved under county ordinance and they annex, the same rules would apply until you change that and you may never change those requirements. If we approve it under any basis but the county’s, that’s a problem later.

Fife – If you approve the plat and the roads are dedicated to the county and it becomes dedicated to the city, do the roads stay dedicated to the county or do they become city roads? Albertson – They would go to the city. Albertson – They would be part of the plat. Fife – We just don’t have any expertise in this area. The biggest concern was roads and building permits.

Speaking in Opposition: Cindy Bates (3908 E 400 N) – We are in the process of purchasing my dad’s old farm which is 526 N 3400 E. We do have water rights that we are willing to share or sell because we have to water our pasture. Indicated where that is on the map. We have not had letters to my dad’s address. I’m wondering if they have the road, are they going to plow into my driveway when it snows. How much are we still going to be considered county? We’ve heard other things. Where do we stand? I want answers. We haven’t gotten anything in the mail. We found out it was sold when someone was in the field and the sold signed went up.

Jerry Bates (3908 E 400 N) – After looking at this, where the water rights we have. Indicated where those come from. These plots going in, where are we going to get our water rights to irrigate? The way the plot is set out, other than the road access. If it gets annexed, my wife has lived there long time. Is the city going to go down road and plow the roads? Or more accesses down there? We have not been approached other than the letter of the mail for this meeting. My dad didn’t pass away until after this was sold, no one approached him about it. If it starts subdividing this into acre lots, I’m moving out of Rigby. I have no problem with these. If they stayed within bounds and didn’t subdivide, that would be great. I’ve lived in Rigby and don’t want to be surrounded by homes again.

Mrs. Bates – All the homes moved out. That’s a lot of access onto 48. Are we going to have a problem with people pulling into our driveway thinking it accesses the subdivision? Albertson – People get lost, I don’t know what to tell you. Mrs. Bates – Like my dad, he had a lot of people pulling through because he had a gate, and we have now locked it. No one can go through there.

Mr. Bates – There’s a two car garage that looks like it’s right on boundary lines. Are we going to have permission to go around and maintain? Albertson – If that’s their property line, that’s their line. The area in question is inside the red line, that’s it. Mr. Bates – This piece would be not annexed, right?

Albertson – Unless they wanted to, I don’t know what to tell you. I’m not going to answer all these questions. I’m trying to be polite and I’m trying to give some sense of what’s going on. Inside that red line is the property in question, that the City of Lewisville may sometime annex. That’s all I know.

Mr. Bates – Maybe the property owner can get with us so we can find out how to water that half acre. Albertson – I have no control over ditches or canals. I can’t tell you you’re going to water that. Albertson explained that the board is not there to answer questions but to hear testimony and deliberate and follow the ordinances.
9:21:13 PM  Ashcraft asked if the corner piece was the portion they were in the process of purchasing.
Mrs. Bates answered that it was.

9:21:49 PM  Rebuttal: Matsen — It’s a valid question for access to water. Indicated on plat a ditch and
the easement with that. The north of the property doesn’t have an easement in place, but it doesn’t
matter if one is in place. If that’s how they get their water, that’s an easement. As far as the subdivision
being subdivided in the future based on its zoning, everything we’ve done, we’ve tried to be deliberate.
The way the shared irrigation is, it’s only for the 10 lots, so there wouldn’t be water rights if they were to
further divide. If we can keep the private roads, there can only be 3 residences per private road. Speaking
with residence. If that’s how they get their water, that’s considered an easement there. Kriser — If we got
approval tonight and met the city, then at that time it would be annexed. We would have to then work
with city to dedicate roads and get the building permits.

9:25:34 PM  Matsen — The county ordinance for private roads vs city roads. It sounds like a difference.

9:26:03 PM  Hathaway — It would have to be dedicated whether dedicated private or to the county.
In place today, these lots are this size. That’s fine until someone buys one and it’s a subdivision, then they
come to us and want to do a plat amendment. At that point, if they meet requirement for amendment,
everyone could be divided into anything over 1 acre.

9:27:29 PM  Beebe — Which lot is being accessed off main road. Matsen — Lot 4, block 3 is private drive.
Lewis — Wouldn’t they all be accessed by private drive? Matsen — Those will be private roads, the one will
be private driveway off of the highway.

9:28:31 PM  Discussion of the Board:

9:28:41 PM  Lewis — This is a perfect storm of what we’ve talked about trying not to allow with new
ordinance with private roads and cul-de-sacs. It’s the making of a disaster. I wouldn’t feel good about
passing that next to city with dirt roads.

9:29:28 PM  Beebe — There are too many unknowns and loopholes. Lewis — I understand why they’ve
platted it this way. It’s the cheapest easiest way to subdivide. The other thing that’s not real pleasing, the
three accesses onto Lewisville Hwy. I would rather see it come off into city side.

9:30:27 PM  Clark asked what the difference was between a dedicated access vs a dedicated road.

9:30:54 PM  Hathaway — In the current ordinance, it’s difficult. You have to have a dedicated access
to have building permit. Whether you call it an access or easement or road. The pitfalls of the potential of
annexation or non-annexation, is that this only has one side. Idaho code says had to have more than one
side adjacent to the city to compel annexation. The City of Lewisville would have a difficult time compelling
annexation. In my opinion, you don’t have to take it. It needs to be dealt with under the county rules. I
don’t see an alternative. It becomes a difficult problem to manage if one thing doesn’t match up. There
are too many potential issues if you vary from the process. Lewis — We’ve spent too much time helping
cities grow properly to do this right next to one.

9:33:15 PM  Hathaway — This would be a referral. The County Commissioners will have the same
questions. I’m not saying this can’t be approved, but I think it needs to conform with the county when you
evaluate this.

2021-18
Ashcraft – Mr. Lewis, could you list the concerns you have? Lewis – The private roads are a concern being gravel next to city. All the subdivisions next to the city are high standard paved roads. That’s the stipulation going into development understanding that’s going to happen. I understand doing 10 lots or less and having smaller roads. But it could create big problem that we’ve been trying to avoid with Comp Plan and Subdivision Ordinance. I think we would be doing disservice to the residents of the county.

Ashcraft – So what if the developer said they would do 60’ roads an paved up to standards? Lewis – I’d be fine with it if they reconfigured their lots. But three cul-de-sacs, I’m not thrilled with. The county can’t plow cul-de-sacs.

Albertson – The main thing to consider is the subdivision ordinance; whether it fits in the subdivision ordinance or not. If it doesn’t fit, it shouldn’t go forward.

Ashcraft – If they change the roads. Does it fit? Or is there something else that keeps it from fitting in?

Ashcraft – Since this is 10 lots, it requires NP study. Lewis – I think it would be a great thing to add to the city. I don’t like the way we’re going about it.

Hathaway – One option you do have is that you can evaluate this as a preliminary plat only and then provide input for deficiencies and allow them to reconfigure things to meet requirements. Then they could come back and be reevaluated at that point.

Ashcraft – Referenced 110-32 3 (c) and clarified if these would be collector streets or arterial. Staff – It’s considered private road because they access 3 or fewer lots. Referenced 110-93 (e). They require a 30’ easement.

Albertson – The sum total of this is 10 lots. Referenced 110-93 (9). Private streets are prohibited in developments of more than 3 lots. This is a development of 10 lots with 3 cul-de-sacs. The intent of the private road is different on item (e). You have to follow #9.

Albertson verified that he had the most recent copy of the ordinance. Staff confirmed that he did.

Lewis – We need to decide if we recommend as a preliminary plat with some changes or deny it and send it to the city.

Clark – I’m struggling with the private drive in a subdivision. If you approach it with the private drives and the number of parcels attaching, that’s fine. I’m not sure it allows it. There’s a lot of discussion on whether they annex or don’t. I don’t care if they annex or not. It doesn’t change our process. They have the opportunity to negotiate areas of impact. What our Comp Plan says is that we want subdivisions close to town. The question becomes, is it a good subdivision. I don’t know that I can answer that. The intent is to have larger parcels and it does do that. In some ways, it’s self-policing for further subdividing. There’s some attractiveness in that. Albertson – None of them would hook into the city roads. Clark – That is really the disadvantage. If there were provisions for 3406 and 3421 to propagate. That’s one thing we’re concerned about. That’s one contention they’re fighting. They have a road and would like to extend the road, but someone built a house where the road would be. As we consider this, there’s an element of planning where we can help Lewisville. They probably do want to extend roads to the north.
As a planning body, we need to take that into consideration. Even if you made the private roads different
that they could be dedicated. The way it’s configured, I don’t think it lends to Lewisville’s ability to grow
in a sustainable fashion. In some ways, I think they’ve taken an approach and figured out how to do it. I
don’t want them to be penalized. I have mixed feelings. It does come back to the line on private drives
being limited to 3. This is a subdivision of more than 3 parcels. I don’t think there would be a problem with
a 3 lot subdivision. I’m saying it from the perspective of private streets. I still think we have issues with
ordinance.

Beebe – It just happens that the 3 houses on private is in a sub.

Hathaway – It does present a problem for Lewisville. The city doesn’t have private roads.
So it’s difficult to maintain.

Clark – There was concern with not being able to have building permit, but my response
would be don’t annex until it’s built.

Albertson – I don’t think you can approve this on a statement that they’re going to annex.
Clark – I don’t need a statement. I know in other instances, it does matter. From the county’s perspective,
whether they annex or not, that doesn’t impact or decision. My ordinance doesn’t care if annexation is an
issue or not. Albertson – If it doesn’t fit in ordinance, it doesn’t go. Clark – I don’t believe the ordinance
will support it. The approval with private drives. If they were to change that, I couldn’t say. This is a county
approval, I don’t think we can approve it because of that.

Beebe – I think Ryan asked, what’s the difference between private road and private
street? Staff said that under our ordinance, it is the same.

Albertson – The intent of the ordinance is that we’ve had 3 lot subdivisions. They can be
accessed by a private road. But private streets are prohibited in developments of more than 3 lots.

Clark – This is a weird deal. I’m not sure whether we can push it forward. If we treat it as
a preliminary, it’s a different story. Do we say, maybe we consider it as a prelim and not force the
developers to start over again?

The commission discussed the fact that this was submitted as both a Preliminary and a
Final Plat in combination and if they could treat it as just the preliminary. Clark – I think it’s in our purview
to treat it as a preliminary. Then we’re not forcing them to start over, but say these are changes we would
like to see you make. I don’t know. Lewis – That’s the way I would like to see it go.

Clark – They’re looking for guidance. We can kick it that direction. We can vote to deny it
and then they can take it to the commissioners. That’s always a hazard because the commissioners can
look it and think it’s okay to go forth. That’s the caveat with a strict denial. I’m seeking more consensus
instead of saying let’s kill it.

Albertson – From a planning standpoint considering the Comp Plan and the areas of
impact, the configuration for access is wrong. Lewis – I’d agree. Albertson – And from 110-93 (9), it’s
wrong. If you want to recommend that the accesses change so it looks like it is thoughtfully made to
expand the city and connect the roads, then make the recommendation.

2021-20
Beebe asked about city water and sewer. Clark said Lewisville does not have those services. Albertson — I’m not looking to kill it myself. Lewis — That’s the only way it can go ahead and come close to meeting that. Albertson — if that’s the case, it needs to line up with those two roads.

Hathaway said they could table it for more information.

Beebe — I don’t want to table it. I like Michael’s suggestion, if we can treat it as a preliminary. If we deny it, the commissioners might not spend the same amount of time.

Clark — The only difficulty is to not know. As a preliminary, it changes the playing ground make changes and come back. I don’t know that we’re prepared to be able to say what they have to do. It may not be beneficial to them in the long run. The answer is that the access needs to be considered such that it allows or supports the growth of Lewisville’s current road infrastructure or meets the county roads. Even from that perspective. You could meet county requirements and still pretty much be thumbing your nose at Lewisville.

Lewis — So would it be better to recommend denial so they can start over? Or treat it as a preliminary and reconfigure?

Ashcraft asked the action on denial vs recommendation and the process of that. Staff explained that it would be a recommendation. Hathaway — I think it’s within purview to treat as preliminary and provide some conditions. That’s basically what a preliminary is. We see these for you do address. It would be appropriate if you chose to do it that way. Explained the action on a preliminary plat.

Lewis — We want to help city with their growth. Hathaway — But you have to consider the county rules. Clark — In order for us to approve it, it has to comply with ordinance as currently stated. I can’t reconcile it. I’d like to push it forward. One statement that says you can service 3, but not in a subdivision of greater than 3 lots. I can see the confusion.

Hathaway — By treating it by the county ordinances, you are benefiting Lewisville. Clark — If we were to approve it in this configuration, it puts Lewisville in a conundrum. I don’t think snow removal will be big issue given the lot size.

Clark — I would make a motion, but I’m not sure what motion I’m making, we’re going to treat this as a preliminary, but they have to treat the roads under the subdivision ordinance.

Albertson reiterated that this was applied for as both the Preliminary and the Final. Lewis said past applications were based on what’s on the application. Albertson — You can’t bend it, it seems all or nothing. Lewis — If we’re going to be consistent, that’s what we have to do.

Lewis moves to recommend denial on the finding that we can’t make the road work under 110-93 (9). Ashcraft seconds — I was looking to see if we could do what we were talking about earlier. If we’re going to add 110-93 2 (e) it also says private roads shall have 30’. Beebe aye. Lewis aye. Clark opposed. Ashcraft opposed.

Chairman Albertson would be tie breaker and shall render a written decision in 28 days.


Ashcraft votes nay.
Beebe moves to adjourn. Clark seconds. All in favor. Motion carries.

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Kevin Hathaway
Jefferson County
Planning and Zoning
Administrator

Warren Albertson
Jefferson County
Planning and Zoning
Chairman of the Board