

MINUTES
LEMHI COUNTY PLANNING AND ZONING COMMISSION
REGULAR MEETING/PUBLIC HEARING
June 16, 2010

MEMBERS PRESENT: Chairman, Roy Barrett, Dale Peterson, Vinn Strupp, Raymond Cockrell, Gina Knudson, Tammy Bailey, Barbara Miller and Eleanor Wisner

STAFF PRESENT: Gary Goodman & Teresa Morton

GUEST PRESENT:

MEETING CALLED TO ORDER:

MINUTES OF PREVIOUS MEETING: Minutes of May 19th were approved with the correction of the spelling of Joe Proksch name. Motion made by Raymond and seconded by Vinn. Minutes of May 26th were approved motioned by Tammy and seconded by Barbara. Minute approved unanimously.

COMMUNICATION:

Teresa Morton informs the members of the board that the Mavros/Usher Gold Mining operation has been put on hold by Milt and Sue Usher until further notice.

PUBLIC HEARING:

Gary Goodman: I do Chairman Barrett, Basically our staff report consists of mailings, the posting dates so on and so forth. May 27 and June 3rd was published in the paper, on June the 8th the property was published and the mailings went out on May 28th. This applicant has addressed Chapter 5 small scale development and portions of appendix D, road standards that apply to his request. The only government agency response we had was from Road and Bridge, they have no concerns, they believe the existing road is sufficient. When we are doing this application, as Roy already went over 3.13.4 of our development code, that is our staff report. It met all of our legal obligations.

Roy: Anybody on the board have questions for Gary I hope.

Gina: I have one question, this is to address existing lot splits, if there were to be a large scale development they would have to go through a different process to get the road approved or would the existing variance apply toward future development?

Gary: It kind of depends on your decision, your decision can be to limit this variance to just this lot split and to make reference to the fact that if there is anything further, splitting or developing that they need to come back or you could say this is good for as much development as you guys want to do.

Gina: Thank you

Gary: You guys get to set the side boards.

Roy: Anything else? Barbara do you have a question?

Barbara: Sorry I must have been just waving my hand, no.

Roy: With that I think the next obvious place to go is to have the applicant tell us why they are here.

Jim Dartt: How about I give you a little bit of history, being Norma is here, if I would have known she was coming she could have given the history on it because she was out there long before I was. Prior to my involvement getting purchased. Jim Dartt, Jim and Sandra Dartt, 27 Clark Drive. About thirty years ago in 79' Chance and Reckinger's which is Sandra's folks and grandparents bought this 10 acre parcel

of ground with the 21ft right of way to it. Later on that in 79' or 80' Chance's built a home on the property, a few years later Reckingers built another home on the property. Then about 15 years ago Reckinger's had a modular home which Sandra moved into put on the property. In Reckinger's will they had surveyed off their initial home, their dwelling and the modular was listed as personal property. That is how the homes are established and they are all in the family. About 14 years ago Sandra and I purchased the Chance home and the undivided 1/2 interest in the 10 acres. We go the house and 10 acres from her folks, her folks then moved into the modular. The other 1/2 interest was owned by Reckinger's and the two homes. What does it say, the modular of course is on a permanent foundation and everything is kosher with that. Approximately 5 years ago Sandra's grandparents, within 3 years both her grandparents and her mother passed away. 5 years ago the homes and additional acreage was willed to her with the intent that the homes would eventually go to our kids, which at that time were 6 and 10 years old. That is still the intent and that is what most of this is about. An attempt to use the Reckinger's will to attach the modular to the ground it sits on wasn't able to be used because it wasn't specific enough in the will of that being the intent I guess. So as we went through the process, the property does have a split on it. As we went through the process of surveying and allowing for everything that needs to be up there. When we got down to the right of way, it goes through private property and requires to be 50ft and it is only 21ft wide. On the east side the house that Cal lives in DeCora which is Mathews old house sits right along the road so the width of going east doesn't make much sense to look into that. On the west side, Jim Riggan owns that, it is just pasture land, he does have his property for sale but he is only interested in selling the entire acreage and the home, we have a letter from him stating that he is not interested in selling an additional right of way or anything from there. We are not looking for any additional development, we are not adding any traffic, the modular has been there for 15 years. People when I went around to get things side they said, what are you trying to do, we are not trying to do anything but get right. When these kids, realistically the odds of those kids living in those homes until they can actually be willed to them, without needing financing or when they go to college, falling in love and moving somewhere else, is unrealistic. The desire was to anchor the homes so that down the road there wasn't an issue like this that came for them. So as far as the road width, we went through that, the road has been in place for 30 years, it does have culverts in it, it is surfaced, it meets the requirement of the time then and probably the time now with the surfacing, it is sloped from ours and crowned as it goes through the easement of the highway.

Roy: is the easement 21 ft wide.

Jim: Yes

Roy: how wide is the actual roadway?

Jim: That is how wide, the fence line is 21ft going down through there.

Roy: how much of that is usable for traffic?

Jim: Well it could be 21ft, it has two pipes on the road but that is the actual width is 21ft till it reaches our property. If you look at the survey that we had done, we widened it up to fifty feet and made provisions for all the water and sewer so that in future no matter what happens there, everything is accounted for, for each home. We don't have any desire, if I was coming in and saying I want to put a subdivision in or something, I would look at it a little different, what we are trying to do is get right with the homes and acreage that is existing and has been existing.

Bret: make the mobile home on a lot of its own, is that what you are doing?

Jim: The property has one lot split left, and what we have right now is our home and 8 acres is in one parcel, Reckinger's home and the modular and their actual home they lived in is on 2 acres, they are surveyed out that way, if you see in there the proposed line to make the lot split so that they are separate, yes. That is what this is all about, we are not able to obtain the 50ft to our property through this existing right of way and that is why we applied for the variance so that we could use the 21ft.

Roy: I have looked at this a little bit, Riggan's is a neighbor on one side, the BLM on the other side.

Jim: No, there is two other land owners, DeCora's and the old Evarts place, I guess it is still the Evert's place run on the east side and Riggan's run on the west side till they get to us. Well DeCora's is set just off the road so there is really not enough room to move over that way and Riggan's is only for sale as they the entire piece with the homes. As far as increased traffic, it is the same traffic that has been there for 15 years.

Roy: So the BLM property is

Jim: Behind us

Roy: Okay

Tammy: So the road that goes to Rullan's place ends at this place?

Jim: No, Yes it comes down three mile lane and goes to Rullan's home yes. Ours comes off of Clark Drive off of the highway and which goes to DeCora's and comes on up to our place.

Bret: How much room is there, I will just ask Cal I guess, between the road and your house, it looked to me it wasn't much over thirty feet.

Cal: 24 feet or something

Bret: There is no way you want them to cut off your house do you?

Cal: He can buy it

Jim: We didn't actually pursue that because logistically it didn't make any sense. We are not adding traffic, we are not adding a home, the common question people asked is what I am trying to do. Nothing. Well why are you trying to do this? All we are trying to do is keep what we got and make it so it isn't an issue down the road. Nothing is for sale, the kids are now 12 and 16. I don't want them to have to wait until we pass away to say that they want to sell one of these homes, or we moved to Colorado and we have a home setting in Idaho that is on my sisters ground you know that has been there for 15 years.

Roy: Did I read in your application that you have one split left, is that right?

Jim: It does yes, it is the intent to use the split, we don't have any interest in any further development up there especially off this road.

Tammy: So that split, splits that two acre lot in the corner right?

Jim: Yes, you see the two that are together and the line that kind of goes east and west I guess, that would be the line.

Roy: Any questions for Mr. Dartt

Eleanor: This is a private road, not a county road right?

Jim: Right, private, I tried to give it to the county so they could go in and widen it out but they didn't seem to be that interested.

Roy: Any questions from the board, Barbara?

Barbara: It seems the only rationale to put on this is that if Riggan's over here, these other people, okay well one side or the other, wanted to divide then this road needs to be back up to where they would have

to widen it. They have already allowed all this back there under this.

Roy: If Riggan chose to do that and subdivide it and use this as his access I think we could say that.

Bret: Besides that he has access to another road on his property.

Barbara: But if he wanted to and made an arrangement with whoever has the access to use that road there should be some condition that if there is more people on that road.

Roy: That is why you can put in a condition.

Barbara: That is the only thing that I can see is up in there.

Roy: Keep that note in mind, anybody else have any thoughts? At this point we will see if anybody in the audience that has any comments in favor of this variance.

Vandy DeCora: I am Vandy DeCora, Cal and I don't have a problem with what Jim and Sandra want to do as it stands at all, not a bit, they are wonderful neighbors. Ms. Knudson had an interesting point though, I like that point that if they want to development later on they have to come back and ask. Other than that we have no problems, we really wanted planning & zoning to make everything really clear.

Roy: Thank you, anybody in the audience

Norma Wellard: My son and I we don't have any problems with it, it sounds like it would be great for them to get that straightened out and it sounds like Cal is good with the way it is there so, I like what Vandy said, if down the road if it came back for development that would be a different story because it would instill more traffic. We are just on the border line of it so we are not really involved with the traffic we are just neighbors, we think it would be fine.

Gary: Could we get names and addresses, we have to have a transcribable record and they will ask us who is that and even though we know you are Norma.

Norma: I am Norma Wellard and my son is Rullon Wellard. We own the property that joins down with Cal and then on the other side where Rullon is at it joins on the angle that goes by Chance's.

Roy: What is your address?

Norma: It is 9 Three Mile Lane, write out the three

Vandy: I am sorry Cal and Vandy DeCora, 12 Clark Drive

Roy: Thank you. Since we have had everybody in the audience speak, we don't have much rebuttal I think unless we want to talk to our selves.

Gina: We have 100% participation.

Roy: Before we close this is the board have anything that they want to address at this point, you have the facts all in your mind you are comfortable? Okay, we will take this under advisement at this point, we have 35 days to render a decision, I don't think it will take that long but that is what we do have to weigh all this and put it together and make a decision.

Discussion

The board reviews the applicant brought before them for a variance and approves it with special

conditions. Motion to approve is made by Dale Peterson and seconded by Bret Heaps motion to approve the application of Jim & Sandra Dartt for a variance of road width requirements is approve unanimously.

DECISION FROM THE LEMHI COUNTY PLANNING & ZONING COMMISSION REGARDING:

Jim & Sandra Dartt for a Variance

INTRODUCTION

The application of Jim & Sandra Dartt who's mailing address is 27 Clark Drive, for a variance located on Clark Drive Salmon, Idaho 83467

FACTUAL BACKGROUND

1. The subject application requests authority to grant a Variance for a road width requirement as provided in Appendix D of the Lemhi County Development Code
2. The application for a variance pursuant to Ordinance #2009-3.
3. The proper legal requirements for advertisement of the hearing have been fulfilled as required by county code and by laws of the State of Idaho. Advertisements have taken place on the following dates: May 27, 2010 and June 3, 2010. Notice was posted on the property on June 8, 2010.
4. The existing use of the property described in the petition is Agricultural/Residential
5. That the comprehensive plan designates this area as Lower Lemhi River Valley. And the proposed use will conform to the comprehensive plan.
6. Surrounding property zoning is Agricultural/Residential
7. Factual information regarding the application is contained in the application documents and staff report which are part of the record in this matter.
8. Written comments were received from:
 - 8.1 Lemhi County Road & Bridge
 - 8.1.1- Agency believes the current road is adequate for the existing use of the property.
9. Additional information was received at the public hearing.
 - 9.1. Concerns supporting the application were:
 - 9.1.1- Vandy DeCora- In favor of application but would like to see the applicants come back before planning & zoning if any further development occurs.
 - 9.1.2- Norma Wellard- In favor of application but would like to see the applicants come back before planning & zoning if any further development occurs.
 - 9.2. Concerns uncommitted to the application were:
None
 - 9.3. Concerns opposed to the application were:
None
10. Applicant rebuts concerns:
None
11. Additional facts made by the Lemhi County Planning & Zoning Commission
None

12. The proposed use is not in conflict with provisions of any adopted ordinance or intent of any county policy or uses within the proposed area.

CONCLUSION

Based upon the factual record compiled and upon testimony received at the public hearing conducted to receive such testimony, and after considering the relevant ordinance provisions, the Lemhi County Planning & Zoning determines that the special use permit requested by Jim and Sandra Dartt for a variance of road width requirements be approved with special conditions.

SPECIAL CONDITIONS

1. This proposal must meet all federal, state and local codes.
2. Permits shall be valid for one year from the date of approval, unless extended by a development agreement.
3. Must sign a development agreement with Lemhi County.
4. Any other development excluding Jim & Sandra Dartt's 1 (one) potential split, utilizing Clark Drive would require the road to meet county standards.

Gary informs the board that a letter was received from Mark Norem a real estate agent and had asked that the board be forward the correspondence. Gary explains the history of the property in question and explains the complaint made by Mr. Norem and his client. Gary also tells the board that he has reviewed this with legal counsel and that his office was instructed to send Mr. Norem a letter.

Gary proceeds educate the board with a work session on decision making and the role of a planning & zoning member as well as asks the board for comments and suggestions on what his office can do to help the board more when making decisions and reviewing applications. Barbara indicates that she would like to see bigger maps included in the packets. This suggestion is taken into consideration and will be added to the list of things to include in the Planning & Zoning packets in the future.

Motion to adjourn the meeting was made by Vinn and seconded by Bret Heaps

Motion carried unanimously

Meeting adjourned

Respectfully Submitted

Teresa L. Morton