MINUTES

LEMHI COUNTY PLANNING AND ZONING COMMISSION

REGULAR MEETING

JUNE 22, 2022

7:05 PM

Meeting called to order at 7:05 pm

Members present: Jeff Nofsinger, Cody Settles, Vinn Strupp, James Malcolm

Staff present: Polly Anderson, Lisa Olson

James motions to approve minutes of May 18, 2022. Cody approves and Jeff seconds the motion.

Public Hearing for Development Code Changes

James: We will present the code changes that we will run through briefly. If there are any comments you will have an opportunity afterwards to get up and speak.

Polly: James it was posted in newspaper on 6/02/22 and 6/09/22

James: The first one here and it will come in later also is sanitary restrictions shall not be required on parcels created on a lot of five acres or more because of perk testing requirement on ranches or other larger parcels of ground. Then we are changing some setbacks from property lines and arterial roads reducing that from 15 ft to 25 ft, corner lot intersection streets will be 15 ft. This is one where we’ve had some comment about the Salmon, Lemhi, Pahsimeroi and North Fork Rivers proposed from reducing that from 50 ft to 25 ft. We’ve had comment on this because of the possibility of flooding that it maybe should not be changed. I’m going to while we’re here do you guys have any comment on that? This is for the streams and corridors and stuff, do you think it’s wise to allow that?

Cody: Well, the current codes, don’t they go to their FEMA maps?

Jeff: If it’s a flood zone then it’s a different thing all together, but it’s one of those things in most of the land that’s around rivers and streams the elevation change from 25 to 50 is almost nothing, unless it’s in a canyon. In most of the stuff that has buildable lots you’ll find that it’s pretty flat and so the difference between it’s not going to make too much difference as far as whether it gets to the house or not.

Cody: I don’t feel like the county setback is going to mitigate flooding. That’s another agency like when people are getting permits. Isn’t everything FEMA has a flood map flood plain of everything?

Polly: They do there’s not a setback from the river however, there are elevations that it has to be built to. So, the zoning is who which is the development code, the setbacks from everything and FEMA. I’m the administrator for FEMA. They build their finished floor to a foot and a half above base flood elevation. That’s what is required.

Jeff: A foot and a half? This river flood stage is 7.5 ft. so that is 9 ft. it’s one of those things people won’t realize how really that this river hasn’t changed that much for flood stage. At least the Salmon River. It’s one of those things that setback from the stream, it doesn’t have to do with elevation from the stream.

James: If something starts eroding it away which can happen in a flood um, you know you’ve seen the pictures of Yellowstone.

Jeff: My neighbor did it too, my neighbor lost 20, 25 feet of bank in ’17. The thing is as far as the county goes, is that something that really the difference between 25-50 ft we can change? Not really, it’s basically it’s up to the people building their house. If their insurance company gives them insurance, they can get insurance on the house, I don’t see why it’s the county’s business to regulate…

James: Where they put their house.

Jeff: Where they put their house. I mean within reasons.

Polly: The county has adopted the FEMA regulations, however so we do follow those.

James: So that would take precedence over this anyway?

Polly: There is no setbacks, FEMA does not say you have to be this far from the bank or the highwater mark. They just say how high you have to build compared to either the base flood elevation or highest adjacent grade depending on what zone they are in.

James: OK we’ll move on from that.

Jeff: Is that like a straight horizontal line, this 25 feet? I mean if there’s-does 25 ft count if like there’s a cliff going up on the side of a…

Polly: How we, because I mean it’s kind of it’s hard to figure out where the highest adjacent grade is. I mean you can see it, obviously like you said. If you’re coming up, no 25 ft from the edge of the river bank.

Jeff: This is on the ground I guess?

Polly: A straight line from the edge.

Jeff: A straight line.

Polly: yes

Kim Murphy tries to comment from the audience…unintelligible

Jim and Polly remind her that at the end of the meeting they can get up and make comments.

James: Going on to the next page. Ok this is again, it’s property lines. Reducing from 25ft to 15ft. The reasoning there is just to give people more use of their property. Then on the bottom of that page is the same of what we were just talking about, just added again. Ok then on the next page this is chapter 8 Home Occupations.

Jeff: What we did there was get rid of the insider, outsider subdivisions.

James: Yeah, that’s all we did.

Jeff: It’s saying you can have this many employees because subdivisions can have 15-20 in your lot so…

James: Ok then the seasonal living quarters and that was just changing um right now the way the code reads is you can not stay in a seasonal living quarter for more than six months. This is just allowing you to have use of recreational vehicle or motor home as a dwelling. If you’re there for more than six months you need to have uh ok, sewage management system and I think there’s some place here you have to have a physical address assigned by the county, uh you have to adhere to any other county setbacks, just allowing what in the past has been a temporary resident deal to be full time. You just have to follow all of the regulations. On the next page, let’s see it’s just reinforcing that. Ok and then the next page is just sanitary restrictions shall only apply to a lot that is 5 acres in size or smaller. The next page Chapter 11 we just made a separate definition code what for what remains the same but just has a different number. So 11.2.55 taking that out completely?

Polly: Yes, they all talk about the temporary living that was in the other section of seasonal living.

James: So, we are now allowing it and before we were restricting it. Ok. At the end of that it’s just effective management of removing sewage fill with the Planning and Zoning office. What is the purpose of that?

Polly: Those are definitions for recreational living.

James: Ok. Basically all this is doing is cleaning up some stuff. There’s really not any major changes in there. Moving forward do you have any written correspondence?

Polly: No, none.

Jim: Ok so now we will go to testimony. If you would like to speak get up there and say your name and address and let us have it.

Opposed

Wendy Schoby: Oh thank you I’ve never been in front of your group before so um, I appreciate you guys putting your time and efforts into this. I’m Wendy Schoby and I’m with the Idaho Department of Fish and Game, and I..

James: Give us your address.

Wendy: 99 Highway 93 North, Salmon, Idaho 83467. So, I’m with the Idaho Department of Fish and Game and I work in the Fish Screen and Aquatic Department. I’ve been there about 12 years. I’m going to provide comment regarding the proposed changes that would reduce the minimum stream setback to 25 feet. We didn’t get the information about the code changes and we didn’t recognize it until it was past time for me to submit comments in writing so I do have this letter if you guys would like to read it and consider it. I’ll keep it informal and if you have questions after I will gladly accept. So, um I’ll read this: Dear Lemhi Planning & Zoning Commission, Idaho Department of Fish and Game would like to provide comment regarding the proposed changes to the Lemhi Development Code that will reduce the minimum stream setbacks to 25 feet. Stream setbacks are in place for various reasons including: to maintain the beneficial functions of the flood plain which reduce the flood energy, helping deposit and capture topsoil, things like that. Protecting water quality by limiting the proximity of pollutants to streams and river courses. In our homes and buildings and outbuildings we often have lots of things that we would prefer didn’t end up in the river so setbacks kind of help protect water quality from those standpoints. In some cases now we could help prevent overwhelming emergency services during flood events by providing setbacks that would help prevent mass situations where you have a lot of homes and buildings that are in situations that would need protection or people need protection. Setbacks also help protect watercourses and neighbors from the impact of upstream bank stabilization actions. So, from that standpoint it’s kind of every action has a reaction, so if your neighbor upstream you know puts in riprap or hardens the bank in a river system that energy gets transferred somewhere else. Oftentimes to a downstream neighbor or downstream bank or road infrastructure, something along those lines. So, the stream setbacks help protect each other from each other in some ways. Um and reducing the flood vulnerability both that riverside building sites and for neighbors downstream. In speaking with the state floodplain coordinator the FEMA flood risk maps for Lemhi County are over 30 years old and in 2019 FEMA started a new mapping process using the current LiDAR so they gathered all the LiDAR high resolution imagery to update and better inform municipalities of their flood risk. FEMA now anticipates that the preliminary analysis of those flights to Lemhi County later this year. Although the new official flood maps may not be adopted for several years, this data would be available for use to the public and for counties to start using. Even though the flood maps won’t be available until later this could better help the Planning and Zoning commission evaluate the implications of different setback distances. Also, Fish and Game and other local natural resource agencies have some localized flood elevation information as well as aerial drone images from different areas of different flood stages from the areas around here. Fish and Game wanted to offer assistance in interpreting these images and data that’s available so that the Commission can make informed decisions about what different setback distances could mean to minimize risk to property owners and natural resources while taking into account private property rights. So, the Department would respectfully request that the Commission would defer the decision to reducing setbacks until the FEMA mapping exercise is complete and other data can be taken into consideration. If you have any questions, please don’t hesitate to contact myself or my supervisor.

Jeff: Are you guys going to do a study or do you have any data that shows the difference between the 50 and 25 ft setbacks and how that affects flooding and what properties.

Wendy: Well from experiences with some of the habitat restoration work that they’ve been doing in the Lemhi River you get better information from the higher resolution elevation information. When you look at the valley bottoms you can see here where we have old channels you know, I mean you can look up the Lemhi, we’ve moved the river around over time. You know because of channels, roads, and the railroads and you can see those channel scars. So, I think with the information you can look at different flood stages and different setbacks and see the changes in the areas you know under certain conditions.

Jeff: But we’re talking 25 feet here so…are you going to have any data that shows that 25 feet difference.

Wendy: I think that it might be able to show you like, ok at certain flood stages if you have 12 parcels along the river here which ones would be inundated at 25 feet are at higher risk. I’m not sure. The other thing that rather than just the blanket setback is that not every property is the same. Somebody might have you know a rock cliff that’s not going anywhere and 25 feet from the stream bank wouldn’t be a problem. Not every point along the river is the same, the outside bend is much more susceptible to erosion, especially the outside bend because it doesn’t have any vegetative cover on it. There’s different risks I guess associated with where the parcel is.

Jeff: Another thing that would be of high value is the amount of private land that is affected by flooding to start with. If you look at this river there’s not very much public land along most of this river.

Wendy: Yeah, that’s like the nature of this whole county is the private land is on the river corridor. That’s how we settled the West…

Jeff: I know a lot of the Salmon at least from here to the county line to the Pahsimeroi I’d say way over 50% is or 75% of that river is government. The thing is if the government owns all that land that means that you guys control it. What is the real difference or percentage? The other thing is however long this has been in effect, Elk Bend and Gilmore have 25 feet. Have you seen any effect in these areas from it being 25 feet. Can you point at anything and go, here’s what we’ve seen from them being at 25 feet from the river.

Wendy: You know I haven’t been here to look specifically at that change. If you look in the high-density level areas like Elk Bend where you have a lot of people close to the river there is a tendency to have less riparian vegetation which helps stabilize your banks. People want to be close to the river and see the river.

Jeff: But property owners no matter where they’re at can take away everything off the bank if they want.

Wendy: They can.

Jeff: So how does the position of the house affect the riparian area.

Wendy: Well, I guess just in general the closer people are they clear it out and have lawns near to the river or their manicured areas closer to the river.

Jeff: Yeah, do you have any data?

Wendy: We could probably go back to the aerial footage and through time look at how that’s changed over time.

Jeff: And that would be data and that would be facts that you could look at. Like I was saying, this was like 90’s that this came into effect Polly?

Polly: Yes, I’m not sure it used to be 50 feet when I first started working for the county even in Elk Bend. I would dare to guess in the last 10 to 15 years is when that changed to 25 for the Elk Bend area.

Jeff: Ok so you’ve got 15 years that it’s been 25 feet in those areas. So, let’s say that’s your test case.

Wendy: Yeah

Jeff: That’s an area where you’ve done it, and so you can go what has it caused? That gives you data. Then you can use that and say here’s what we’ve seen and what we’ve done. But like you say, all different parts of these rivers are all different so when you make blatant rulings that don’t take into account… because FEMA takes it into account, that’s elevation.

Wendy: Correct.

Jeff: That makes a difference. When you’re just an arbitrary back from the river I can tell you my neighbor’s house, and it might have been 50 feet from that river, it doesn’t look like it when I go over there. He gets a pond in his front yard when the river gets high. So, if his house was further back it would be in the pond. Well, there’s your 25, 50 whatever feet. It really makes it worse. Cause the low areas back behind the actual…

James: So, the low area is behind his house?

Jeff: Yeah, you go to his house, it goes down, crosses a low area and then goes up to his house. There’s five lots over there, the swale goes down because that used to be the river. So it’s there on where the bank, where the channel is built up and that’s where their house is at. So it’s just one of those when you get high water there’s a giant pond there. It’s in the front yard. That’s the problem with making a generic 25 or 50 feet is it all depends on the case.

Kim: I have a question. How does the process work if it’s going to become permanent and they want to make an exception to the rule, how does that work? So, if it was 50 and they said in this situation I can’t make that work right now how does that work?

Polly: We don’t allow anything less than what the development code says. People always ask about variances. I’ve never seen a variance in all of my life and that’s some of the excuses people use. Well, the bank is like this or, we don’t allow any exceptions. They are welcome to apply for a variance but I’ve never seen one in my 20 years.

Cody: You weren’t asking for a certain number right now you were wanting us to defer until the FEMA maps came out?

Wendy: Yeah, between some of the flights that have been done and the imagery that’s coming out and some of the stuff that’s been out on the Lemhi there’s quite a bit of technical expertise here. I’m not speaking that I’m the only one there’s quite a few people in the area that have been working on it. I guess maybe to just wait and maybe we’d have help or provide some type of assistance to look at that FEMA data when it comes out this fall before the blanket decision is made. The other direction to review such stream setbacks. That’s kind of my proposal on that.

Kim Murphy: My name is Kim Murphy and I live in Salmon. So, and from the perspective of habitat concern it’s just not a good idea. The closer you get to the stream the more risks that you have of lives and infrastructure loss. Plus, habitat impacts to the stream both aquatic and riparian. So, it’s just you look at national news and you look at what’s going on in Yellowstone and all of that loss of infrastructure. Anyways there’s a lot of concern with the closer that you are building next to the stream. I agree that there’s no cookie cutter setback that we should be applying everywhere but really 50 feet is not a significant setback. Talking in the scope of impacts to people building within 50 feet just think about if we have a bunch more people building close to the streams and all of a sudden we are losing habitat and we’re putting a lot of stress on emergency resources. How many calls do you get annually of people on the Lemhi asking for sandbags because they’re having problems with flooding. Do you get a lot of calls?

Polly: I’ve never had one, not from our office.

Kim: So, I think about it in the scope of you have increased development within the flood plain, you have more bank erosion issues, more flooding issues, increased use and upping of property insurance rates which could impact anybody that lives within a riparian area. Whether there are property setbacks at 25 feet or 100 feet the rates would go up for everybody. You know for me, I think having a 50 foot setback and changing it to 25 feet would be really bad for the habitat, really bad for the housing insurance, you know on all sorts of levels and stuff. I’m kind of deferring to this gentleman right here (gestures to Jeff) seems to think that there isn’t a concern of getting closer to the stream when there is. For me on my end what do you think the benefits are for being able to develop closer to the stream? That would be my question for you. What about safety and keeping the people safe and their property safe?

Jeff: So, you’re saying the government needs to enforce rules to keep people safe?

Kim: Well, I’m saying with the rule at 50 feet right now.

Jeff: It’s only 50 feet.

Kim: Uh yeah, Gilmore and Elk Bend at 25 feet.

Jeff: Do you have any data from anywhere on setbacks versus any of the things you’re talking about? Have you found any study from any place else?

Kim: I’m sure that there’s a lot of literature out there but there’s also, I mean you could watch national news right now and look at Yellowstone and uh…

Jeff: Looking at Yellowstone that is a 500 year flood. If a 500 year flood occurs in this valley most of Salmon is going away. I can tell you how many dams in the state will fail in a 500 year flood. So, the damage you’re talking about to somebody’s house along this river in a 500 year flood, that is not what you’ve got to worry about here. (laughs)

Kim: Yeah, you know one thing that you could potentially for Planning & Zoning could do is look at those spring high water events and see what stages they’re at and…

Jeff: That’s what going by FEMA and by elevation does for you.

Kim: So, it sounds like right there you’ve answered your question on whether you guys should make a decision tonight or whether you should defer to FEMA mapping.

Jeff: No, the FEMA map is what it is whether we get new ones or use the existing. That’s what we’re going to go by. Right?

Polly: Right, however that’s not the setbacks that’s elevation. Some of the homes that are currently in the flood plain will become outside of the flood plain. Some of the homes that are not inside the flood plain are going to. That’s what I think we’re going to find out.

Jeff: That’s what happens to rivers all the time. That’s why there’s the saying nobody steps into the same river twice because the river constantly changes.

Polly: Well, when FEMA came in in the 80’s we had a huge flood because of the ice jam and it flooded some apartments.

Audience comments Wendy, Jim conferring on dates thinking it was ‘84 for flood.

Polly: ’83 or ’84 anyway, FEMA came in and offered help to the county and the city if we would sign up with their program. We both chose to do that. They came in very quickly and did mapping. They did create around the city base flood elevation everything outside of that we go against what’s an A Zone and it’s against highest adjacent grade. A surveyor has to go out and determine and look at the land, however they do it, I’m not a surveyor. The mapping was done very, not very well, um I swear in some of the spots they took an ink pen and went, Yep, that’s a flood plain. We’ll find out, I’m so excited to see what the new stuff has to bring.

Kim: This is covering the entire Lemhi County?

Polly: There are up some of the creeks that they didn’t do studies, Fourth of July creek, maybe Tower creek, they stopped the study right at the base.

Kim: I have another question, how did you come up with a 25 foot setback versus 50, I mean…

James: I think we’re just conforming here, Elk Bend had 25 and so why should other people not have the same.

Jeff: And that’s why we’re changing it. When you get into making different rules for different people then how do you justify it. And that’s why we’re changing it, when you have different rules and no one can say why they are different. You don’t want to do that because if you get taken to court you need to know why you put numbers in there and the judge isn’t going to like it. That’s called arbitrary and capricious. There are reasons for the setbacks from the roads, why Elk Bend is different and it has to do with housing. That would be a good test case because Elk Bend has been at 25 feet from the river for years. Is there a problem there because they’ve been that way for 15 years.

Kim: Do you know when that decision was made?

Polly: I do not, I would have to go back through our codes to figure out when that was done. It could have been done 10 years ago I don’t recall. I just remember that there was a change to them.

Jim: Do you remember any reasoning behind the change?

Polly: Because of the size of the lots in the Elk Bend area and the Gilmore area. They are very small. All of those subdivisions were probably done in the 50s, before they stopped and thought about the building, septic, wells…

Kim: So, if you changed the setbacks 25 feet from county what would that do for the legalities of lot sizes within those flood areas and how that situation would impact those.

Polly: By changing the lot sizes?

Kim: Yes, would that open the door to change up there.

Polly: What is required right now is a minimum of a one acre lot. That’s been determined through the studies of the Health Department, the well guys and distances and buildings. I think that has been in the development code since it was created.

Kim: So, a one acre lot that was adjacent to the river would have adequate space to build within the setback impact (unintelligible).

Polly: Correct and I’m not talking existing lots I’m talking about created lots.

Kim: I just know personally there’s a lot of different building sites and if I had the opportunity to build my dream house next to a stream I definitely would not. In my younger years I would have been like, that’s dreamy, that’s beautiful. After seeing homes that were swept away in floods I would be really, really afraid to build next to a stream. I think that having that 50 foot setback really does help those people that don’t know, it’s like a protection for them. Protection for stream habitat and the species that live on the stream, it’s also just protecting the citizens of the county. The risk far outweighs the benefit using the setback.

Jeff: Do you have any data?

Kim: I think that there’s a lot of data.

Jeff: Then please provide it.

Kim: My question is to you, if you were given the opportunity to build your dream house would you want it 25 feet next to the stream or 50 feet?

Jeff: It is the individual’s choice, that what it comes down to.

James: I would tend to agree with you I wouldn’t buy a piece of property next to the river just by what we’re discussing here.

Jeff: I could have bought one on the river and I’m like, no. If the person wants to buy the property on the river, to a certain point what does the government have the right to go; it needs to be this far back. Like I say it’s an arbitrary because it really comes down to elevation and soil type and you can go into all kinds of other things but that is really what you need to look at to build the house. The problem with even having the setback because the government owns from the high watermark down, right?

Wendy: It’s the property of the State of Idaho not the Fish and Game but the state of Idaho.

Jeff: So, when you’re using arbitrary numbers as far as how close they can build and notice it has nothing to do with the riparian areas, habitat on the bank because they can clear that all off if they want to. It has nothing to do with the house. I have neighbors that go right down to the edge with weed whackers and they take everything off because they want to sit right by the river and look at it. Where their house is is immaterial. That’s the problem without data you need to justify taking someone’s property rights away. You need to have data to show yes, here’s the concern, here’s what the data shows about the concern, and yes we can justify taking a person’s property right away.

Kim: But by changing that setback and allowing people to build closer to the stream leads to a lot of potential effects.

James: That’s the problem, it’s potential and without the data… I think we’ve discussed this enough I think we need to move on. We’ve got your opinion.

Kim: Yes, and so you guys will have another notice too.

Polly: The County Commissioners will, they will be the next one. As soon as these guys have decided their recommendation it will go to the County Commissioners and they will schedule their public hearing. They meet the second and fourth Monday, so it will be one of those.

Kim: Is it this evening you guys are going to vote on whether to pass that setback issue?

Polly: Probable

Kim: Will that be open for us to sit through?

Polly: You are more than welcome and sit while they talk about this if you want to. You can’t speak up, you can’t do anything but if you want to that’s up to you.

Kim: Ok, thank you appreciate it. Could I also get another print out of the letter? (Idaho Dept of Fish & Game letter from Tom Curet)

Several commented from board wanting an extra copy of the letter and Wendy offered the copies she had.

Wendy: This doesn’t necessarily have to do with your decision but I found this and I thought it was fascinating. It’s about flood risks to properties and our time frame and our record of history with like flood stages. It was interesting because they put flood risk in the context of the life of a mortgage, like what the different zones were. That’s not part of our formal Fish and Game statement, I just thought it was an interesting way to look at flood risk.

Jeff: It’s just if you go back in time the wall when you come off the bridge and you go by the wall, come up the street? Just remember the top of that used to be the river bank. It’s the same way at my place, I have a 50 foot bank on the side of the mountain that used to be the river bank.

Wendy: Rivers like to move.

Polly: I’ll give you all copies of the letter, she left me a lot.

Jim: Just make sure it’s in the record.

Polly: Yes and I’ll put it in the record.

Public Hearing comes to a close for decision

James: Ok normally we have a rebuttal but I think we’ve hashed this over enough that we can get that point. So, I think we’ll close this hearing and move on to the decision. I’ll throw out a little bit here and then you guys can weigh in on it. One point you made is what’s the difference between 25 and fifty feet and there is some validity to that, I think. However, a couple of things if the septic tank is in there that means that goes down the deal as well if a flood event comes along. There was one other point.

Jeff: The septic is in a completely different code, that’s Eastern Idaho Public Health.

James: Well, if you allow them to build closer to the river then the septic tank is also going to be closer to the river.

Polly: They won’t allow it.

Jeff: That’s under East Idaho Public Health, they have their own setbacks.

James: Do you know what that is?

Polly: I think it’s 300 feet, does that sound right Cody?

Cody: Depending on the soil I think clay is 300, the closest a system can be is 100 feet.

James: The other things I’m thinking about is they might have a gas tank on their property, there’s things like that that kind of weigh into this. I also have kind of the opinion if you’re dumb enough to build on the river it’s your problem but it if erosion takes things away it kind of puts it back into everybody else’s problem. I’m kind of mixed on this. I understand your position on hard data to back this up. The other point if you do build on the river, it also should be considered that ok you can’t build up there. I kind of think that, anyway that’s my opinion. You guys go ahead.

Cody: I wouldn’t be opposed to waiting on the FEMA maps. The reason this got brought up is people were complaining, but none of those people showed up, the people that wanted to be closer. We have some actual experts giving testimony or at least one professional giving testimony. You know a lot more about streams than I do. I don’t think it would be a bad thing, or at least maybe even if we kept It open somewhat providing for a variance when there’s people that are on a cliff that they could be closer to the water.

Polly: And people can apply for a variance. It’s a process just like a public hearing.

Cody: I thought you were saying that we’ve never done one.

Polly: I’ve never even seen anyone apply for one.

Cody; But they could if they wanted to?

Polly: They could, yes.

Jeff: Where’s that at in the code. It might be because people need the code where it says the 50 feet and because it doesn’t say anything about this can change, you can apply for a variance.

Polly: The variance rules and regulations are in there.

Jeff: So that’s in general any piece of code can change.

Polly: If you go out there and look your property has to have a unique, I can’t even think of the word I want to use… like a big boulder in the center that keeps you from your setback or whatever, not Because you want to build a 50 by 50 shop but a 30 by 30 will fit there basically. That’s why every person that has come in to ask about a variance it hasn’t had anything to do with the river. It has to do with other property setbacks and that’s their exact excuse, well I want my shop to be 9,000 square feet not 4,000 square feet. That’s why when it’s explained to them, they’re like well I’m not going to apply for a variance. A unique characteristic, that was the word I wanted to use.

James: What are your thoughts?

Vinn: Mine?

James: Yes

Vinn: I can see, what she said, it comes down well everything has been said here that weighs into it. It should be up to the person with the ground to have a little sense not to build a house, like that Yellowstone river flood that they had and their porch was falling into the river, that was not good thinking when they did that.

James: I’d like to know how far back that house was from the river.

Jeff: It took out 100 feet of the road. It just washed the canyons out.

James: Of course, there you just had a steep canyon there was no place for that water to go. In all practicality probably not a very good place for a road, but people want to go through there so you build a road.

Vinn: I guess the thought I have is people with this variance thing, I guess I never thought about it. If they think the river is safe enough and want to and they could come and apply for it. The good thing about a designated line is it probably keeps a lot of people from pushing to go for the river. At the same time it comes back to… if I had a place like that and I wanted to build and I figured it was safe I would build there. There’s too many rules and regulations is what it comes down to. Not everybody, why should we be protecting people? People should learn to take care of themselves. I agree with what difference is 25 feet going to make. If the river’s bad enough that 25 feet is going to wash away probably 50 feet is going to wash away. I guess I’m inclined to approve the 25 feet. It’s just using common sense when you build by the river and I don’t know how to point that out to people.

Jeff: A lot of people don’t have common sense.

Vinn: That’s the whole thing, unless people get common sense because they’re all taken care of. I probably haven’t said anything that means anything but I don’t have any strong feelings one way or the other. If enough people in the county want the 25 foott setback I don’t see anything wrong with it. It almost should be left up to a public vote. In a way that’s what this is for a public hearing and only two people showed up at this so there must not be too many people that disagree with the idea. If it had been a gravel pit all the chairs in here would have been filled up.

Jeff: That’s kind of interesting, how far is that one gravel pit from the river and it’s gravel banks. The river can do anything it wants.

Vinn: There’s really no controlling the river. If you stick with the 50 foot setback that doesn’t mean the river isn’t going to come along that 50 foot setback. It’s one of those things if enough people want it make it so this variance thing is more well known. I’m not really for it or against it.

James: Well, I think it’s finally time to make a decision one way or another.

Vinn: Send it to the Commissioners, let them decide.

Jeff: That’s the thing that with the new FEMA map that should be a lot more accurate. That’s really what should be used in people’s decision to build or not. If it’s not a flood plain 25 feet from that river guess what that means? That means it’s high.

Polly: People are building in the flood plain every day. They get elevation certificates. We probably have eight houses going in right now.

Jeff: When they do the flood plain how much above flood stage is that?

Polly: So, base flood it’s got to be a foot and a half, your finished floor has to be a foot and a half above base flood or highest adjacent grade.

Jeff: We just had a 7.5 come through the other afternoon and I know by Elk Bend there was nobody even close. In ’84 that was due to an ice jam, a localized thing.

Polly: It wouldn’t have reached up to Elk Bend, nothing north of town.

Jeff: I know it did reach flood stage, it made the paper for one day.

Polly: My grandma lived over in the Imperial Apartments and the water when we went to go get her was almost up to our waist. That was the ice jam.

James: That’s a whole different thing.

Jeff: I make a motion that we uh due to the FEMA maps will be coming with hopefully a lot better data. I make the motion to send the Commissioners these revisions as is making the 25 the same throughout the county. I make a motion to approve these changes and send them to the County Commissioners.

Jim: Have a second?

Vinn: I’ll second that.

James: Motion has been seconded and approved the changes as adopted or as printed out. All those in favor signify by replying Aye.

All reply Aye, none opposed.

Polly: James we also have the decision to make.

James: Yeah, I’m going to leave that up to the Commissioners. I’m going to vote in favor. Motion passed. Ok now the airport deal.

Jeff: You’re talking the runway.

James: What’s the difference? OK yeah.

Jeff: Did you go back to that previous one?

Polly: So, I did and the special condition that you guys put on the last one was that it would meet federal, state, and local codes and that take off and landings are limited to five per day with the exception of emergency landings.

James: I highly doubt if he ever comes close to that. So, again we have a motion.

Cody; I make a motion to approve the special use permit by Gus Thoreson for the airstrip

Jeff: I second that motion

James: I move and second to approve the Gus Thoreson airstrip. All those in favor say Aye.

All responded with Aye and approved.

James: That is carried as well. Any other business?

Polly: We’ll have a public hearing in July for an airstrip being proposed 13 ½ miles up Yellowjacket Road.

Jeff: What property is that?

Polly: I don’t know, somebody asked me if it was the old ranch. It’s a pretty good piece of property. A lady by the name of Becky Cummings she used to be Becky Jenkins. Jenkins used to have that ranch over by North Fork. That’s all I really know. The guy is out of Montana and wants to purchase the property but he wants to make sure he can do this first.

James: Then we have joint meeting next week.

Polly: Joint meeting next week at City Hall. Kris Bird subdivision.

Jeff: Where’s that?

Polly: Kris Bird’s? Just below Thomas Estates that big field. I guess it was approved as a subdivision about ten years ago through planning and zoning but they never filed it. They’ve changed the lots a little bit. Jared will do the presentation. I will be sending out as soon as Emery sends me the paperwork. Emery will be the administrator on it.

Vinn: I’m pretty sure that was Thomas.

Polly: Yes and Kris bought it.

Vinn: I’m pretty sure it was Thomas and it came down to where the lots were just a fraction small to the code so we just had him drop one lot rather than the rest of them and we never heard from them again.

James: Oh so it never really did get approved.

Vinn: Or did they just quit? I was kind of surprised. Say there was 21 lots I don’t remember, but if they would have just made it 20 and put a little bit more into each one, they just didn’t quite make the five acre thing. It was such a simple thing.

Polly: Kris Bird owns it now. Then in August the Baker Amish are building a schoolhouse. They will have to go through a special use.

James: Where is that going to be?

Polly: I don’t know, I couldn’t tell I just saw an aerial today and couldn’t tell exactly where it is. I think off of Red Rock Stage Road. They have that mill that they’ve been milling logs with that’s on Betty Stokes property, they are going to move it across the highway. Diamond F Ranch, straight across from that they are going to be milling logs. They will also be applying for a special use hopefully in August, that’s an industrial use. So, we’re going to be busy the next few months it sounds like.

James: Covid kind of shut things down but it’s opened up again. If there’s nothing else I’d ask for a…

Jeff: I make a motion to adjourn the meeting.

Vinn: I’ll second that.

James: Motion to adjourn the meeting, all in favor signify by saying Aye.

All signified Aye.

Motion carried to adjourn the meeting.

Meeting adjourned at 8:50 pm

Lisa Olson