Planning & Zoning Commission Meeting

March 15, 2023

Salmon, ID

The Commission opened the regular Planning and Zoning meeting at 7:00 p.m.

Those in attendance were: County: James Malcolm, Cody Settles and Jeff Nofsinger

County Planning & Zoning Staff: Polly Anderson and Lisa Olson

Members of the commission introduced themselves.

**Consent Agenda**

Approval of minutes from August 17, 2022

A motion was made to approve the minutes of August 17, 2022. All voted aye and the motion carried.

**Discussion on Proposed Changes to Lemhi County Development Code**

James: Calls meeting to order and brings to attention Table 6.5 Small Scale Development and Minimum Lot Sizes For All Areas which is first proposed area for change. Page 44 of 158 in Development code. He asks what needs to be changed.

Polly: With the table people in the community are under the impression that one acre is needed to build. In Elk Bend and Smedley there are ½ acre lots and smaller that have been built on. Those lots were already created and as long as their setbacks and septic requirements were met it was acceptable to build. There have been issues in Smedley where an owner with a 1/2 acre lot met all the requirements for construction and began building. The neighbors were upset because this ‘one acre’ rule was not met. Because the table does not specify ‘New Development’ Bruce Withers suggested to add this to the end of the table title.

Maybe it needed its own code section. There is a section in the codes that states as long as you meet all the requirements you can build. James asks where this section is.

Polly: It’s section 5.1.1.1.3.1 Exceptions, Chapter 5 page 35.

*5.1.1.1.3.1. Exceptions. One single-family residence may be constructed on any separately owned, undeveloped, nonconforming lot or parcel, provided that it complies with the remainder of the performance standards of this chapter while assuring that they have no significant adverse impact on environmental quality, neighboring uses, or public facilities and services. The unused portion of a subdivision lot on which a dwelling already exists is not an undeveloped, nonconforming lot or parcel.*

This exists yet people keep referring back to the table.

Jeff: You want to change this for all new development.

Polly: Correct, just add the words.

James: All areas of new development, would that do it?

All discuss where to place wording of new development or just adding new.

Jeff suggests just adding New to the beginning of the table since that’s what it is referring to.

Cody suggests New Developments at the end of the title.

All agree on getting rid of Areas (the proposed change) and putting New Developments to read:

“Table 6.5 Small Scale Development and Minimum Lot Sizes For All New Developments”.

Jeff: I have a question on the next line under the title. “All newly created lots must have a minimum frontage of 110 feet measure lot line to lot line.” It should read ‘measured’ and 110 frontage on what?

Polly: Frontage on the lot.

Jeff: What are you talking frontage on?

Polly: I’m confused.

Jeff: That’s my confusion also and repeats the 110 frontage regulation.

James: That means they have to be 110 feet wide?

Polly: Wherever your driveway comes in it has to be 110 feet.

Jeff : Why?

Polly: I really don’t know why, the city has frontage but I can do further research and find out.

Jeff: Discusses lot size and how this may or may not work for subdivisions. We don’t have perfect squares in the county so this wouldn’t work. Is this for access or legal right of way? Emergency services uses roads…

James believes it is to prevent a long narrow lot.

Polly: This 110 foot rule is only for new development but I will research for a better understanding.

Jeff and Polly discuss flag lots and Polly states they are not recommended.

Jeff: States that this regulation should have a good reason. This makes it hard for the lack of housing that is already present and this rule makes it more difficult.

James: I see that it eliminates more narrow parcels but don’t believe it is necessary either.

Cody is curious as well as to where the 110 comes from.

Polly again agrees to do further investigation and will clarify during the next board meeting.

Jeff: Brings up the wording underneath table 6.5 and asks everyone to read through it:

*\*\*Upper Lemhi River Valley is allowed up to 4 splits per parcel, provided the parcel is not subdivided split(s) will return to the original parcel after a period of not less than 10 years. Transferring of splits is not allowed without permanently losing the allowable splits. All other rules and regulations within this ordinance will remain in effect.*

Polly reads it out loud. She explains it has something to do with splitting a lot and not doing anything with it. After ten years they can put it back to their original lot size.

James: That makes sense, if nothing is done with it, it goes back to the original.

Jeff: Should there be a period after subdivided and Splits with a capital S? Two sentences make more sense.

Polly agrees that this reads better.

James moves on to page 51, Section 8.1.1.8 Home Occupations shall be limited to 20 A. D. T. (Average Daily Trips). change wording to Traffic instead of Trips, calculated on a 7 day period. This is all you wanted to change?

Polly: Yes we need to make it the same as the definitions page which states ‘Average Daily Traffic’ so they both have the same meaning and read the same. Polly goes back to explain about the Summer Creek Day Camp and a complaint filed that relates to this traffic count. A neighbor was upset about a Summer Camp for 9 Mondays in the summer near her residence. She counted traffic from the camp and we also sent a county employee out to count cars to verify. There was also an article in the paper that refers to the situation of “Using a Government Agency Against an Individual to Do Harm”. The seven day period is the norm for calculations. There was a small question on the number of cars but Polly ruled in favor of the camp and Bruce also agreed to this, along with the change of wording in the development code.

Jeff refers to next page that makes changes to page 73 section 11.2.8. Average Daily Traffic *– (ADT) The average 24-hour volume, being the total volume of vehicles during a stated period divided by the number of days in that period.* Changing to read total volume of vehicles during a seven day period. Making a clarification for the average.

The next sections 8.1.1.9 and 8.1.1.10 were just unenforceable?

*Re: Page 51, 8.1.1.9. No equipment or process will be used in such home occupation that creates noise, vibration glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference’s in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.*

*8.1.1.10. In home occupations located within subdivisions there will be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than allowed signs.*

Polly That’s what Bruce said when he read them.

James: One is not enforceable and one is not needed. It’s a subdivision issue (8.1.1.10) and not a Planning & Zoning issue. That’s for the subdivision to decide and we don’t need any part of it.

James: That’s it?

Polly: That’s it for this stuff but there’s just one other thing to fill you in on. A gentleman using one of his subdivision lots across from the Shoup bridge for a commercial parking area.

James: That got stopped didn’t it? I have no problem with it as long as they do it properly.

Polly: Yes, and they have moved everything off and gone to Shopko.

James: To do that they would have to ask for a Special Use Permit?

Polly: Yes

Cody: He did not have the right to do that, he knew what he needed to do.

Polly: Bruce was going to fine him and it’s nice to know he’s protecting our code. Upon agreement he got rid of the charges because all along we just wanted him to comply. There were complaints on the lighting.

Cody: It was really bad, I took my dog for a walk out there and it was bright, like a huge floodlight.

Polly mentions another gentleman on South St. Charles with a trucking company that was erected under a structure made of scaffolding. He took all of his structures down as well.

James then restated that any of those businesses that would have come forth for a Special Use Permit would probably have been approved, he had no problem with either. Apparently they didn’t think it was worth the hassle of doing the Permit.

Cody: They’re not fun but you have to do it.

Polly: That’s all I’ve got do you guys have anything?

Cody: Didn’t we have a new member?

Polly: We do not have a new member. I had a lady come in and talk to me about being on the board and submitted her name to the clerk. I visited with the Commissioners and at this time I’m not sure if they’re going to put her on the board or not.

Jeff motions to adjourn the meeting, Cody seconds the motion.

James adjourns the meeting with consensual ayes.

Meeting adjourned at 7:33 p.m.