

**JEFFERSON COUNTY COMMISSIONER MEETING MINUTES
JANUARY 9, 2023**

Meeting called to order at 9:00. Those present are Commissioner Clark, Commissioner Young, Chairman Hancock, Prosecutor Mark Taylor, Emergency Management Rebecca Squires, Clerk Colleen Poole; Audrey Moon is clerk of the board. Pledge of Allegiance led by Colleen Poole. Prayer offered by Chairman Hancock.

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ELECTED OFFICIALS

• **SWEAR IN ELECTED OFFICIALS**

[9:01:59 AM](#) Chairman Hancock welcomes everyone here today. Has Judge Clark with us here today and he will swear in the recent elected officials. Judge Clark swears in Commissioner Scott Hancock, Commissioner Roger Clark, Assessor Jessica Roach, Treasurer Kristine Lund, Clerk Colleen Poole, Coroner LaVar Summers and Deputy Coroner Nyle Raymond

ASSESSOR – JESSICA ROACH

• **GREG TALAMANTEZ CONTRACT MODIFICATION – (ACTION ITEM)**

[9:05:47 AM](#) Jessica said they need to ask for an increase to the amount so they can pay a little bit more. The contract is staying the same as the last time they met they had a limit of \$15,000. Down a few appraisers right now so would like to bring Greg on a bit longer to help cover that need. Does have this in her budget. Chairman Hancock said they can do a ceiling of \$25,000 which gives them an additional \$10,000. Do they need to change the contract timeframe? Jessica said the contract states when they need him.

[9:07:36 AM](#) **Motion by Commissioner Young to modify the contract with Greg Talamantez to add an additional \$10,000 for a total ceiling amount of \$25,000. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

COMMISSIONERS

• **RESOLUTION #2023-08 – DESTRUCTION OF PAYROLL RECORDS – (ACTION ITEM)**

[9:08:36 AM](#) Audrey said this was passed through Mark there was a typo that she has fixed. Chairman Hancock reads resolution. “Resolution Authorizing Destruction of Records Resolution #2023-08. At a Meeting of the Board of Jefferson County Commissioners, State Of Idaho, On the 9th day of January, 2023, the following was adopted to wit: Whereas, Idaho Code 31-871 requires the Board of County Commissioners to authorize the destruction of records that are not required to be retained as permanent records and that have met the minimum retention period provided by the county’s record retention schedule and are no longer required by law or for county business; and Whereas, approval for the destruction of the below listed records has been obtained from the Idaho State Historical Society, when required, and the County Attorney as provided by Idaho Code 31-871. Whereas, the destruction is in accordance with the IAC Records Management Records Management Manual and Records Retention Schedule adopted by the County Commissioners on January 19, 2021; and Be it therefore resolved that the Board of Jefferson County Commissioners hereby authorizes the immediate destruction of the original paper records, and that such destruction occur under the supervision of the Board of Jefferson County Commissioner’s Clerk. 2017 Payroll Records. Employees terminated in 2017. Approved and adopted this 9th day of January, 2023.”

[9:09:56 AM](#) **Motion by Commissioner Clark to approve Resolution #2023-08 for destruction of payroll records. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

• **OPIOID SUBDIVISION AND SPECIAL DISTRICT SETTLEMENT PARTICIPATION FORMS – (ACTION ITEM)**

[9:11:04 AM](#) Audrey said they have three chain pharmacies and two opioid manufacturers. This will bring in around \$90,000,000 to the State of Idaho. Chairman Hancock said these are all the same for each of these companies? Audrey said yes, she just needs a signature on each of them and will get them submitted. These are due at the end of March. Will know more about the allocations after that.

- ALLERGAN
- CVS
- TEVA
- WALGREENS
- WALMART

[9:11:12 AM](#) **Motion by Commissioner Young to approve the subdivision and special district settlement participation form with Allergan, CVS, Teva, Walgreens and Walmart. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

• **APPROVE CLAIMS – (ACTION ITEM)**

[9:16:16 AM](#) Chairman Hancock asked Mickey on her claims they have two different vendors for portable outhouses. Mickey said the one was one she had missed during the summer. Is not using that vendor again. The invoices look the same so this is just getting paid right now. Commissioner Young asked on AT&T about getting the county on their special rate. Rebecca said most county phones have transitioned to First Net. Some may have opted to stay with Verizon. Is not the account manager but knows a lot have switched. Believes Hailey had reached out to the offices.

[9:19:01 AM](#) Chairman Hancock said he has a question for Jessica on Eric Smith is covering a month for around \$7,000. Know that is more than his contract. Jessica said the contract is \$58,000 and he is doing more work right now. This fluctuates. With all of the splits they are asking him for more work. Next year they will probably need to increase this with all of the subdivisions.

[9:20:35 AM](#) **Motion by Commissioner Clark to approve claims from 12/12/2022 to 1/06/2023 for \$1,082,811.04. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

CITY OF RIGBY CLERK – DAVE SWAGGER

- **WASTEWATER TREATMENT PLANT FEE – (ACTION ITEM)**

[9:21:43 AM](#) Dave said he has been trying to figure out the landfill fee they are being charged. Charging \$498 at the wastewater treatment plant, \$124.68 at the Parks, \$124.68 at the library and \$498 at the Park & Rodeo grounds. Indicated in his email understands the Park & Rodeo because they do have a lot of trash. On the Wastewater Treatment Plant, they have two employees called them this morning they have four ninety-gallon cans picked up once a week. The Library has two cans that are picked up once a week. The Parks and Rodeo do have more. How do they determine these fees? Chairman Hancock said this is determined by the number of units they have. This is how they base this is on the number of units. Cannot remember the structure. Dave said the Park during the summer has eight to twelve. Mitch said it depends on what is going on at Central Park they have five. Dave said that is only during the summer. The Police building and City Hall is not being charged. Wonders how they determine these fees. Chairman Hancock said they will have to go back they have a chart they will need to go and look at. Now they brought this up they may change others. They want to be fair and equitable. Dave said he did not pay the \$498 yet. Called Kristine and over to R&B he wanted to clarify what is fair and equitable. Chairman Hancock said they can look at this. Dave said as long as he gets a reduction. Chairman Hancock said maybe on this one but an increase to the others. Dave would like an explanation because the \$498 seems high. Mitch said they have four cans but a lot of times only two are dumped. Chairman Hancock thinks this comes from the number of cans. Dave asked if this is seasonal or year-round. Chairman Hancock said this is a one-time fee. Dave asked if the other cities are getting the same fee. Chairman Hancock asked if anyone knows anything from the Assessor or Treasurers offices. Dave said they may just need to reevaluate this because its been a number of years.

[9:26:37 AM](#) Jessica said this is a Road & Bridge question. Dave said they would just like them to look at this. If they could look at get back on them with this. Kristine said maybe they could request from all of the cities to do a report on their cans and locations. Then can get this in writing to the Assessor's Office. Then they can see if they are being fair across the board. Commissioner Clark asked who has this schedule. Chairman Hancock said this schedule was put together. Colleen believes she has a copy. Rebecca said the Resolution is #2015-37. If it has been updated since then she does not know. Chairman Hancock thinks Kristine's suggestion is very good. Ask Audrey to reach out to the cities or maybe go out and look on the taxes. Commissioner Clark said they need to look at the schedule first.

[9:28:53 AM](#) Park & Recreation Mickey Eames said they do their garbage without cost and in the summertime that is huge to her. Need to have them come out to dump several times a week. Chairman Hancock said right now they are talking about the landfill fee.

COMMISSIONERS

- **APPROVE COMMISSIONER MEETING MINUTES – (ACTION ITEM) - CANCELLED**

[9:30:33 AM](#) Recess until 10:00

Open session 10:00

PLANNING & ZONING – MILTON OLLERTON

- **PUBLIC HEARING – APPEAL ZONE CHANGE – NATHAN STINGER – CEDAR COVE SUBDIVISION – (ACTION ITEM)**
 - **4300 E 200 N – PROPOSED ZONE CHANGE FROM RESIDENTIAL 5 TO RESIDENTIAL 1**

[10:00:30 AM](#) Chairman Hancock lets the public know they have sign-up sheets. Do have two hearings so make sure they are signed up correctly. Will go over some rules. Take these hearings seriously and understand this affects property owners while looking at laws. Goal is to promote the greatest benefit to the county. Will allow the public to state their opinion on relative fact to help them make their decisions. Reiterate the Board is not here to answer questions but to listen to testimony. Staff is neutral regarding this and want them to be understanding when they present the facts of these hearings. Will listen to Planning & Zoning first then the appellant then will move on to testimony.

[10:02:51 AM](#) Planning & Zoning Milton Ollerton said this is an application for zone change on Lot 18 Block 1 of Cedar Cove Subdivision. **(Exhibit A)** Want to rezone the 43 acres to create a subdivision of 2.5-acre lots. Request is to rezone this from Residential-5 to Residential-1. Then intent is to divide this into sixteen 2.5-acre parcels. The parcel in question has the green line around it. Next to some one-acre parcels. If they follow the red up around the top of Cedar Cove. Provides the proposal from the applicant of putting in the sixteen parcels. This is platted land and is zoned R-5 with access on 4300 E. and 200 N. Burgess Canal is approximately 900 feet to the North. The parcel is not in the floodplain. Put together a staff report on the analysis and presentation from the applicant while going over the zoning code and comprehensive plat. Looking at the goals and policy of the zoning. The R-1 zoning is intended to be located in the area of impact. Then they can have access to future services. This is the higher density standard. While this request is asking for 2.5-acre lots they either have R-1 or R-5 zoning available. Cedar Cove Subdivision was presented to the Planning & Zoning Commission and the Board as a cluster subdivision. In the original application there was a cluster permit. The clustering was talked about at the Planning & Zoning Commission hearing but there is nothing on the plat or in the motions that encumbers this forty-three-acre parcel as open space. When they have a cluster subdivision the intent is they are allowed to take all of the allowed density to create smaller lots. Then the remainder is intended to be open space for agricultural use. There is nothing in the motion. Reviewed the plat map. If this was done properly there should be a note on this that this parcel is for open space and is not to be divided up. Would have changed the price of the lots as well. Taking all of the potential use on the property and developing this with those sixteen parcels. There is nothing saying the clustering permit was approved. Is in the record as approval. They did talk about it in the hearings. None of it made it into the motions. Shows the first page of the plat map

that was approved. The notes on the first page are where this language should be and just was not there. Important to know that is why this request is here. Clustering code is in the zoning ordinance not the subdivision ordinance. So, when looking at the decision letters it talks about the decisions are based on sections of codes and the codes they site are all subdivision ordinances. There are no references to this clustering code in the zoning ordinance. Interesting thing about the cluster it states "Other clustering developments between five and ten lots may be allowed through a subdivision application combined with a clustering permit. Any future divisions would require a subdivision that conforms to the applicable zone." Not sure how legal interprets this but he thinks these forty-three acres could be divided again as long as they conform to the applicable zone. Feels this conflicts with itself. The property is a five-acre minimum so it could be divided into five acre lots. Other thing he looked at was spot zoning. The way state statutes are written if they can say the zone is in conformance with the comprehensive plan. Then there would not be spot zoning. The comprehensive plan has a residential designation can have two zones either R-1 or R-5. The zoning ordinance does not define the differences between these two in the purpose section. Important to understand what the intent is. As they delve deeper into the goals and policies in the comprehensive plan does indicate the R-1 zoning is intended for the areas of impact. This property is two miles from any R-1 zoning. See the parcel and a mile away is the Rigby area of impact and two miles the other way is the Ririe area of impact. Can see the R-1 zoning and where it starts for those areas. The applicant has included a Development Agreement. This has been added to the ordinance in the last few months. This is to allow for zone changes with conditions. This is what the applicant is asking for. Is asking for 2.5-acre minimums. Saying he will require fifty percent open space. Get the impression that with one home on 2.5-acres is not as crowded. Wanted to understand the difference in the zoning. Put up the uses that are allowed in R-5 that are not allowed in R-1 zone. Challenge with these first these are conditional use permits and require a hearing. The point is to show that there are things intended to go into an R-5 zone that do not fit with R-1 zoning. Example is storage units, restaurants, café, grocery stores. These are uses in the R-5 zone. There is a reason why they do not allow one acre lots in the five-acre zoning. These create conflict with the uses that are allowed there. As they look at this and see the one acre lots with five acres zone on top. Can see where the conflict will be. Will see the potential for issues. To continue that problem is probably not a good idea. To continue creating smaller parcels where they have thirty-five uses that are not allowed in R-1 furthers this conflict. Planning Commission approved storage units in an R-5 and public stables a horse arena. To further this conflict is not a good solution.

[10:15:14 AM](#) Milton said the Planning staff looks if this is consistent with the comprehensive plan looking at its goals and policies. This guides growth orderly. The centers in Jefferson County are the cities. Those cities serve as a center and the areas of impact around these cities are intended to bring in the higher density development. The comprehensive plan encourages development in those areas so services can be more easily provided. The cost of services goes up higher when they move further out from these centers. Such as road maintenance, ambulances and emergency services. Counties do not provide sewer and water. The staff decided this is not consistent. Planning & Zoning held a hearing and also recommended denial of this zone change.

[10:17:05 AM](#) Chairman Hancock asks the representative for Cedar Cove to come up and do their presentation.

[10:17:20 AM](#) Nathan Stinger with Stinger Investments at 1554 Cobblestone Ave. Chubbuck, Idaho. First would like to thank them for their time. Thanks staff for their due diligence. Although he understands he wants to redirect from their reports. Leads them to believe this is not in line with the ordinances and comprehensive plan. Not sure this is possible with the subjective guidance of the comprehensive plan. Have evaluated the options with this zoned R-5. Looked at a pig farm, feed lot, storage lots has been favorable and those would be easier with the looseness of the R-5 zoning. Then they would not request a rezone would need conditional use permits. Would be within their rights and within the boundaries of the ordinance as it stands. As staff noted and they agree this is conflicting in the subscriptions on the uses can or should be. The question becomes why not. The owner feels these options are not in the best interest of the neighbors. These options do not fall in accord with the overall comprehensive plan. Assume they all decided to take this position for their own reasons. Possibly they like things within the county or wanted to help make change. The reality is the growth in Jefferson County is inevitable. Idaho Falls is growing consistently and this will continue in the area. City of Rigby is out of room and need to annex anything. They are adjusting their ordinances. Believes the county has a unique opportunity to guide this growth. Have limited options. Recently adopted in the Development Agreement when things do not specifically align. This allows the landowner and county to enter into an agreement. Come before them with a written Development Agreement with a restricted request. This is not an open-ended request. They stand strong on the restricted rezone. Their intent is 2.5-acre lots with fifty percent open space. This is a request for a restrictive rezone. Think they will agree their request is a good thing. Is a better option than the clustering that has been allowed to occur. Have recently adopted this option. Want to be the first. If they continue to deny a good thing like this the owners will continue to cluster and will end up with R-1 parcels in the R-5 zoning.

[10:22:31 AM](#) Chairman Hancock said they have several signed up for this. Will start listening to those that are for then will go with those that are against.

[10:22:47 AM](#) Rick Johnson 3692 E 157 N in Rigby. Is here in favor of the proposal. Wants to thank the commission for making the county what it is. The decisions that have been made years ago contribute to the growth they see in this community. Experience he does have a vested interest because he is a real estate broker. Sees what is happening in our county compared to around the area. Proud to be a member of the community. Seeing what the officials have done in the past decade. Grew up in Shelly and if they compare the growth there is no comparison. Having the ability to have 2.5-acre lots because the jump from one to five acres is a big jump for people. The Development Agreement gives them the ability to have logical thought out plans to develop in an organized manner. Still have good safe restrictions. Sorry to ramble but he is in favor of this.

[10:25:55 AM](#) Shannon Kinghorn 4964 Remember Drive in Ammon. They just Heard from her dad who made good points. Favorite is people move to this area and after they move here they want the development to stop because. Also, a real estate growth and hates to see the growth but they do need to see the growth where the area is very desirable. The difference between the acreage is very desirable. Still achieves the goal for organized development in our area. Would like to see these 2.5-acre lots developed.

[10:27:14 AM](#) David Farnsworth 4015 E Fairway Dr. in Rigby. Is also in favor of the 2.5-acre lots. Seems like a happy medium. Owns a mechanic shop and when someone creates a problem hates hearing that something cannot happen. If they put their mind to something they can

always make things work. Really does think that the 2.5-acre lots would beautify the area. Goes away from the tiny lots. Only has a half acre and sees the issues. With the five acres really need equipment to help maintain this. The homes that go into this area promote good people into the area. Encourage them to work out a way to make this work. This would be a good place to start.

[10:28:56 AM](#) Chairman Hancock said no one is signed up neutral. Do have several signed up against.

[10:29:04 AM](#) Erik Madsen 236 N 4300 E in Rigby. Wants to thank Milton for the excellent job on presenting the facts. Owns five acres connecting to the proposed changes as well as two lots within the Cedar Cove Subdivision. As he reviewed the proceedings that lead us to today a couple things jumped out at him. Thinks Milton said this best when they had an initial meeting on October 3 a key change to a zone change needs to be in accordance with the comprehensive plan. Is his understanding that this is growth from the center of the city outward. R-1 zoning has been designed to be used in the area of impact. Sees spot zoning throughout the county. They are two miles east of the area of impact and the closest R-1 acre parcel. This would be considered spot zoning. This is not contiguous and is against state code and county ordinances. Based upon his research in the last twelve months any requested change of zoning from an R-5 to R-1 has been denied by Planning & Zoning and upheld by the Board. Mr. Stinger in his request for appeal indicated there are 250 homes in this one-mile radius of this lot. That is true but none of these homes besides on the north that were platted after the comprehensive plan. So, these are grandfathered in prior to the comprehensive plan. Walk through the history and Milton and the staff did a great job. In 2021 a clustering permit was used to create Cedar Cove and approved on January 20, 2022. Cedar Cove Subdivision including Lot 18 was part of a farm owned by Heath and Jared Lewis with Heath being part of the Planning & Zoning Commission. These eighteen lots were created using the clustering process. All divisions associated with the clustering has been exhausted. Commissioner Albertson in the testimony on July 1, 2021 stated that by using the clustering this ends the further division of the rest of the property. Later he explained the clustering permit worked to create the lots without any further divisions on the property. As Milton pointed out this is one hot mess. There is some information that was not recorded or motioned properly. The eighty-eight acres of land were divided into five acre lots and this was clustered. However, those building rights associated with the clustering have been used. Now the remaining lot 18 can no longer be divided. Request the County Commissioners place limitations on all Cedar Cove lots including lot 18 that these cannot be rezoned and no further splits are allowed as all legal building lots were used to create Cedar Cove. Thinks these limitations were omitted in the clustering process on recording a legal document. To fix this issue now will resolve problems now and going forward.

[10:34:19 AM](#) Richard Howard 240 N 4315 E in Rigby. Has a property adjacent to the clustering also. Really Mr. Madsen did a great job. Wants to reinforce a few things. When they met at the July 1 meeting the had asked if this would be further divided. Going back to the notes at that time they were told this is the last division on this property. The forty acres is one lot and is the final division. That was what was indicated to them. At that time clustering they were fine with as long as there was not any further division on property. Believes this remains as one lot.

[10:35:52 AM](#) Derek South 4319 E 200 N in Rigby. Appreciates them taking the time. Believe that Stinger Investment is within their right to appeal. Mr. Madsen referenced a meeting with Planning & Zoning where they denied this request. Went down to get the minutes that were not available online. Does have a couple audio clips. Chairman Hancock said these are public records. Derek said in an appeal situation believe they are working with a misunderstanding of the intent of the zoning. This clip may help clarify. "What happens in the future someone comes in with a large parcel they want to cluster and create ten lots. So, they do a subdivision with ten lots and pull out thirty or forty acres. So, they sell the forty acres and now someone wants to develop this. Now they are looking at a rezone and there indicates this lot." Derek said that was Mr. Ollerton and has played out just like how he stated. Plays second clip "Come into the office all the time. Part of doing a clustering worked really well to preserve the farm ground. May need to be more specific on the intent. The example that is in here if they have forty acres in a five-acre zone and can create seven lots. Holy cow really. Was that really the intent because they just blew the zoning all to heck. The intent is to cut off a pivot that makes sense. When everyone comes in with an adjacency argument because they have one acre lots next to them. Makes it tough." Derek believes this was the intent of Mr. Ollerton and the Board members that attended this meeting were Michael Clark, Heath Lewis and Ryan Ashcraft. Right now, property values are great in the county. Makes a lot of sense to have a development company come in where the zoning plan is not really strong. Sets a precedence and kicks the door open for others who want to do this same spot zoning. Does agree with the idea of appealing decisions is democratic but he believes consideration on the intent of the comprehensive plan should not be overlooked.

[10:40:12 AM](#) Debbie Madsen 236 N 4300 E in Rigby. Is the corner lot on the northeast side and lives there on five acres. To back up a step they have the comprehensive plan for a reason to provide orderly manner to grow the community. Allows property owners to make a purchase to know what is around them so they can decide where to buy based on what the comprehensive plan shows. Did buy five acres knowing they were in an R-5 zone. Then the clustering happened right behind their backyard fence. These lots and the road are on the side of the house and the lots are behind this. Tried to understand. Really did not understand where this was R-5 thinking this could not happen. Learned what this was it is what it is. The one lot that was left has one building right left on it. The forty acres has one building right so they will have those then they were told this could never, never, never be split again. Question in her mind is what's to stop the fifteen in the cluster to say they want to be R-1 as well. All of this spot zoning. Sitting in a meeting that these forty plus acres could not be divided because it had been clustered. Respects the 2.5-acre idea but this is R-5 and has been clustered and has one building right left. What about the other people's rights. They have invested in that R-5 zone as per the comprehensive plan. The goal posts keep moving is her frustration. What stops those 2.5-acres landowners from splitting. Say they cannot subdivide this down to one acre but this was said before. This starts something that is outside of the comprehensive plan. Everything beside the clustering was there before the comprehensive plan. Really encourage they stick to the comprehensive plan. Respect the rights of people petitioning for what they want with their property. This property was purchased after the clustering. They knew this lot was bought knowing the clustering just happened. This is not a long-time landowner. This was a recent purchase and should have known and if they didn't that was their due diligence that they have one building right left where it has already been clustered. Would rather they do not keep moving the goal posts. They are in an R-5 zone and would ask they respect those that are there.

[10:44:46 AM](#) Lacy Radford 4364 E 200 N in Rigby. Also have property at 4351 E 200 N so they own five acres on both sides of the road less than half a mile from this area. Wants to echo what Mrs. Madsen said. Lived here for fifteen years this has been R-5 for the last fifteen years.

Wanted to build an additional home on their five-acre lot and wanted another one on the back of the lot. Came in and asked and were told under no circumstances would that happen. They loved the area so much they waited and were able to buy property across the street with another five acres. Want to know who does she have to talk to get her property rezoned. Everyone around them has understood they live this far from town because they do not want a bunch of neighbors and septic systems. They paid the money and live out where they live. Can look three miles down the road where they have all of the R-1 homes. The traffic, roads are horrible. Schools and churches cannot handle this. Need to know where and when this stop. When they say they do not have the ability to grow anymore. Living in that area is insane to add these many homes to an overpopulated area.

[10:46:47 AM](#) Jackson Carpenter 346 N 4456 E in Rigby. If they cut a prime rib steak too many times it becomes ground beef. That being said the reason this decision is so huge is not just affecting this acreage. This sets precedence for the rest of Jefferson County. Clustering has already taken place and they are asking for another clustering. The reason real estate brokers want this to happen they can cluster this multiple times and make money on each lot. This decision sets precedence. The weight of this decision they are about to make is huge. Opportunity to keep with the rib eye which is a great cut of meat or they can let it be chopped up into ground beef which is still good. But let's face it we would rather have a rib eye. Would like to read this from his father-in-law Rod Furniss who is serving as an Idaho Representative in Boise. Chairman Hancock said they were going to read this anyway. Jackson reads this was addressed to Shayne. "Would like to weigh in on the issue of clustering from Planning & Zoning. Wish I could be there. The law is very clear that clustering can be established with different lot sizes for density purposes. If they allow for a rezone on the agreed upon cluster this violates the reason for the cluster in the first place. This would tell developers how to add more density to the land then the zoning law allows. Creates a loophole. This would set precedence for increased density out of the impact area. A win for the developers. His two cents." Chairman Hancock asked for any other letters that have come in. McKinlay goes to look. Chairman Hancock said they are ready for the presenter to come up with a rebuttal at this time.

[10:49:54 AM](#) Bart Birch is an attorney for the applicant. Appreciates everyone's effort and everyone that has spoken on this in favor or against. Can empathize with some of the concerns. Would like to speak that zoning and growth is fluid. Understand some never want change to take place. Regardless of what they decide today will look at the density if the area of impact expands. Can understand the concerns but saying growth will not happen and neighbors land will not end up with higher density than proposed. Some statements on some legal issues he would like to address first. This does not violate the state code, county code or comprehensive plan. Can see some were in a process regarding clustering. Client was not involved in that clustering and purchased this parcel with no restrictions. Knows the Planning Administrator eluded to this but he can state there is nothing stating they cannot further divide this. The question before them today is the zone change request. Really do think this complies with the goals of the comprehensive plan. Seems like there is a gap in the zoning ordinances with R-1 and R-5. Thinks this is a tool with the revised ordinance allowing a Development Agreement. This is a great time to take advantage of that opportunity. As has been stated there are 250 homes within one mile of this parcel. They believe the infrastructure and services are already in place to handle this use. What they are proposing is not high use residential use. Couple years down the road as the area of impact expands will be looking at one-acre parcels. This would preserve some open space by creating a subdivision with 2.5-acre parcels. A Comprehensive plan is not rigid it's a little bit fuzzy as the Board is away. Idaho Case Law states a Comprehensive plan is a guide for government agencies looking at zoning decisions. Believes this does a good job of that it does promote growth in the right areas. There are high density uses in all the surrounding properties. Board can deny the request but any denial would be subject to a taking analysis. Must be supported by substantial evidence on the record. There are property rights that owners have. Respect the zoning ordinances as it exists now. The Comprehensive plan is a guide. In reading this it seems like a great use on the property. Is already residential. They are proposing something that is a middle ground. Certainly, appreciate everyone that has spoken today. Hope this addresses some legal concerns. Great opportunity to take advantage of the Development Agreement and to preserve open space and have a new zone with 2.5-acre parcels. If they have any questions they would be happy to answer those.

[10:55:47 AM](#) McKinlay said they did have a letter from Karen Burtenshaw at 244 N 4300 E. "I was hoping this meeting would be held after working hours so more people could attend and voice their concerns. This is in regard to meeting on January 9, where Nathan Stinger is requesting a zone change. On July 1, 2021 at the Planning & Zoning meeting when eighteen lots were approved with clustering, they said it included the forty acres that Stinger wants to change to one acre lots. I don't think things have changed since our last meeting. Our road, 4300 is getting way too much traffic for a county road. The Blackstone Development a half a mile away is also increasing traffic. Highway 48 is becoming a nightmare. Our roads are suffering, our schools are suffering with overcrowding. Rigby is growing too big too fast! I am recommending that Nathan Stinger's request for a zone change be a denial again. Thank you for putting Rigby first."

[10:57:14 AM](#) Milton does not have anything else at this time. Chairman Hancock does have one question remembers when they approved this the clustering there were no more building permits only the one for the forty acres. Milton said none of that made it into the motion and was not indicated on the plat map. Chairman Hancock thought the clustering specifically stated it took away building rights. Milton said it does but in the sentence he shared it also states that future divisions will need to follow applicable zones. Leads him to believe where this was not encumbered this parcel could be divided. Chairman Hancock said if the zoning is changed. Milton understands what he is saying. Commissioner Clark said this needs to be zoned what it was. Milton understands that but none of that made it into the record. While this was talked about in the meeting. That is good. Chairman Hancock thought this was part of the clustering ordinance. Milton said the approval of the clustering is not in the decision letter or in the plat. Chairman Hancock said the intent of the clustering the reason they have that is they have parcels that are R-40 and on a pivot in an agricultural area. Wants family to build on this property and cannot build on this without the clustering to allow them to break off an acre. Giving up a full building right was the intent so they could build. Milton said if they processed the clustering today they would record a document that transfers the building right and states this has been used. Future buyers need to know this has no building rights. See this when they transfer development rights. This means the property does not have anymore. But if they do this it needs to be documented somewhere.

[11:01:07 AM](#) Commissioner Young asked Mark would this parcel that is not legally bound with clustering because of no documentation is this still bound under the clustering. Mark believes it is. In approving this cluster, the Planning & Zoning Commission did not grant a variance to the

ordinance. The intent of the Planning & Zoning Commission is in the recorded hearing. Never was recorded properly and that is a problem obviously but does not change the law. Planning & Zoning Commission did not make an exception to any variance. This was not applied for. There were clerical errors on things not being done properly after the decision with the administrative process. These mistakes administratively do not change the law. Cannot have staff screwing up and the laws are then different. Need to fix their processes and fix the clerical errors. A variance was not approved or applied for. Clustering is still in effect. The issue that this was not there for the buyer. The seller knew about these restrictions and there could be a civil lawsuit between the buyer and seller that not everything was disclosed to the buyer. Does not feel this is the county's fault that full disclosure was not made in that transaction.

[11:03:33 AM](#) Commissioner Clark said this was only approved with the clustering in the first place or it wouldn't be approved in that zone. Commissioner Young said this was five acres when it was zoned. Chairman Hancock said they have closed the hearing at this time and will discuss this as a Board. Will make the decision based on this discussion. Can approve the appeal, deny the appeal or table this appeal. Need to talk about this a little bit more. There is a prepared statement depending on their decision. Does remember this when they approved this and the discussion. They would only have one building permit for the rest of the forty acres and was not to be divided again. That was the intent. Commissioner Young said this is not if they like development they have to follow ordinances and Planning & Zoning has been thorough in this decision. Commissioner Clark agrees. There has also been a lot said about the cities growing and Rigby and Ririe coming together. Need to move toward having services provided. As they go through the county as they keep growing. Eventually thinks they will have some issues if they do not control this until they have cities to provide services. Commissioner Young understands both sides. They do welcome nice developments. Does sound like a nice development. But at some point, they need to draw the line on where development takes place. That is why they have a comprehensive plan. So far has helped them guide them in these decisions.

[11:07:49 AM](#) **Motion by Commissioner Clark to move to deny this project file ZON 22-09-01 requesting a zone change for parcel RP04N38E237690 from Residential-5 to Residential-1, based upon the following conclusions. The decision is based upon the evidence submitted up to the time the staff report was prepared and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the staff report as amended during this hearing and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the zone change is to: File a new application with the Planning Department and meet the standards required by Jefferson County Code; or Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code. Second by Commissioner Young. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye, Chairman Hancock – aye. Motion passed.**

[11:09:26 AM](#) Mr. Madsen asked on the inconsistencies from the past being righted. What can they do to obtain this? Chairman Hancock said they need to put new processes in place. Mark said he would like to see this corrected. The exact process is not sure will need to do some homework. Planning & Zoning decided and their intent was clear in the hearing but did not make it into the motion. Do have a new administrator and know Milton is working on these issues. Somehow the decision was not reflected in the documents. This is a problem on our end they will try and fix. Mr. Madsen asked if they will retroactively apply this to the Cedar Cove Subdivision. Mark said not necessarily this may be more complicated. Frankly at a certain level it will become a civil matter.

- **PUBLIC HEARING – APPEAL ZONE CHANGE – CHAD STEGELEMEIER – (ACTION ITEM)**
 - **3774 E 233 N – PROPOSED ZONE CHANGE FROM RESIDENTIAL 5 TO RESIDENTIAL 1**

[11:11:28 AM](#) Chairman Hancock said next they have the appeal for zone change for Chad Stegelemeier. Is going to recuse himself from this hearing and will have Commissioner Clark conduct the hearing.

[11:12:27 AM](#) Milton said this is a zone change from Chad Stegelemeier on 3774 E 233 N is requesting to rezone this from R-5 to R-1. **(Exhibit B)** Original application was to create a twelve-lot subdivision. This is zoned R-5 and is 14.45 acres. In the appeal letter from the applicant said they would have four 2.5-acre parcels which was different from the application so they are aware. The N 3800 E road is the area of impact line for City of Rigby. Can see where the R-1 zoning ends. Can see the change from R-1 to R-5 in this area. Commissioner Young is unsure of the direction. Provides the data on the property. The canal is the end of this division of land and breaks out into agricultural land after the canal.

[11:14:10 AM](#) **Prosecutor Mark Taylor left room.**

[11:14:19 AM](#) Milton said reviewing the goals and policies of the comprehensive plan. This guides the growth orderly again with the discussion of in the center and moving out. This is why staff made the conclusion this project is not consistent with the code. Went to Planning & Zoning and they discussed this access is their property with a sixty-foot road that goes up to the county road here. This is how they access the fourteen acres. May be more appropriate if they looked at rezoning the whole area. Instead of having everyone come in individually. Maybe folks in the area do not want this changed. They are back to the conflict on R-5 and R-1 zoning. Something for the Commissioners to consider.

[11:16:11 AM](#) Chad Stegelemeier 3774 E 233 N. A little history he grew up in Ashton on a huge farm. Really love this property because it is not in a subdivision. Creating a subdivision is not the goal in zoning to R-1 because it is possible to put this many lots. Want to have their options open if their children decide to stay they can live on this property with them. Not looking to get rich or add a subdivision here. Know the neighbors that surround them and they all love having this space. Heard that Planning & Zoning were going to go to R-10 and they have three kids so that would be an option in the future for the possibility to build. When this came up with the Planning & Zoning meeting he was out of town on business so he was not able to clarify the letter they wrote. This is not a development. When that came up there was another subdivision with Rhodehouse Subdivision that is basically the same on the other side of the area of impact and bordered R-1 zone that was approved. Confused on how they are similar but one was approved and one was not. Does not have anything else just wanted to clarify their stance.

[11:18:31 AM](#) **Prosecutor Mark Taylor is in the room.**

[11:18:35 AM](#) Commissioner Clark asked for the sign-up sheets. Have two people signed up. One for and one against.

[11:19:11 AM](#) Gary Mugleston is over Zoom could not sign up because he is in Washington but would like the ability to talk at the end. Commissioner Clark asked if he is for or against. Gary said right now he is trying to determine that so he is neutral. Commissioner Clark said they will ask him at the end.

[11:19:56 AM](#) Jed Lowder 487 N 4108 E in Rigby. Is talking on behalf of the Stegelemeiers. Paying attention to Planning & Zoning over the year in the real estate agency. Always noticed this corner has been cut out instead of going straight up north to Highway 48. This is so close to town and the schools. This is where they want to see growth in the county. To his knowledge when they want a rezone unlike the case before this is contiguous to an R-1 zone already. In his opinion they meet a lot of requirements. This hearing was at the same time as the subdivision on 4100 E for a three acre parcel that lays in an R-5 zone and was contiguous to an R-1 zone same as this property and was also contiguous to the area of impact same as this property and this property is actually closer to the City of Rigby. Is with Chad on the fact that that property was accepted and approved this meets the same requirements. When looking at this knows this opens this up to those that could ask for the same thing. The other large parcel is already contiguous and this would not change anything on other parcels becoming R-1. These access off of a private they would have to update that road and Chad would not provide access. With everything he has seen over the years he thinks this meets a lot of requirements for their families and personal property rights.

[11:23:13 AM](#) Chairman Hancock said they have one here against Vicki Boyle.

[11:23:53 AM](#) Vicki Boyle said her property is directly north and wants to do the same thing for her family. Lives at 243 N 3800 E. Used to own all of this property from the canal to the corner other than the Billman's residence. Love to be in a farming community. Far enough out of town it used to be peaceful. People come down 3800 all the time instead of using the highway. Hazardous for any pets. Is a mess getting out on this road all day. The speed limit is not being adhered too. Husband used to let the cops sit in their driveway to the kids going back and forth. Concern is the water table, the traffic. If he is just doing this for his family why does he have a real estate agent with him. Would also like to do this for his family would also like to do this for her family. Then would have to do the whole row. Would contribute to a lot of traffic. Neighbor discussed widening 3800. This being widened will take out the ditch and her big willow tree. So, this is a hard balance. If they just want to do just Chad and her she would go for that but does not want a million more people out there.

[11:26:04 AM](#) Gary Mugleston appreciates them letting him be involved. Owned the land for many years. Has not done anything with it. Is a little confused when he bought this land it was five acres with one household and five animals. See neighbors adding additional houses. Asked this summer and he was told he could not subdivide the property. Wonders how they could do this when he could not. Property is 9420 and is south of the proposed change. Below this so would vote neutral.

[11:27:49 AM](#) Commissioner Clark said that ends the testimony section. Will now allow a rebuttal.

[11:28:12 AM](#) Chad said that Jed is just a really good friend. When they started talking about this they called him because he has done this a lot with the real estate. Knows Scott Hancock well and did not want to talk to him about it. Went to Jed for direction. Wanted to say on 3800 the traffic. They all know the county is growing and hates this as much as anyone. That is why he moved out of the subdivision. Appreciates Vikki for selling this property. Wanted to have the option with the way land values are going his kids will not be able to buy property and build. Would like to be able to give them property and keep them close.

[11:29:42 AM](#) Commissioner Clark asked Milton for anything. Milton said he does not. Commissioner Young said this does not have any clustering. Milton said this is a conforming lot. Commissioner Young said the surrounding lots are five acre lots. Milton said they vary some are three acres. Commissioner Clark would like to say they appreciate the people in the county. This is really hard to make these decisions want to make everything right for people. The property before had a lot of one-acre parcels. This one does not. As they got into this zone changes are the hardest things to do because some have come back and bite them when they are trying to make everything work for everyone. Understands the reasoning for the dividing. Thinks right now he hates to make zone changes where this is contiguous with larger parcels. That is his thought right now. Commissioner Young understands this is adjacent to a number of things but they need to draw the line somewhere. In the future this could change. Thinks Planning & Zoning Commission probably made that same conclusion where this is an R-5. There are other opportunities. For now, he thinks they need to stay with what Planning & Zoning had in mind and their decision.

[11:33:50 AM](#) **Motion by Commissioner Young to move to deny this project file ZON 22-09-01 requesting a zone change for parcel RP04N38E237690 from Residential-5 to Residential-1, based upon the following conclusions. The decision is based upon the evidence submitted up to the time the staff report was prepared and testimony received at this hearing. I further move to adopt the findings of fact and conclusions of law as set forth in the staff report as amended during this hearing and direct planning staff to draft written findings and conclusions to reflect this motion, have the Chairman sign, and transmit to all interested parties. This action does not result in a taking of private property. The action that could be taken, if any, to obtain the zone change is to: File a new application with the Planning Department and meet the standards required by Jefferson County Code; or Pursue such remedies as may be applicable at Title 67, Chapter 65, Idaho Code. Second by Commissioner Clark. Roll call taken. Commissioner Clark – aye, Commissioner Young – aye. Motion passed. Chairman Hancock recused himself.**

- **WRITTEN DECISION – JAMES & LORI NEWTON RECONSIDERATION REQUEST – (ACTION ITEM)**

[11:35:23 AM](#) Milton said after the hearing they go back through the notes and created the written decision. **(Exhibit C)**

- **UPDATE**

[11:36:15 AM](#) Milton said they had 578 permits for the year. Still more than 2020 but less than 2021. Are fully staffed again. Gearing up for the summer months. Chairman Hancock appreciates all they do. Knows they are working hard on the corrections that are being made. Milton appreciates these meetings this is what it takes.

PUBLIC WORKS – ROB CROMWELL

- **UPDATE**

[11:37:20 AM](#) Rob said sorry he was out last week. Had his turn being under the weather. Solid Waste they have the transfer station public information meeting rescheduled for February 6. Did email the Commissioners on the operational costs. It's an estimated cost \$767,000 a year. This is based on five-day work week from Tuesday to Saturday with an estimated 18,000 tons being rolled through. Chairman Hancock asked on revenues. Rob said with a cost of \$41 a ton to cover this tonnage. These operational costs are the raw cost. This does not credit what they pay for equipment for the existing C&D operations. There is no credit for that. Chairman Hancock said they will look at this.

[11:39:33 AM](#) Rob said as the crew has time they are prepping the area where the transfer station will be built. Part of this they are demoing a 2022 Volvo loader L220H. This year Solid Waste budgeted for a loader. The one they are demoing is \$410,000. Is a pretty new loader and has 1,000 hours. Is a bigger machine than what they have had in the past. If they can get a machine that does not struggle it should last longer. Commissioner Clark asked how big this loader is. Rob said as far as his experience is a much better machine. Better taken care of. Commissioner Clark said it has a lot less hours. The 2022 is basically a new machine. Rob said they don't like to tell them where this came from. Believes this sat in a pit loading material. Chairman Hancock asked the original price wants to see what the discount is for the hours. Rob said they have a CAT950. To get this brand new comparable to what they have is over \$350,000. Chairman Hancock knows they need to do more research. Rob said the other ones they looked at do not have a big enough machine. Realizes the cost of the machine is more than they budgeted. Thinking of getting creative. Demoing this from Arnold Machinery. Looking at a rent to own for this year then next fiscal year pay off the balance. Commissioner Clark asked if they would sell the 950. Rob said they would but does not expect too much out of it. It has 12,000 to 14,000 hours. Has not looked at that just yet.

[11:48:18 AM](#) Rob said in Road & Bridge are focusing on winter road maintenance trying to keep these as safe as possible. Also working with ITD, City of Rigby and business in the area on 4000 E and the Railroad crossing trying to come up with some improvements to move traffic through there. May look at a designated bus lane. This might alleviate some of the pressure in the area. Also working with the School District they need their input. Three weeks ago, got three dump trailers for \$28,000 at an auction. Feels they did very well. To transport these will be between \$8,000 to 10,000 thinks it will be a good way to go. Commissioner Clark said this will be good to see how it helps the paving. Rob said that was their holdup with the paver. Thinks that's all for today. Chairman Hancock knows Mike called a couple times that dispatch calls that they need to do certain things. Rob was going to try and meet with the Sheriff. Understand they are asking for help. Need to keep a level of professional courtesy. Is going to try and brine the parking lot to get the ice burned off. Commissioner Clark said they are having to move a lot of dirt to cover. Rob said they have had several record setting days. Down one position out there but this is the slower season. Commissioner Clark said they could add a camera on the Montevue road. Rob said they have issues with that road but they send someone out and see bare roads. Best thing is to slow down. Commissioner Clark said they look at Highway 28 that is completely bare all the time. Rob said they do not have the money for that. Look at the differences of traffic. The more traffic raises the surface temperature on the road. If folks can plan ahead it will help everyone.

[11:57:18 AM](#) Recess until 1:00

Open session 1:15

COMMISSIONERS – MAYORS – PLANNING & ZONING – MILTON OLLERTON

- **AREA OF IMPACT AGREEMENTS**
- **YEAR-END REPORTS AND PROJECTS UNDERWAY**
- **ROUNDTABLE DISCUSSION**

[1:15:22 PM](#) Chairman Hancock apologies for being late it took longer at Public Health than they thought.

[1:16:07 PM](#) Milton said the Board has asked they meet every few months so they can discuss any issues and concerns. In 2022 the county issued 578 permits which is down about 100 permits from 2021. Expecting that 2021 was a peak year. Saw this throughout the state. Is continuing to slow a bit. What is not slowing is land use applications. Had six files on Thursday and already have six maybe seven for February. Have five new subdivisions coming in February. County has been working on updating ordinances. Added a Development Agreement process to their ordinances. The subdivision ordinance had this spelled out clearer. Re-wrote the types of subdivisions on the code. Changed this process a bit this comes to the Board for a decision in two weeks. One significant thing is the Board put a moratorium in Menan and Ririe to work on their area of impact agreements. That year has passed. In December the Board repealed the moratorium for Ririe. Did not repeal Menan's because they are almost finished with their agreement. Advice is to keep this away from the attorneys. Has taken months to get this done. This is a joke. Takes a lot of time to get the city side done then they still have to go to the Planning & Zoning Commission and Board. Did not feel they could withhold requests any longer. This is a big deal. When things are slower this is the time to work on these agreements. These are not usually a priority until they are needed. Knows the cities are working on all types of projects. County has been true to their word. Would not allow R-1 zoning outside of the area of impact. In the last year has allowed one that was a three-acre parcel right next to the area of impact.

[1:22:16 PM](#) Milton said another challenge is if their city gets asked to participate in the Planning & Zoning Commission. They are getting zero response from their representation. Had a subdivision last Thursday in the Rigby area of impact. They went through the agreement and wrote up conditions they knew. Now has a way to move forward. Would appreciate the city participating in this review so they capture everything. Sent this list to the developer to work on these stipulations. Chairman Hancock echoes on the area of impact they need the participation from the cities. Need the input from the city. Had one plat that came all the way to them that did not meet the requirement of the area of impact with City of Rigby. Specifically has the size of streets, easements and frontage. These are things they both agreed to. Want everyone's input. Developers need to know what they can do. This is important.

[1:26:09 PM](#) Dave Swagger said Reed Thurgood was the one looked at Thursday. Spoke with Reed on this. Our representatives are stating Adam Hall and Aaron Bell are not getting the packets. Lone said she talked to McKinlay last week about sending out a packet not just an email. Chairman Hancock said that is how they resolve this. Lone said on March 3 they sent in a letter that was presented. Both Mayors have sent letters

and thinks this was overlooked. Was here during this process when it first came in. There was a letter presented. Said they strongly believe this parcel needs to be annexed into the city. Be brought to city standards. Have city services on two sides of this parcel. This was sent to Planning & Zoning on February 2, 2022. Also emailed McKinley on the last one that this strongly needs to be annexed into the city and built to city standards. Chairman Hancock said they are not disagreeing. When this is annexed these proceeds from the city not the county. This has to come from them. They have no part of this. Need to work with the developer. Dave said on the northside of the substation have water and sewer on the building was built right across from the substation on 400 and was never notified. Milton asked if this was a conditional use permit or a building permit. Dave said this was a plumbing shop initially. Not sure they are being notified. Chairman Hancock said this is good to bring these issues up and correct them. Commissioner Young said anything in the area of impact they need to be notified. Chairman Hancock said that Milton is willing. Dave said they cannot participate if they are not informed. Milton said this is the first he is hearing on this. Dave said they have been working on their impact areas inserted himself into this but back in February or March. Cannot seem to get off of center stage. There are things that violate Department of Water Resources. Chairman Hancock clarifies on this keeping a private well is if they had property already with a private well and city brought services by you did not have to hook into services. Dave said level 3 paragraph 5.3 discusses connecting to city water. This needs to be changed. On city services if they become available may connect without annexation. That has to go to Council approval. Some of this wording needs to be changed. Chairman Hancock said they need this input on the area of impacts. They are not set in stone. First time he heard about this. Mitch said he has only been in to talk to Milton once. Is there a day they can set and if they can show up they show up. Pick a date they will be here.

[1:33:27 PM](#) Chairman Hancock said this is stuff that needs to be heard. Documents they have need to be changed as conditions change or they find errors. Working through the process. Then they can make some changes.

[1:34:23 PM](#) Roberts Mayor Robert Berlin. Some of the things he is hearing Rigby is talking about was presented to the smaller cities. This is why they have not done agreements yet. Knew some of these things did not make sense. Nice that Rigby went first. Chairman Hancock said there is a lot of good in that agreement. Need to realize these are not for the county are more beneficial for the cities. Need to develop in an organized manner. Mayor Berlin is happy they are having discussions and working toward solutions. Can say some of the stuff in the past is before they knew any better.

[1:36:49 PM](#) Ririe Mayor Larry Lovell said they have some growth. Have a subdivision within the city limits. Those that are coming outside of city limits that cause the problems. Thinks the cities need more representation. Needs to be more work back and forth. Make some agreements that will stick. Chairman Hancock said that is the point of the area of impact agreements. Mayor Lovell said it's been thirty-five years when they set an impact area and all the development went outside of this. Commissioner Young said this had a lot to do with the zoning. Have not approved any zoning changes. Mayor Lovell said now they are trying to fix the leak. Infrastructure wise this is big for the cities here. The Commissioners in the past have never considered this. Chairman Hancock said there are several infrastructure grants. Would hope they would look into these. Commissioner Young said the higher density needs to be closer to the city. At the same time the expansion of the city has to occur if there is not building going on they feel pressure. Knows it's expensive to expand the services.

[1:40:21 PM](#) Mayor Berlin said Roberts is starting discussions on their subdivision ordinance. Knows this may be coming. May look at the county's. Impact fees are only collected on water and sewer. Roberts Fire is asking them to help collect impact fees. Know they will be doing some annexation in the next several years. The shift in listening and discussions is very encouraging.

[1:41:37 PM](#) Commissioner Clark said the impact areas each city is different. If they wait for Rigby they may have changed theirs before they start one. They can then work and change them.

[1:42:15 PM](#) Mark said he has worked with City of Menan on their impact agreement. Looking for an opening on their agenda to get this recommended. A lot of what they have discussed is not in the Menan one. They can take a look at this. Feels like a lot of improvement has been made on this. Have tried to make this easy to replicate.

[1:43:19 PM](#) Mayor Lovell said they were given a draft has this changed any. Milton said they were working on the exhibits. Mark said maybe not a lot but could send this out. Commissioner Clark said they probably need to get one passed. Mayor Berlin asked when they expect this. Milton said this will take some time to go to the Planning & Zoning Commission and the Board. Has not seen the final draft and is not sure Menan has ran this through their Council.

[1:44:45 PM](#) Lewisville Mayor Curt Thomas said they have the same attorney. Milton said they had a lot of good ideas they added as exhibits.

[1:45:21 PM](#) Mayor Berlin said the building they have seen in Roberts is higher density with smaller homes. These are entry level homes. These are smaller than some like to see. This is a common thread right now. A lot of the development has been these smaller homes. This is what they see coming that is where the market is right now. Chairman Hancock said the interest costs and people trying to get their first homes. Mayor Berlin said this is what the starters are going to be able to get in. Yellowstone Crossing when they started they went entry level. Had a few at \$250,000 range then shifted to the \$400,000 range. Seems like they are now shifting back down.

[1:47:38 PM](#) Rob does not have anything to add.

[1:47:44 PM](#) Chairman Hancock said that Rob wants to work with the cities and help where they can. Asked for any other comments. Dave said not this time but they will see him again. Mayor Berlin spoke on the Fire District about impact fees. Does not know where this is has asked them to bring in some information. Chairman Hancock knows that Kevin has not received the necessary information from the Fire District. Commissioner Clark said during their meeting tomorrow they need to keep that in mind. Mayor Berlin visited with them awhile back on this. Commissioner Clark asked when the meeting is. Mayor Berlin said this is tomorrow night. Already agreed to assist with this but needed additional information.

[1:50:14 PM](#) Dave said Roberts Fire does not have impact fees. Chairman Hancock said they do for outside of the city but not inside the city itself. Mayor Berlin said no one thought they were going to grow. Chairman Hancock said if nothing else will let them go.

[1:51:36 PM](#) **Motion by Commissioner Clark to adjourn at 1:51. Second by Commissioner Young. All in favor – aye. Motion passed.**

Scott Samuel
Chairman of the Board

Audrey Moon
Clerk of the Board

Colleen Cole
County Clerk



3/13/23
Date

3/13/2023
Date

3/13/23
Date