

Franklin County Commissioners

September 5, 2025 at 9:00 a.m.

Attendance: Commissioner Chair Robert Swainston, Commissioner Zan Bowles, and Commissioner Zach Stewart, and Clerk Camille Larsen. Vic Pearson, County Attorney excused.

Annette Yearsley, Mark Beckstead, Kenneth Mylroie, Diana Mylroie, Stevie Emerson, Darren Kelley, Brian Allen, Shauna Geddes, Randy Henrie, Dave Cole, Roger and Kim Wright, and Robert Wilkinson.

1. Pledge of Allegiance

2. Public Hearing for Update to the Comprehensive Plan and Development Code.

Zach Stewart made the motion to enter the Public Hearing for the Comprehensive Plan and Development Code. Zan Bowles second. Vote was unanimous.

Randy Henrie, Planning and Zoning Administrator, said the last 10 years have been a privilege to serve with the different Planning and Zoning Board members. There have been multiple public hearings over the years, including one held in the movie theater. The Board accepted the challenge to rewrite and implement as much as those comments, from past public hearings, into the Comprehensive Plan and Development Code. The focus was on allowing the local people to develop their land easier, encourage growth closer to the cities, and large developments to do their fair share so they don't affect the residents. We are an agriculture community and wanted to make sure to maintain that. The Development Code is reorganized so it flows better. The County hired a professional legal team to write the code, to obey the State Code, and to not take away property rights from people or their constitutional rights. The legal team recommended to the Board to zone the County and adopt the zoning map. The Board zoned the County with how the property is currently being used. The Minor Partition (previously called Class I Permit) allows the owner to divide up to 6 lots easily on an administrative level and once all is met and approved it comes to the Commissioners to help the owners develop their land easily. Standard Subdivision and Major Subdivisions and have to go through Planning and Zoning and have a public hearing. Encourage development to happen in cities. There are area of impacts, around the cities, and can have 2 acre lots if provide water or septic system. The Dayton City Area of Impact, on the zone map, needs to be change to the current area of impact and will be changed prior to adoption. Outside of the city is R1, that zone can have a 1 acre building lot. The yellow area is a R2, that zone can have a 2.5 acre minimum of building lot. The brown area is the ag residential, more dry farm type of ground and has a 10 acre minimum. The map is GIS and after adoption can narrow in on the zones. The green is BLM. The blue area is recreational. There are commercial, industrial extraction zones.

The sign up sheets were specific to Neutral, In Favor, and Against the Comprehensive Plan and Development Code. Robert Swainston opened the meeting up for testimony and limited the comments to five minutes. There were no written or public comments for In Favor, Neutral, or Against. Robert Swainston called for Neutral public comments. The following is public comments for Neutral:

Stevie Emerson. All of this she brought up to the Planning and Zoning. First question is if I bring this up, and it is on the agenda to adopt on Monday, what is the process to make the changes, if this is adopted on Monday. Robert Swainston explained it is on the agenda as an option to adopt. Stevie Emerson continued, there are several sections that didn't seem to align with Idaho Code, little gray area allows for possible lawsuit or liability issue. Page 20 Chapter 5.2 shorter notice of allows for shorter or unspecified period for public hearing which is different than Idaho Code. Page 21 The timelines for conditional use permit does not align with Idaho Code. The Appeals process in Chapter 5 through 6 is more stringent than the Idaho Code, which is an issue. Enforcement penalties in Chapters 4 through 9 are misdemeanors and authorize fees of up to \$1000 without a cap and Idaho Code actually has a cap of what can do, Idaho Code 18-113 and 67-6527. The rezoning criteria in Chapter 6-2-3 verbiage allows for rezones that are not consistent with the Comprehensive Plan that can allow for gray area and lawsuit in Idaho Code 67-6511. There is a definition for bed and breakfast, but there is nothing for short-term rentals and she wants the Commissioners to think about how many bed and breakfasts there are here and how many short-term rentals there are. The Idaho Code does not allow you to restrict them but can set up guidelines for short-term rentals. The actions of this Development Code are a significant oversight and by the County ignoring this they are missing an opportunity to manage potential issues for noise and parking in residential. It would be beneficial to add a section that addresses short-term rentals that set occupation limits, parking limits and registration requirements. Herd districts are in the Comprehensive Plan but not mentioned in the Development Code and there is a gap on the herd district map. She suggested to add a section in the Development Code consistent with Idaho Code 27-2. Asked there be an overlay on the Zone Map to include herd districts. Asked to add into the Code about fences with reference to Idaho Code. Has a big concern about the map, not able to know where the zones are before it is adopted. Puts undo burden on the landowner to have to change the zone. Suggested to have a 6 month window where people could come talk to the Planning and Zoning Commissioners and make their case. Been confused about where we want roads and where things are and only one little spot designated commercial.

Darron Kelley. Feels like it is being rushed. Policy 2 of the Code that the planning process for Planning and Zoning should entail Advisory Committees. But Mr. Henrie stated that legal counsel made the changes. Didn't feel like the Board knew what they were voting on. If a person doesn't run for public office at every election, it doesn't mean that he or she doesn't care about our community, it means they can't attend a Monday morning 8:30 a.m. meeting or a Friday at 6:00 p.m. meeting. It means they have 3 or 4 kids and they have to help with homework, run the shuttle bus to the school. County needs to make engagement as easy as possible to be a part of these committees and advisory and appreciate broadcast the meetings. The biggest problem is, haven't addressed the secondary water on the dry farms. The Cottonwood Subdivision was able to get around the ordinance and have not fixed the round about the developers are getting through. Policy 4 section G irrigation rights should be retained with the land and Policy 5 states the developer can transfer the rights before being developed. References groundwater study and it states to have 25 acre lots on dry farm ground. Reference the study but only parts that are important to us. Here there are 10 acre lots and went from 2 to 2.5 acres to get around the moratorium. The zoning map, how can you vote on it if you can't see it. Section in the Code and ask for clarification under Policy 6 section C it

says utilities plus irrigation must be provided in all developments except recreational properties. Have we solved the problem with protecting the well heads or is that something that like another suggestion? But no where else in the Code does it say we have to provide secondary water. I think this is rushed and litigation is driving it. The last question he has, does the zoning based affects the property values? In July 28 meeting the Assessor stated still working on dividing the county up into neighborhoods because the property in the county is not the same county-wide. Does that mean the farmers north of town are going to be taxed less than the farmers south of town? Don't feel like being completely honest with how the map is drawn out and completely honest with why pushing so fast and unprepared.

David Cole. On a neutral basis, some things he agrees with and some things he does not. Randy did a good job answering my questions and the size of the different zones. A couple of things I did notice on the minor land division 10.2.10 creates up to parcels and think Randy said 6 and in the subdivision it states 5. Need to fix it. On a minor subdivision, breaks it down but not quite sure about the lot size, depends on the zone it falls in? If R2 have 2.5 acres and R1 have 1 acre, is there a requirement for secondary water? Robert Swainston explained, only if the land has secondary water. The other question is the split from the original parcel, so on the split, I understand the original parcel have 1 split. Robert Swainston would count the splits up to six before jump to next level. Does it still have the original date of July 1993? Randy Henrie said yes. Will the map be active GIS map to look at the property lines? Randy Henrie said eventually. Commercial zones are around the area of impact and is there any discussion to extend down state street towards Fairview? Robert Swainston said that would be a zone change

The following are comments from those opposed:

Annette Yearsley. Thanked the Commissioners for removing the Recreational Zone from Oxford. Not actually opposed to any of it, except for the 10 acre lots. Developers could wiggle around it. Groundwater can handle 25 acres to refill the aquifer and not deplete it, according to the groundwater study. If put 10 acre lots on 200 acres, developed and that is how many wells go down in the ground and suck all the water out. This is bad for the farmers. 20 or 25 acres is a big burden for a family that wants to live the country life. But reality is if you can't support it, you can't have it. Not everyone gets everything. Farmers have been working for years to hang on to the land and now going to put houses next to them and suck out all the water. She loves all the ag, but the 10 acre rule is a killer. Its going to put cars on country roads driving all over the place and blocking the machinery getting in and out of the fields. People throwing garbage and trash the mountain. None of us want that traffic in Oxford. Want at least 20 acre lots.

Mark Beckstead. Thanked Randy Henrie and Shauna Geddes for all the time they put into this, he knows the amount of work that goes into it. It was two years into his term as mayor that he established a committee to rework the rezone in the city. It was a four year process. The committee worked with it for two years and the Planning and Zoning worked with it for a year and the Council worked with for another year. I know the County can't extend the moratorium, but if there was any way to extend the moratorium

and insist on some public input it would be a good idea and says this as a real estate agent, because this is how he makes his living. It is not good to pass it and see how you are zoned later on situation. There needs to be some thought on where the commercial going to be. Everybody is ok with development as long as it is not in their backyard. Look at the south state street and Highway 91, and if there is no commercial zoning and you have to take it as a case by case basis, 20 more people will build on south state and when somebody wants to put a business there, because that is the obvious place for commercial, the people will be in screaming at you because you let that be commercial. But if you make it commercial now, and than they build there, it is there own dang fault when they build in a commercial zone. Don=t think there has been enough time. Other thing to mention, remind you in that meeting visited about all the people who have bought property on an unmaintained county road, understanding they wouldn=t plow and any new the maintenance would be limited, and now if that gets ripped out underneath them, now they have property that they can=t build on. Need to look at that going forward as seasonal with dates doesn=t make sense. Get away from the dates. In Policy 6 C, this goes against, utilities including irrigation must be provided in all developments except recreational properties. This cuts off any building in the dry farm areas, but don=t think that was the intention of the County. It is just another reason, if you can extend and go over with fine tooth comb, might save some problems in the future. Thanked the Commissioners for all they do.

Robert Swainston asked if any late comers had any comments. None at this time.

Aaron Beutler. Lives in Dayton and has been here a couple of times. Glad to hear Randy Henrie mention the area around Dayton and that the area of impact is not correct on the map. Have the same question, if this is a GIS product and the County has a GIS website, why can=t this be put on the website so people can see it. I second with Kelley about the groundwater, I am a water guy. I have read and reviewed the groundwater study and I agree with it and if you want to protect the water, 25 acres is about right. If there is irrigation on it, it will trickle down and replenish the groundwater. Feel like the 10 acre lots are too small. Around Dayton it is zoned 40 acre lots in the ag zone, and in the current area of impact is zoned for 40 acre lots and the future agreement that has been proposed is to be decreased. Not sure why it is going down to 1 acre and 10 acre lots. The 40 acre lot does really help the ag guy if that is the goal.

Commissioners appreciate the comments and will take them under advisement. Zan Bowles made the motion to close the Public Hearing for the Comprehensive Plan and Development Code. Zach Stewart second. Vote was unanimous.

Attest, Camille Larsen

Robert Swainston, Chair