

**Planning Commission Meeting Minutes  
November 18, 2002**

**PRESENT:** Mike Davis (Chairman), Bill Smith, Kirk Mackert, Kip Martindale, Rod Dalling, Connie Ottesen, Dirk Mace, Karen Lords (P&B Administrator) , Janet Craven and Jerry Woods, D7H (Advisor).

**OTHER ATTENDEES:** Lyle & Connie Gardner, (Building for brooding Pheasants) Cary Sargent (Batch Plant), Sid & Adrienne Keller, (River Rock Estates).

**WELCOME:** Mike Davis called the meeting to order at 7:02 p.m.

**MINUTES:** Dirk Mace motioned to accept the minutes, Bill Smith seconded the motion. The minutes were approved unopposed.

**SKETCH PLAN – LYLE GARDNER – BUILDING FOR BROODING PHEASANTS – TETON AREA**

Karen passed around plans for the building. Mr. Gardner gave brief description of where the project would be located. The old rodeo grounds north of Teton on 2500 E, (Wilford-Teton Hwy). The building would be new and the netted flight runs would stay in the same place.

Bill Smith asked the size of the building. Mr. Gardner responded about the size of a garage. Mike Davis asked if it would be insulated for brooding eggs. Mr. Gardner said the building would be used 3 to 4 months in the spring then the birds turned into the flight runs. Mr. Gardner stated he had all the permits required from Fish & Game and had a license from the Department of Health. Mike asked for any other comments, none were given. Dirk Mace motioned to accept the sketch plan, Connie Ottesen seconded the motion. It was approved unopposed.

**FINAL PLAT – RIVER ROCK ESTATES – PHASE II – 4 LOTS – SID & ADRIENNE KELLER**

Karen passes out the Final Plat of River Rock Estates. Karen reminds the commission that these are the 4 larger lots, the 9 lots on the front were 1 acre in size. Kirk Mackert asks where this is, Mike explains the location. Karen stated Swenson's used to own the property. Mike asks if we had to post any notices where this is going in phases, Karen answers, no because we have already been through the preliminary plat approval we are just doing the last final approach, so they'll have to go before the County commissioners and get the signatures, Jerry Woods will have to sign off for sewer, because they'll be doing individual skeptics and wells. Mike Davis makes the comment he wishes the city would have approached them, but nevertheless. Karen states Sid and Adrienne Keller are here tonight if you have any questions. Mike Davis asks Sid, are there water rights for these 4 back lots? Sid: there is. Mike: how much per lot? Sid: 15 shares divided up by the acre. *An inaudible comment.* Kirk Mackert asks if the lots are large enough to be divided. Karen: the way the code is written, right now if they have 5 acres or more they would be able to split one time, but if they do covenants and restrictions they have the right to put a claimer in there that they can't. Rod Dalling: are you dividing up the storage water too? Sid: there is no storage water. Rod: oh, there is no storage water. *More inaudible comments.* Karen: they already have their development agreement written up, it is in Trent Grant's hands right now, because they'll have to ok it before we can have the commissioners sign it. Mike: were you going to put anything in there Sid, that would keep those back two lots from being split again? Sid: actually we haven't even thought about it. *More inaudible comments.* Karen: you need to take into consideration because they're so close to the city once they get their impact area there's nothing saying that the city couldn't approach property owners and annex them in and the larger lots could be split into smaller lots in accordance to what the city ordinances are. *Discussion concerning annexation.* Dirk Mace makes a motion to accept the Final Plat on the River Rock Estates. Rod Dalling seconds the motion. The motion carried unanimously.

**TABLED DECISION – BATCH PLANT**

The next item is our tabled decision on the Batch Plant for Bob Bauer. Karen: Cary Sargent came tonight, I just reminded the board that they closed public comment ended with them tabling their decision, so he really can't legally give any comments, if they have any major, major questions I think we can probably ask for a clarification, but I typed up a memo on the information Bob found. Karen reads the Memo from the information given by Bob Bauer concerning the Batch Plant. Pictures that Mr. Bauer took

are passed around to the board. The pictures are of areas where concrete is dumped. Karen says the Memo should be read into the record. Mike asks her to do so. Karen: this is a memo from Bob Bauer personal visit to our office on Thursday, November 15. The memo was read into the minutes.

There was lengthy discussion concerning the pictures turned in, the noise level, the buffering, the truck route to be used, concerns the city may have, the washing out of trucks, a time limit of 30 days on the clean up process of the waste concrete, the stock piling of non-operational equipment.

Kirk Mackert moved to approve the project based on the following conditions to be met within 45 days of the receipt of the approval letter: 1. VI.J. Air Quality, 2. VI.E Wetlands, 3. Appendix H, standards for noise, 4. Appendix K, buffering, 5. truck route to be on frontage road or need to go through town for work projects. 6. Fremont County Ordinance 95-05, section 13.08.060-storage, 7. transportation of Solid Waste to be done every 60 days. Rod Dalling seconded the motion. No one opposed, the motion for approval of the Batch Plant was unanimous.

### **ADMINISTRATOR'S REPORT**

Packets included information to look over for agricultural use; the information is similar to an environmental easement.

### **WORK MEETING – IMPACT AREA FOR THE CITY OF ST. ANTHONY**

The city of St Anthony P & Z Board (only 5 members present) met with the county P & Z Commission to further discuss the impact area. Karen opens by stating the Fremont County Commissioners and the City Council were invited to attend, but the Penny Stanford and Trent Grant agreed if the decision that was made, were appealed, the county and the city people involved would have their opinion tainted. Everyone gets seated, Karen goes over the map. Ray Voss goes over the map. *Extensive discussion of where the line was moved too.* County was not sure it was even moved. Dirk Mace: this is clarification, are we back to where we were to start with? They've taken what we talked about at the last meeting, back to the city council. *Discussion of where the city P&Z are, just gave a copy of the map to the City Council.* Karen asks for some discussion, give and take on the part of the city and county, so this doesn't have to be taken to a higher court. *Extensive discussion on what has been done on the east end; it was originally what was driven on the on-site.* Concerns between the county and city of a buffer area for the livestock people to prevent any future problems, the city questions who has the say of development now. Karen explains that is why the professional planner put the resource management easement into place, so if a person bought a piece of property and farming was going on around it, they are submitting that to the county and it is recorded, so no one can go back on the agricultural use that goes on around them. It has never been to court, but we could look at what goes on in other jurisdictions. *Further discussion.* The idea is until the property is annexed into the city the county should have say in what goes on because those people are paying taxes dollars into the county. The rules changes last year, and what they're saying now, this is talking to Jerry Mason & Will Harrington who are land attorneys, they are pushing the idea cities and counties need to piggy-back their code. The cities and counties will have a say in what goes on next to them. Both jurisdictions will have to be working together more. *Concerns expressed about the great difference of opinion in overseeing what is done.* Karen explains, what will happen are new rules and regulations will have to be written, it is going to be called a joint powers ordinance, meaning both groups are going to be working together. It will be harder for John Q Public to come in the door and he will have to talk to both groups. Right now the way the Development Code reads, if something happens within a mile of the city boundary I legally need to notify them, so if they want to have a say in it, then they have a right to give oral or written documentation. *More discussion of where the city boundary is now, how long the agreement or boundary would be binding, the moratorium going on in Madison county and how that may affect our county and the fact that the issue of impact area being changed may have to be re-visited in 3 to 5 year.* The question is asked what other cities have. *Extensive discussion of who will have jurisdiction, who owns the property on the south end of the impact area.*

Karen explains we are back to the same issues we had last month over the same two pieces on the south. *Everyone discussing at once. More discussion on annexation and different rules to apply to the county or the city.*

Jerry Woods: *discusses the difficulty of developing the eastern part of the impact area because of the canal and the cost of the infrastructure and the same way down Yellowstone. Every thing seems to be*

*driven by the cost to the city tax payers and the developer. No matter where you put the boundary of the impact area it will come into play the cost of the water & sewer system.*

*Further discussion of the impact area of Teton and Newdale. Karen said we will still have to go through the Public Hearing so the impact area can officially be declined so it can go to a nine- member committee. No terms can be reached since there is no compromise of the part of the city or county. Karen suggests that the attorneys be contacted and told we have come to an impasse and see where we need to go. More discussion on the property on the south boarder, what the commissioner may do.*

*In short no compromise can be reached; Karen will see what the attorneys suggest.*

**MOTION TO ADJOURN:** Connie Ottesen motioned to adjourn it was seconded by Kirk Mackert, all were in favor. The meeting adjourned at approximately 8:50 p.m.

Finalized & Approved on this date: January 13<sup>th</sup>, 2003