



**FREMONT COUNTY
PLANNING AND ZONING**

Minutes

Monday, April 12, 2004

7:00 p.m.

PRESENT: Mike Davis (Chairman), Linda Crapo, Rod Dalling, Dirk Mace, Kirk MacKert, Kip Martindale, Connie Ottesen, Bill Smith, Rich Zimmerman, Karen Lords (P&B Administrator) and Cathy Winters (P & Z Secretary).

OTHER ATTENDEES: Owen McLaughlin (District 7 Health) and Project Representatives.

WELCOME: Mike Davis called the meeting to order at 7:04 p.m.

Minutes

Dirk made the motion to accept the minutes as read.

Bill: Made the 2nd motion.

Vote was unanimous.

Sketch Plan – DePATCO, Inc. – Gravel Pit Operations

Mike: Karen would you like to report.

Karen: We did an onsite 2-3 years ago on the property, which belongs to Blaine Ashcraft, which is down on 200 N and 2200 E. HK contractors have a full-blown operation going and just to the south of that is a piece of ground DePatco purchased. They have been screening gravel, now they are looking at increasing the type of use of this property. I have asked them to go through a Public Hearing. The questions you will need to address: They want to have the capability of other businesses to come in and put a hot mix plant, a concrete batch plant, so I'm telling them for their master plan they need to list everything in the letter that Greg Stoddard created (included in packet) to go through and give us a brief summary of the types of use they want to do on this property. They would also like to construct a shop and a couple of out buildings and then I had them go through and list the uses, gravel crushing, hot mix plant, concrete batch plant, we can't give you any details of the operations at this time because we don't know who would be doing those operations at that time. But for an overall master plan, I'm asking them to include everything they would like to do. They would have 2 years to conduct these projects and get them up and going if it was given approval the night of the public hearing. Greg and Jud Stoddard are here tonight, so if you have any questions, they will be able to hopefully answer them.

Mike: Will it be south of H & K?

Karen: Yes, they have 60 acres, and they have 20 acres they are in the process of having approved by the Department of lands to get approved for a gravel mind operation. See drawing in packet. They meet our buffering requirements and requirements for the other operations they are asking for.

Karen: They are required to get permits from the other agencies, Dept. of Lands, or DEQ if they put in a hot mix plant prior to the operation.

Kirk: Will you get copy of permits?

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Karen: I haven't in the past, but they are providing copies from the Department of Lands, you can put that in the conditions of approval that they have to provide us with permits.

Rich: We have required HK a time limit (hours or operation) and will have to request this.

Karen: Yes, they are requiring the same hours, daylight hours. The dust issue has to go through DEQ.

Mike: Greg Stoddard, will you come forward and make your presentation.

Greg: The main reason we are looking at this, the state is planning to do a lot of work in Fremont County. They will realign the road from St. Anthony through Chester, they will be doing a seam coat from the Fremont County line to Ashton, building overpasses, we want to get this in place, and so we can be ready when the state is, so we can supply the materials for these projects. We don't have anything as far as asphalt, crushing or concrete, we want to get this in place so when the projects come up we can we are ready to go.

Kirk: Questions about the developed residential.

Greg: See the master plan attached to show what we think might happen, in the next 20-30 years. As you can see I have the 60 acres marked, the mining area there. On the other parcel, we show in the future an office, possible shops, as far as residential goes, we haven't planned anything residential, however we may leave an area there along 200 N where homes could possibly go in.

Mike: What Kirk means is the new homes that are in now.

Greg: I think the homes down on 200 N are fairly close there on the southeast corner. I spoke to Alvin Lusk at length and Sam Davis, we had the gravel pit in there before he moved in and no problems at this time.

Karen: When they were issued their Class I permit for gravel mine operations, they have to meet 1200 feet of an existing residence or platted residential subdivision and a buffer area at least 100 feet shall be provided between all operating areas of the mine including parking, storage, and the existing residence or residential subdivision.

Kirk: Did we set for operating hours?

Karen: They have to abide by the gravel mine operation, (read) where a proposed gravel mine is within 660 feet of an existing residence or platted residential subdivision, mining operations shall be limited to daylight hours, the noise level at the property line shall be limited to 70 decibels.

Greg: On the second page of my letter second paragraph from the bottom, the operation of this pit are proposed to run during daylight hours, except for special circumstances in accordance with the construction companies contractual obligations that may arise from time to time. So we plan on running during the daylight hours, I know if we had a contract that we had run during the nighttime hours, if that were to take place we would come in and get special permission to do so.

Karen: With HK contractors they were doing the paving project with the City of Rexburg, had to pave during the night. If there are issues going on with night, we will have to address that.

Linda: Does time to time happen very often?

Greg: Once a year maybe.

Karen: There are two ways to look at this, the total master plan and you put special conditions on the approval or when the time comes, whether it is a hot mix plant or concrete batch plant, they need to come back and go through public hearing. You need to know the overall Master Plan regardless. They want to go to public hearing next month.

Rich: I have a problem with the time-to-time part, because that is carte blanche and I know the daylight hours, but we did put a time limit on HK. I know we put the same time limit of each one. We have to go back and review the minutes. The time limit needs to be the same stipulation.

Kirk: It's a fine line around the residents – don't want to encroach on residents.

Bill: I do not see any security fences anywhere.

Mike: Will all truck traffic come out on that 2200 E road or build a new access on 200 N?

Greg: We are going to build access on 200 N. We did limit the speed and the use of brakes.

Kirk: We did set a speed limit.

Mike: How far down on 200 north?

Greg: About a ¼ mile or 1350 feet from intersection.

Karen: Regarding HK, the question came from public input at the hearing. They asked for specific hours of operation.

Karen: You approved this with hours of operation being daylight hours 7AM-7PM unless P&Z notifies community and all neighbors within the area of the proposed time change on contract stipulations.

Mike: Are there any conditions we want to see in this?

Kirk: Do we want to approve as total plan or step at a time?

Mike: I want to remind each one going to public hearing will take at least 60 days per approval.

Karen: If they have someone that wants to start a project in June, they should be in here right now.

Mike: It is up to you as Board Members we should see the master plan and put conditions as needed.

Kirk: Have you gone over all over the requirements for these types of plants?

Kirk: What are your plans for flushing the concrete trucks?

Greg: I would assume DEQ has certain requirements that must be met.

Karen: There have been public complaints regarding other plants.

Kirk: Where no one monitors, you don't know what is going on.

Jed Stoddard: Concrete is inert material

Kirk: The visually sensitive issues need to be taken into consideration.

Greg: We may need to have a reclamation plan; we don't want an ugly eyesore.

Karen: Because District 7 needs to approve concrete construction debris, would this come into place or not?

Owen McLaughlin (D7HD): Waste concrete has to go to a special site

Karen: We are talking about concrete truck has to cleaned and remove what is left in the truck.

Owen McLaughlin (D7HD): That has to be DEQ, because it is a point source for water.

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Greg: We talked about 60 day waiting period, but realize whoever comes in has to get approval for a batch plant or a concrete plant. As long as we have the approval for the Master Plan, when these operations come in, will we have to have another public hearing or come in and explain what we are doing and make sure we are doing it right?

Linda: If they don't do it right, who is accountable?

Karen: We are permitting his land, there could be a fine line there, and the other users are not standing here talking to you.

Dirk: If they contract for hot batch plant it will be DePatco's problem because they own the land.

Greg: The subcontractors will have to have the proper permits because 99% of their jobs will be state and federal, they have to prove to the state they have an approved site and that they are talking care of everything correctly.

Kirk: Need to make a stipulation that all permits are in place and in our files before operations could begin.

Rich: I want to see the master plan with the stipulations.

Kirk: It doesn't matter whom the permits are issued to as long as we gave the approval for the land use for the future.

Karen: That doesn't give a concrete or hot mix plant the opportunity to operate where ever it wants to, they would have to do it on their property with approved land use requirements.

Mike: What do you have in mind for buffer on residential area?

Greg: On southwest corner, plan to leave that area open for future use of offices and shops, we would like to make that buffer along 200 N, which will give us somewhat of a buffer against those homes there, 100' minimum buffer.

Mike: Are you going to use topsoil to reclaim any of this?

Greg: The Bureau of Lands requires reclamation plan, use topsoil and seeding requirements.

Karen: When he gets the permit from the Dept. of Lands he will bring a copy and we will have it on file.

Greg: We have that for initial 40 acres but not have the additional 20, but we will get approval for the entire 60 acres.

Mike: How far will your east boundary come to that canal that is adjacent to the property?

Greg: 20 acres between the canal and us

Mike: Sam Davis, Terry Thomas, and Sam Lusk. Are we requiring trees for buffering?

Karen: Because it is a mixed land use you could actually use that buffering for the residential homes.

Kirk: People moving into this area have several children

Karen: Because they are butted up to what we call residential lots, 50 feet and can ask them to have a security fence.

Mike: The board would have to consider making that one of the conditions.

Karen: Not defining, but you will need a more secure fence than HK.

Group Discussion

Karen: I think you need to list what you would like to see addressed by the time we go to public hearing.

Fence, permits, master plan, hours of operation, speed limits, buffers, Jake brakes, noise

Dirk: I make motion to accept the Sketch Plan for DePatco with the stipulations that have been presented.

Rich: I 2nd the motion.

Vote was Unanimous

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Sketch Plan - 4 Lot Subdivision – St. Anthony -Bob Mortensen

Mike: Karen please report on this project.

Karen: In your packet you have a drawing, 2000 E 200 N, down in the river bottoms, 52 acres, Bob is not proposing to develop all of it, all he is asking is to have 4 – 1 acres lots. In order for him to meet the density requirements, he is going to have to set aside 10 acres for density purposes. He is leaving an access to get back to the remaining acreage, which will be used, for pasture ground. Individual septic and water.

Mike: Is the 52 acres in pasture?

Karen: No.

Owen McLaughlin (D7HD): Concern would be sub water, it's in the river bottom, have not dug test holes, since the farmers are doing more sprinklers and less flooding this has changed the sub.

Karen: See the flood plain in the map in the packet, they are just out of the flood plain, even if it is out of the flood plain, the construction would have to meet FEMA standards and more than likely have to have flood insurance.

Mike: Bob would you like to come forward and address the board?

Bob: I will get with Owen and dig test holes. Back half of 4 lots would have a drainage ditch, ditch in the front

Rod: Do any adjacent property owners use the ditch? (Could not understand all of what he was saying)

Bob: Yes.

Karen: Proposed to share driveways.

Kirk: How much further does 2000 E go?

Bob: About 200-300 yards – two more houses down there.

Rod: Is the draining water doing north to the river?

Bob: Yes

Mike: Any other questions?

Kirk: How does he do his setbacks for his additional acreage?

Karen: He has to split off 10 acres, in order to meet the 2.5-acre density requirements. He can deed to homeowners association or can be left in Bob's name.

Kirk: In the future that additional 6 acres cannot be developed.

Karen: He needs to come up with covenants and restrictions that note that for density purposes, the 6 acres cannot be built upon. He can declare as open space and indicate on the plat.

Mike: Any more questions, comments?

Karen: Did you say there are water rights; you are not deeding water rights to the property owners?

Bob: No

Mike: Will you deed water rights to them if needed?

Bob: No

Mike: Any other questions?

Dirk: 1st

Linda: 2nd

Unanimous

Sketch Plan – 12 Lot Subdivision – St. Anthony - Thompson Engineering – Delynn Hathaway

Mike: Karen will you please report on this project?

Karen: Kevin has drawings for you, I gave you a fold out map in your packet, and he has a gorgeous drawing for you. We have issues with a slew running down through this. Proposing 12-lot subdivision. The lots that will be on the West side of the property will be accessed by a cul-de-sac and is longer than 660 feet that is required when addressing less than 16 lots. At the time we go to public hearing, we will have to ask for a variance, because this is going to be 1630 feet to the end of the cul-de-sac. There will be 2 lots accessed from 500 N and ask for shared driveway. There will be one lot accessed from 2800 E. We want to protect the slew; it is nothing but wetlands down there. In the Covenants & Restrictions, they will include that they cannot build in slew area and because of the rocky cliff areas I'm asking for building envelopes.

Mike: Owen do you have anything to report?

Owen McLaughlin (D7HD): I don't know about #9, depends on of rocks, could be problems for septic, I'll have to dig test holes.

Karen: Delynn stated he wanted to build stick built homes.

Kirk: That should be stated.

Karen: Can't stop a couple

Kirk: Grey is the building envelope.

Karen: Yes

Mike: How close is your access road?

Karen: I stated to Kevin he needs to get in touch with Weldon to review the access road before we go to public hearing.

Rod: Is there an existing road there now?

Kevin: No.

Mike: Are you planning on paving?

Kevin: Delynn has planned on ¾-crushed gravel.

Mike: Have you talked to REA?

Kevin: Not yet, we want to put the location of the wells, septic, drain field and power on the plat, existing power poles. If the is approved then I will move forward and show every thing on the plat.

Rich: What is the road that accesses Lot 12?

Kevin: 2800 E, we are dedicating, that 60 feet to the county. (Can't understand)

Mike: Any other questions?

Rod: Does Lot 12 enter at the bottom of the hill or midway?

Kevin: What we tried to show on all the lots is to stay off the steep slope areas, in the center no hills there. Notice, we have a table as to how we came up with the number of lots, We could have a common area through the center, There is a view of the Tetons, wetlands, will be beautiful, has a stream running through it, not conducive to manufactured homes. We will ask for a variance because of the cul-de-sac, will be the easiest if you go out and look at the property.

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Kirk: Is there something to the 20' lines on the plat?

Kevin: We are showing all the setbacks.

Rod: Are you suggesting any covenants to restrict building?

Kevin: No fences or no other buildings, nothing, leave it as it is.

Karen: That is why we want to go with building envelopes; we want to protect what wetlands that are down in the bottom of this. These will be designated as this, in case someone who comes in 10 years from now, somebody comes in it will be on plat the areas where they can build. They can pasture down there, but no buildings.

Rod: Can they alter the water flow?

Karen: No, unless they can get a permit from all the proper agencies.

Kevin: It is only a 2-3' stream of water.

Mike: In the past there have been some problems with cleaning to keep the water flowing.

Karen: Would an irrigations company need to get involved?

Mike: As the irrigation begins, there is water coming through the lava flows, then you will start seeing water show up there.

Kip: There is a lot of moss, the water moves so slowly.

Mike: Contact David Hobbs regarding of maintenance and cleaning of the slew, he has experience in cleaning that area. Historically, it has been the private individuals who do the cleaning.

Rich: 1st motion to approve the sketch plan to move forward to public hearing

Connie: 2nd

Unanimous

Code Changes – CAFO Ordinance, Subdivision Changes, Comprehensive Plan update

Karen: See packet for Nancy's proposal. We need to work on the CAFO Ordinance.

Kirk: As I reviewed other counties, they have formed sub-committees. Do we need to do that? We need to have their input, we can adopt one of the CAFOs but it would not be fair to the people that it would affect without input. Personally I would like to have their input and their feedback on what they think and how they think they are going to be impacted.

Karen: Do we need 3-4 on a committee?

Kirk: We will need input from different sizes CAFO?

Karen: Should we pick a subcommittee tonight? Then you can set up meetings with the operators, get their input and fine-tune the ordinance.

Karen: Nancy wants to get us a Vision Statement to begin with for our Comprehensive Plan. My assignment is to start looking at what we can do to update our farm group map, our resource map which is wildlife corridors, stream corridors, If we can get started with the CAFO, I would like for us to be able to do the zoning code changes at least by early winter. We have to take those to Public Hearing. I would like to get our Transportation plan and Comprehensive Plan. Basically, we need them all to come together at the same time. We have to adopt the county transportation plan. I don't want to do one hearing where we adopt all the changes in the Comprehensive Plan then turn around find out we have to have an additional hearing to adopt the Transportation Plan.

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We need to discuss the impact areas and those maps and those types of zoning ordinance actually need to be adopted and put in our zoning regulations and our Comprehensive Plan. We finished with Newdale. The City of Island Park is looking at trying to have the Commissioners approve it without coming back to P & Z. They do not want to approve without the P & Z board backing it. We have proposed to go to public hearing again on the 17th of May. We have a full schedule on the 17th. We will need a quorum for sure. We do have goals we need to get moving on. Talk amongst yourselves and decide who you want to be on your committee for CAFO. Karen: Kirk will be Chairman, Dirk, Linda, Rod, and Kip will be on the committee.

Suggested Committee Members:

Bryan and Darris Schuldies

Woods

Brent Singleton

Rick Blanchard

Lee Miller

Bruce Crapo

Dalling

Hal Buster Jr.

Hal & Jeff Buster

Tracy Flint (North)

Marshalls

Brian Looslis

Robbie Cordingley,

Would you like to take to one from small, med, large?

Dirk: I would recommend Schuldies' because they would be impacted the most. Lee is surrounded by farmland except when calving.

Bill: Will you call them?

Kirk: Yes, let's pick three.

Rick Blanchard,

Brian & Daris Schudlies

Bruce Crapo

VII Administrator's Report

Karen: Please review the end of month report.

Linda: 1st motion to adjourn

Connie: 2nd

Unanimous

