

**FREMONT COUNTY  
PLANNING AND ZONING  
Minutes  
Monday, May 17, 2004**

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

**OTHER ATTENDEES:** Weldon Reynolds, Owen McLaughlin, and Project Representatives.

**WELCOME:** Mike Davis called the meeting to order at 7:05 p.m.

**MINUTES:** Connie Otteson, motioned to approve the minutes as written April 12, 2004 meeting. The motion received a second by Rod Dalling and voted unanimously to approve.

**Mike:** Before we move on to the sketch plan, I'm going to turn a few moments time over to Karen to address the board and the people present this evening.

Karen: I'm Karen Lords, I'm the administrator. I wanted to ask how many are here for Bill's Island? Ok, I want you to understand what the process will be tonight. As the administrator it is my job to bring as much information as possible to the Planning and Zoning Board for them to make a decision. Tonight Bill's Island, the project is what we call a sketch plan. The developer brings his idea to the Planning and Zoning Board and let him talk about his proposal. The Planning and Zoning board can go through and offer suggestions, criticism or make recommendations. Tonight is not a Public Hearing when the developer gets to the point of a Public Hearing, (not audible) any property owner that is within 1000 feet is required by our zoning ordinance to get a hearing notification. That gives you the right to come in as the public and give verbal comments or written comments. Those testimonies have to be committed to our minutes, recorded, documented that you gave what you believe to be true testimony. With our type of zoning you need to address issues that pertain to our zoning ordinance. If there are going to a large number of you attending the public hearing, when and if we get to that point, it would be a good idea if several of you can get together and have a spokes person, it works better if we don't have to listen to every single person, because we will have more than one project on one night. I could have at least 4-5 projects in one night. This is an idea of what we do, when we get to public hearing or when you get the hearing notice, you have the right to make public comment or have the right to testimony. It is up to the developers to provide documentation that meets the code. To go to public hearing that is not my decision that is up to the developer. You could be given a list of items????????????????, when we go to public hearing all that documentation is put together and we feel comfortable that we have enough information.

Karen reviews the basics of rules of the site plan for the audience. Tonight is not a public hearing.

## **Sketch Plan – 59 Lot Subdivision – Island Park Wilderness Group, LLC**

Mike: Thank you, Karen. I want to make note that we have received some letters; we cannot accept them as comment right now. We need to show on record that we did receive those and we can address those at the final public comment.

Kurt: These were received as board members.

Mike: Karen has some in her possession also.

Karen: We need to make a note that Planning and Zoning Commissions are looked at almost one step underneath a jury trial. Every thing that the commission does is called quasi-judicial system. Personal letters cannot be sent to individual Planning and Zoning Commission Members. Each of the Planning and Zoning Commission members did receive a letter regarding Bill's Island. It will be documented in tonight's record that we did receive a letter but the public needs to know the Planning and Zoning Board has to make a decision on public hearings. If we go to Public Hearing, you can come directly to my office, you cannot contact the Planning and Zoning Commission member themselves. It has to be done in a group decision. If you have public comments, when we get ready to go to public hearing you need to direct those to our office, then we will bring those to the meeting that night.

Kurt: Can we read these then?

Karen: You are more than welcome to read them, but it is not going to make one difference or another right now, because this is not a public hearing.

Kurt: Can't use it on decision-making.

Karen: Correct, but we do need to note that each individual Planning & Zoning Member did receive letter, regarding Mr. Vickers project on Bill's Island, dated May 7, 2004, called urgent memo, signed Concerned Citizens. Letter dated May 1, 2004 received by the Planning Department, signed Ron Matson, Barbara Matson. (See handouts from meeting)

Sketch Plan Ray Finch is reporting as surveyor for Mike Vickers

Ray: I'm with Mountain View surveying, Wilderness Group; here also is Mike Vickers just a little background he was with the group of people that developed Stonegate. So he has some idea of what type of process to go through. We are proposing to develop the center of Bill's Island approximately 93 acres, right now we are working on the boundary survey around the rear of 65 existing lots so we can decide exactly how big this piece is. One of the benefits of doing this is going to be that the rears of all the interior lots will actually be located and we have at this time found 65 of 70 original monuments. Some have been destroyed by construction, etc. That is not bad, we are doing good on boundary surveys. What we are planning on doing is developing; there is an access with a chosen island???????? cutting across the causeway???????? There is a 50' existing right of way that we will be using to come through and go into a looped subdivision. On the south side of that you will also see that there is another existing 50' right of way that will be used only for emergency access. The interior of the island will be developed into 59 lots the average size being around 1.58 acres. Coming in out of the causeway on the original sub division plat there are 5 existing access points that have been platted. We are going to use one main one and one emergency one. The other three right now we will leave unused. The studies that we are performing right now so we will know what we are going to do with utilities, we're doing a major impact study right now, Shies and Assoc is doing the study including ground water, soil content, topography and will go through and meet with the department of environmental quality. What that is going to

drive is if we put in central water, whether or not we put in central sewer, or both. Right now we don't have any utilities shown on the preliminary plat. We are in the process of deciding with the Department of Environmental Quality what we should or shouldn't do. When that study is done we will then know how we are going to process the property, it will determine if there are more or less lots that can be installed in the property. A lot of information is coming out of that study. We had most of the groundwork study, we are processing it in the office and it will probably be another couple of weeks before we get the information back. The other thing we are doing is Lone Goose Environmental is going to be visiting the property and we are going to decide if there are wetlands on the interior piece of the property, we don't know yet if there are going to be out and take a look at the property and see if there are wetlands we have to consider or if there aren't. As well they are going to help us put together a plan for a boat ramp along with the 93 acres in the center of the island, the Wilderness Group has purchased a little less than 5 acres along the causeway. We going to use that as a boat ramp for this project and daily parking, so people can drop their boats and park across the street, then pull their boats back out and go to their houses. Lone Goose Environmental is going to help us with that information. At this time I'm preparing a boundary survey of the interior of the island, which will help with some of the conflicts that are happening on the island, now I think. We will determine what is actually there and what isn't. On top of that we are also putting together a flight control so we can aerial map the project. We will have ????? Contours, aerial photos, substantial amount of information from that. We are trying to approach this project in a fairly scientific manner. We are not just going out there and going willy-nilly on this, we are actually doing environment studies, and we are doing aerial topography and looking at the wetlands. All this will either confirm our sketch plan design or we will have to start over again. We think this is pretty good idea of what is going to happen after we get back all the reports.

Mike: Any questions for Ray?

Kirk: We are looking only at interior lots.

Ray: That is correct, what you are looking at and the colored one is the best to look at. The perimeters of the subdivision is all fully designed and platted. You can see the dash lines there are the existing Bill's Island Plats #1 & #2, they completely surround this piece of property. We are developing and proposing to develop the blue (which are the solid lines) internally. The access points are across the causeway here and the emergency access down here, it will be gated and won't be used by the general public, will be used by Fire, Ambulance, that kind of use. The existing Bill's Island Plats #1 & #2 completely surround this piece of property. We are just going to be working on the remainder piece.

Kirk: What is width on this?

Ray: The width on the causeway varies, the road surface is right at 24' right now; the cause width varies from 300'-400' to 70' at its narrowest.

Mike: How much of this causeway is private property or do you know the easement the Bureau of Reclamation has for the water levels?

Ray: That is quite a way down off the causeway there is probably somewhere in the neighborhood of 10 acres on the causeway and that is actually owned by the existing Bill's Island Subdivision, they also own???? and the caretaker's cottage. Then there is the other approximately 5 acres that the Wilderness Group has purchased. The high water mark, where it is right now that is a pretty good indication where the meander line is from the irrigation company. You can see on the colored drawing about what the configuration is.

Mike: Are you going to widen the causeway?

Ray: No, I didn't say that, if the road needs to be improved, we may put in some gravel and redo the surface, but the surface of that road, which is 24' right now, which is substantially wider than the gate is.

Mike: Will you consider widening the road? It seems really tight for two outfits.

Ray: I have to speak to developer that is promising money I don't have the right to promise. I know that we have discussed it; we plan to make sure that the surface of that road is a good 24-foot driving surface, which is what the county requires.

Mike: Is there any place in that causeway that you would have to widen to be able to maintain that and give a little protection.

Karen: I need to remind you that we cannot make a developer improve on an existing road. That is something that would be up to the developer and the existing property owners would be negotiated by county road standards, we can't ask them to make improvements.

Mike: I understand that, I was asking wondering about the concerns of it because I've been there previously.  
OK

Ray: We know the road is about as good as they are we don't intend to do anything internally, but we have to consider upgrading the causeway to a certain extent, but that doesn't mean that we will be filling the causeway or anything of that nature. We want to make sure the causeway is an acceptable roadway. We also have to work with Bill's Island Homeowners Association that exists on anything. They actually control the road, they have been maintaining it for a long time, there is nothing we are going to do to upset Bill's Island.

Kirk: Is this the existing road that is on Bill's Island now?

Ray: The road is on the very perimeter, the dashed area you can see in green are the proposed sub division. Ray shows the road on the map. We are backing up to the interior lots and that is what I showed. There is an existing road right now with a substantial right of way, irregular but fairly substantial.

Kirk: These are existing lots?

Ray: Yes. What we are showing is the road for the interior lots.

Bill: These lots here are not existing lots?

Ray: Solid lines are proposed, the smallest one-acre to 1.58 acres. (Ray explains the layout of the Island)

Bill: Are you proposing a Marina?

Ray: Not a marina, a boat ramp and parking on one side. Boat ramp on the right and temporary day parking on the left. Also planning on constructing the boat ramp out of concrete so we can actually have fire trucks back down on something solid out there to refill if there is a need.

Kirk: That would be in the area of the caretaker's cottage now?

Ray: The caretaker's cottage, we have the acreage just inside the gate and across the street.

Karen: My concern is we are talking 1.5 acres for lot sizes.

Ray: We will do a development transfer if we don't put in central water and central sewer.

Karen: As of right now if we don't transfer the development rights, a developer has the right to go and buy additional property somewhere else in the same zoning district. So they would have to purchase property within the Island Park area, they can buy those development rights and transfer them to the proposed project in order to meet density requirements. Fremont County's density requirements is the overall average needs to be 2.5 acres a lot, but they can have smaller lots of 1 acre in size but the overall project would have to come out with 2.5 acres. By our zoning ordinance we are saying if the lots are less than 2.5 acres in size we are requiring community sewer and community water.

Ray: We will do a development right if needed.

Karen: If you can come with a density of an average 2.5 acres, then you can individual septic and individual wells.

Ray: If the reports come back that we need either central water or central sewer, but we can't tell you that at this time.

Karen: What would happen from the discharge from that sewer treatment facility?

Ray: Until we get the results from the nutrient pathogen study we can't tell you, I don't know.

Karen: I assume that would have to be on existing on Bill's Island property.

Ray: We actually have that on the proposal, the tract the 2.6 acres we thought would be a well lot or possibly be an area for central sewage. Central sewage all subsurface is all ?????? Again I can't tell you that are what we are going to do until we get the studies back. The studies may tell us central is the best way to go and central sewer isn't. I don't know. That is why we commissioned Schiess and Assoc. to do the study, so we will have a better idea of what we are doing. So those questions, we know we will have to answer those. All we are asking at this time is to make allowances for the outcome that may have to be. That is why we put tract A in there.

Karen: At what stage will you discuss with Bill's Island Associates?

Ray: Mike Vickers is planning on talking to the Home Owners Assoc. but we thought it would be better to know what we are doing to get that information before we have it.

Karen: So we can safely say that by the time you get your reports back from Schiess Engineering, Lone Goose Environmental over the wetlands.

Ray: There is a lot of stuff going on right now we are trying to do is just show you this is what we are planning so if you have concerns, we know them and can address them when we get the studies back. We are early in what we are showing, but that is the only way to get the ball rolling. So there is a substantial amount of money being spent and a substantial amount of studies being done. And when we get those we are not going to be hiding those, they are going to drive water and sewer and the development right issue. But we have already worked out some things on the development right issue to take care of that so it's not a problem if it goes that way.

K: Have you talked with Fall River?

Ray: I have not, Mike Vickers may have.

Kirk: I think you have a good start on it, but it puts the board in a tough situation to make a decision on this because there are so many unanswered questions. There are a lot of concerns we have, this is a very sensitive area with some impacts that could be potential there. There is a good start on it, but there are a lot of unanswered questions right at this point. For us to proceed, I feel we need answers to these questions.

Ray: A site plan is simply to introduce you to the project, so we knot that and we wanted to come in and show you what we are planning, there has been a lot of rumors going around, we are not going about this willy nilly, this professional attack on this project. That is what we are trying to do.

Kirk: I agree, but there are a lot of what if's that are going to take place too. That is my opinion.

Mike: Are there any other questions for Ray?

Karen: I guess what you want to do is discuss among yourselves whether you would like them to come back for another sketch plan, or if you feel comfortable that they would have the answers by the point of going to Public Hearing that you feel comfortable on that decision.

Kirk: Is everyone familiar with this area?

Mike: I would like to do an on site with the board.

Karen: Is that something you would like to do?

Kirk: I think that everybody really needs to be aware of the site location and what is proposed. Than if there are questions maybe we can get answers to them too.

Bill: I would have to agree.

Ray: I have to warn you, you can't drive it. There are no roads in the middle we can show you the property, if that is what you would like.

Rod: We could see the accesses instead of just a picture of it.

Mike: Would be nice to look at it and get a good general picture of it. Get some more of this information so we have a lot better idea of which direction they would going and that would help us make a more intelligent decision.

Ray: Our rough time on preliminary plats is July-August, I'm speaking for the owner now, but if he would like we could probably come back maybe next month with more information on the sketch plan. I don't think the lot layout will change very much. The only thing I can probably start answering then is some more questions on utilities.

Kirk: On some of your studies on the impact through DEQ and Schiess & Assoc. should be completed by then  
Ray: We are hoping, we are pushing as hard as we can. But we you get passed Schiess you get into the DEQ situation we can't push. We are hoping to have it. We actually have to digest it and understand what it means.

Karen: It will have to be the 21<sup>st</sup> if we want to do an onsite.

Linda: I'll be out of town on 21<sup>st</sup>.

Connie: Can't come on the 21<sup>st</sup>.

Kirk: Onsite next Monday on the May 24<sup>th</sup> 1:00 PM

Ray: How much of your concern is from the letters that have been received versus the sketch plan? I personally feel that, I'm not asking you not to get any more information, but I thought we did a pretty detailed sketch plan.

Mike: You have done a detailed sketch plan, but Ray there are several unanswered questions. I don't think it is fair to insinuate that. The board may not be rocket scientist but I would like to think we are intelligent enough to have some sound information from some of these people so we can make a good decision.

Ray: I understand that completely, I guess my questions was, is it really the sketch plan stage that we should be doing that or should we be just going to the preliminary plat stage.

Karen: I think the Board has a right to see property, before a public hearing because I think the accesses are, that you are talking about.

Ray: I completely understand, I just wasn't sure if the second sketch plan is there a need for that.

Karen: No decision has been made as to whether the sketch plan, we jumped from that to Kurt Mackert making a recommendation for an onsite.

Kurt: There are very few of them that know the Island, they know where it is at, but very few has been in it. I have been there many many times and I know it. But I think will be great if all of them can see the Island. Pare is one thing, visual in another thing. That is all they are asking.

Ray: When we get all the reports back this plan may be revised.

Mike: That is what we are thinking, that is all we are saying. When we get back we will know we are looking at this or something completely different.

Karen: Will you be available for the onsite. If the time frame is not enough, we can do it during the day.

Ray: If your concerns are access and those types of things most of those can be driven. You can drive across the causeway, if you a wanting to see the internal portions of this project 1/2 mile across and 3/4 mile the other way with no vehicle. I'm just telling you that so you can judge your time, so you plan on how much time you want to spend out there.

Kurt: I make motion to meet next Monday the 24th at 4:00 at courthouse 5:00 at site.

Bill: 2<sup>nd</sup> the motion.

Unanimous

(Karen leaves the table to meet with developer thinking this session is over)

Kurt: 1<sup>st</sup> to table sketch plan and, water quality, report from Schiess & Assoc. ???, road widths, Fall River Electric,

Linda: 2<sup>nd</sup> the motion

Mike: A motion has been made and 2<sup>nd</sup> to postpone decision on sketch plan until we have an onsite and we gather this other information.

Kurt: Voted no

Everyone else yes.

(Karen returns to table)

For the record:

Letter from Wendell Winegar dated May 14. regarding Bill's Island

Connie: We are tabling the sketch plan.

Karen: Let me make something clear, the sketch plan is just for them to give you ideas for you to make comments and suggestions. The idea is to give them the nod to go forward with a Public Hearing; we are getting into a territory that we don't really want to get. You need to explain to the developer that you want him to go forward getting the information that he needs to. Want to do an onsite and at that point are you going to tell him that you are going to let him go forward with a public hearing because we can't really hold him up from going to public hearing.

Kirk: We can't but we will have the information to make the decision too. To know if they are

Karen: The decision you need to make tonight is you are going to let him go forward, gather the information, the motion needs to be restated because you are not giving them site plan approval all are you doing is giving them the acknowledgement that they can go forward with public hearing.

Ray: Are there any concerns about the layout of this plan? So the issue that we really encounter is probably access and utilities?

Karen: Right

Mike: All the issues the board is looking at are the issues you mentioned that you don't have the information back for; it's not just utilities and access. It's a lot more than that and nearly everyone on the board, I think that everyone on the board will feel a lot more comfortable if they had that information also.

Karen: So somehow we need to restate that on the, going forward with the next step of approval and you want to conduct an onsite. I'm saying you are giving him the nod to gather the information to go forward to public hearing. At the time of site plan if they have information available from these other agencies that they are gathering information, they could give that information to you then.

Mike: Will the board be comfortable with that?

Kirk: You even stated you might change your site plan depending on the outcome of the information that you gather.

Karen: But they have, because of our zoning ordinances, they have the right to make changes up to the point of public hearing. If they chose to go with 4 lots by the time we go to public hearing they can do that, if they chose to go with, 4,892 lots they can go. They just have to provide you with the information to be able to make approval or denial that night.

Kirk: Can we proceed on this at the meeting next Monday after we do the site evaluation for this sketch plan then address it.

Karen: I guess you can do that. We will need a quorum and that will be a public meeting.

Kirk: Because then that way we have done our site evaluation, and will all be familiar with the layout.

Ray: But you don't approve the sketch plan.

Mike: We don't approve or disapprove we asking for more information that is the board's option. I guess that is up to them.

Karen: OK

Kurt: I'm a little confused myself to be honest with you.

Karen: A sketch plan is neither approval nor denial, you are just giving them the nod to go forward to public hearing.

Kurt: I understand, but the motion was made, the motion made no sense. The motion was made to table it, but what are tabling; we are tabling basically an idea. That is it right there; there is no final decision to be made before public hearing. Basically we are making a decision that is not a decision to be made. Does that make sense?

Karen: That is right.

Kurt: Our emotions are getting way ahead.

Mike: I don't think there are any emotions involved, I think the other board members felt like they were asking for more information and that option is there.

Rod: So should be give a nod to go ahead then? Then get more information in the process.

Karen: I think I would just make the motion to do an on site.

Rod: We did that.

Kirk: Withdraws motion to table to sketch plan.

Did not have a motion

Karen: Sketch Plan is an idea or concept there is not approval or denial.

Ray: What we are hoping to get out of this

Karen: What information you need to provide for us. We have decided to go forward with the onsite.

#### **IV Public Hearing – Gravel Mine Operations – DePatco – Greg Stoddard**

Mike: Karen will you please report on this project.

Karen: The Stoddard brothers are doing a plant similar to H & K (read report, see score sheet, site plan, and proposal from Greg Stoddard all I packet)

Mike: Karen has all the proper notices been provided?

Karen: Yes, notices to the property owners were sent. Legal Notices were published in the newspaper and the property is posted.

Mike: Any member of the board that would have a conflict with this proposal? No member had a conflict.

Mike: Any questions for Karen, no letters, no verbal comments. Greg please come forward to address the board. I would like to remind everyone any and all statements made this evening are to address the merits of the proposal on this development and should only address the compliance or lack or compliance according to the Fremont County Comprehensive Plan. Time limits imposed to 3 minutes.

Greg Stoddard: We are DePatco, a small construction company here in Fremont County we are operating Gravel Pits now we are simply trying to expand. And grow our business with the different opportunities that are coming in. For example, growth in happening, there is a State project being done this summer from the Relay Station into Chester, given this approval we would have the opportunity to participate in those kind of projects in our county. That's the goal we are trying to reach here with this Class II Permit.

Mike: Board members do you have any questions for Mr. Stoddard.

Karen: I guess you all understand this would be a subcontractor working for Depatco not necessarily his business but other businesses.

Mike: Mr. Stoddard would be responsible for those contractors and sub constructors.

Greg: We would hold all DEQ permits and any other permits required and oversee the entire operation.

Karen: With a mobile unit they will have to have the permits in place.

Mike: Does the board members have any other questions?

Bill: Daylight hours, is that in the summertime like 5:00 a.m.?

Greg: We will operate from 7:00 a.m. – 7:00 p.m.

Bill: What about nights do you foresee anything like that in the future.

Greg: I don't, the only reason I want to include that is there could be a situation like in Rexburg, very rare very unlikely, I don't want to exclude it don't think it will happen.

Kirk: Buffering area between your operations and the homes.

Greg: We are going to leave so many feet between property lines.

Karen: In our zoning ordinance for a gravel mine operation they have to be a minimum of 1200' away from the residents. There are two different types of land use, they will have to contact me and I will have to give them buffering requirements.

Kurt: In the past Greg, last year we had 2 gravel pits, at Henry's Lake and the one for H&K. One of the requirements the board made is they will put a fence up.

Greg: We are going to put a fence up, H & K put a 4-strand barbed wire fence; we are going to exceed that by pig wire along the bottom with barbed wire across the top.

Mike: We discussed the possibility of washout with concrete truck and the visual aspects of that.

Greg: We will conform to requirements that are necessary and want to keep it away from the public view.

This concrete plant goal is to not going to be a permanent fixture we will move in as needed then move out when we don't have a job going.

Kirk: Where is your access going to be to this pit?

Greg: Two accesses, the 1st one is 2200 East a county road, and another on 200 N.

Mike: I will now open for public hearing.

Kimberly Lewis, 217 N 2300 E, St. Anthony, My concerns, the building the end of pole line, High Valley. I'm a resident of the area and I'm concerned about appearance, like High Valley, H & K has lights blaring in the middle of the night. The building is tall and ugly like something H & K has done and I'm concerned about appearance.

Greg: We will eventually build have a shop and office building together, metal coverings, 60 x 100 or 80 x 100 Something we can service equipment in along with our offices.

Kimberly Lewis: What about the height issue.

Greg: We will have things like that but away from that corner and will move inside the pit, as it gets larger.

Kimberly Lewis: What about bright lights at night.

Greg: We have address that, we will not be working at night most of the time.

Doug Skinner: 217 N 2300 E, St. Anthony, with tracks running onto Highway 20 I'm concerned about excess gravel, I've sat and spun because of the gravel, safety concerns, almost been hit on 200 N. HK is a problem already. Main concerns are safety.

Mike: We appreciate that concern, but as a board we cannot discuss the traffic control per se, we can

recommend that Mr. Stoddard instruct drivers to address speed limits and overload problems. Call the sheriff office if there are problems.

Greg: We are a safety conscience and if someone observes our drivers please call us and we will take action, feel free to call sheriff.

Kirk: Will you address dust if there is a problem?

Greg: We have oiled road to both accesses but we will address if there is a problem.

Mike: Any others to speak?

Mike: Any questions or calcifications or rebuttal. None. We are now closed for public hearing. Turned over to the board for discussion.

Kurt: I make a motion to approve>

Linda: 2<sup>nd</sup> the motion.

Kirk: Voted no

Everyone else yes.

Motion Passed.

Mike: Called a recess.

#### **Public Hearing – 4 – Lot Subdivision – Bob Mortensen - Boyd Cardon, Engineer**

Mike: Karen has all the proper notices been provided?

Karen: Yes, notices to the property owners were sent. Legal Notices were published in the newspaper and the property is posted.

Mike: Any member of the board that would have a conflict with this proposal? No member had a conflict.

Rod: Please note in the minutes that I know all these people.

Mike: I think probably all the board members know at least some or all these people. Do you think knowing them will affect your decision?

Rod: No

Karen: Has anyone been contacted or had a private conversation that needs to be disclosed at this time.

Karen: Passed out plans, project is on 200 N and 2000 E, 53 acre parcel, only 10 acres will be split, proposing for 4 lots, 6 acres will be used as open space in order for him to meet density requirements, the lots are less than 2.5 acres in size we don't have the same requirement on this end of the county where we require community water and sewer. He is allowed to have individual well and septic, if he meets requirements of District 7 Health Dept. Shared driveway for these 4 lots, There will also be an easement to the south of thee 4 lots for Mr. Mortensen to access his remaining 43 acres. Bob Mortenson is here to represent his own project. Karen: Read report, score sheet, letters from Qwest and Fall River Elec. (see packet)

Mike: Does any of the board members have a conflict of interest with this proposal. None. Any questions for Karen.

Kirk: You did look at the flood plain down in there.

Karen: We did and it actually misses it.

Mike: Any letters.

Karen: No letters of comment.

Mike: Mr. Mortenson will you please come up.

Bob: Karen basically went over everything that is proposed, showing access off the county road. Any questions?

Kirk: Did Owen go out on the site and do test holes?

Owen: Water about 7 feet will have to have enhanced systems.

Mike: Are there any rights?

Bob: No

Karen: Note on plat and must be stated by law. Will you have Covenants and Restrictions?

Bob: Yes

Mike: Open for public comments.

Kyle Babbitt: 445 N 3<sup>rd</sup> W, Rigby, Id., I'm with the Henry's Fork Foundation, open space questions, glad to see open space on the plans, we really appreciate that. How is it kept open space?

Karen: On the final plat it will be recorded as open space, Bob has the right to deed the open space to the owners or keep in his ownership, whoever has it, has to pay taxes.

Mike: Any one else want to speak? None. We are now closed for Public Hearing and turn over to the board for their discussion.

Kurt: Will you make sure everything is on the final plat?

Karen: I have a checklist that I to through, I do go through the final plat and make sure it is right and complete.

Connie: 1<sup>st</sup> to accept the sub division

Rod: 2<sup>nd</sup> the motion

Unanimous

## **Public Hearing - 12 – Lot Subdivision – Delynn Hathaway – Kevin Thompson, Thompson Engineering**

Mike: Karen has all the proper notices been provided?

Karen: Yes, notices to the property owners were sent. Legal Notices were published in the newspaper and the property is posted.

Mike: Any member of the board that would have a conflict with this proposal? No member had a conflict.

Rod and Linda: Please note in the minutes that I know all these people.

Mike: I think probably all the board members know at least some or all these people. Do you think knowing them will affect your decision?

Rod and Linda: No

Karen: Has anyone been contacted or had a private conversation that needs to be disclosed at this time.

None of the Boards Members had any disclosures.

Karen: Kevin Thompson will be representing the developer, which is Delynn Hathaway. This particular project, we will have to go through and talk about the development. A motion will need to be made on the development and then a hearing on the request for cul de sac variance, Reports were read, 12 lot sub division, letters from Fremont Telcom, Fall River Electric, Public letters (see packet and meeting handouts).

Kevin Thompson, Thompson engineering representing Delynn Hathaway: 154 E Main St., Rigby, Id. Karen has hit high points. At the last meeting we talked about adding a common driveway on lots 10 & 11. Please note location of existing utility poles on plats, as per commission's request. Access onto 500 N, 150' from top of ridge, we are building up and raise the visual on 500 N. Groundwater, Friday we dug 10 test holes basically a test hole on every lot, we hit rock in between 2 ½-3'. I met with Owen today on site and believe cap and fill with enhanced septic system will take care of the septic. Some of the concern draws on groundwater, Idaho

Dept. of water resource believes that home use water is not on ground water draw. Specify on plat what type of sewer systems will be required and they are enhanced type systems. Wetlands/sagebrush because of the building envelopes we will be able to address that. Staying away from wetland, sagebrush I don't know what to say. There will be a note on final plat, setbacks will be permanent. We will maintain wetlands and natural features of this area, we will have building envelopes where no permanent structures will be build outside the envelopes. The locations of entrance on 500 N, we have addressed visibility of oncoming property. Personal property rights, is an issue we all understand, that is why we have a Comprehensive Plan and can meet here. T Delynn has his property rights and the neighbors/owners they have rights. Because of the protection the ordinances have, it will protect everyone's Property rights. We have CC & R's no single family dwelling shall be placed on the lots at an appraised value less than \$110,000, based upon cost of building today. A minimum square footage is 1,500 on main level, stick built homes. Fall River electric power lines cut through middle of property will go into telephone trench no overhead power lines on this property.

Mike: Any questions???

Mike: Are the size of building envelopes too restrictive?

Kevin: Lot 3 is smallest, plenty of room for backup areas.

Mike: Is it an acre or more?

Kevin: Yes, the building envelopes are.

Karen: Variance to approve the cul de sac, the lay of land does not allow other accesses. One access off 2800 E and one shared drive for 10 & 11. I recommend approving the cul de sac also.

Kevin: The cul de sac road, is only accessed one side by lots, although the cul de sac in longer it only has 1/2 has many accesses as the 880' normal length.

Mike: What about access on top?

Kevin: It has a drop of about 40 feet from top to wetlands.

Karen: The slopes are 15-30% to protect wetlands.

Mike: Are there water rights?

Kevin: No water rights, see the statement on the plat, Denny Jones requested that on the plat. The property was owned by the Hobbs family don't think it has ever been farmed only pasture.

Kirk: There will be no development or changes to the wetlands?

Kevin: No

Karen: Can that be put in the CC&R's?

Kevin: Yes

Mike: Owen what do you think?

Owen: I don't see a problem with shallow rock, no problem with drain field, could have problems with the septic tanks.

Mike: Any problem with contamination to wells?

Owen: There is always a possibility, clean waste that gets within one' from rock. Our experience is not treating it to that degree. According to our literature they should be safe.

Linda: That is not guaranteed.

Mike: Any more questions for Owen?

Rod: Is District 7 signing off?

Owen: Not at this point before we are ready to sign final plat we want to look closer.

Mike: If there is a real problem you find, what would be the alternative? Fewer homes?

Owen: Search around and might be able to find enough spots. Designate where they can have septic.

Mike: How do they handle 32" foundations?

Karen: They can hire a soil tester and confirm.

Mike: What are the alternatives?

Karen: They can use treated wood and build above the owners and then the inspector has to agree.

Kevin: They can use back fill.

Kip: What is an enhanced drain field?

Owen: There are three types enhanced bubble air through, gravel filter, sand filter, treat bacteria, separate tanks, septic and pump tank goes back through septic, allows going through 1' of bed rock. In Madison County they use lots of these, must have maintenance agreement and be tested yearly. Madison County not quite reaching proper levels. Samples are required by the Health dept.

Kirk: If system fails, does it go through drain field?

Owen: Yes it would operate as a septic tank with a one-foot allowance.

Kevin: When you purchase, you purchase an agreement, test at 1 month then test every 6 months, failures are due to summer homes, need to use regularly, system is not for summer homes, pumps go out occasionally, that is what maintenance agreement is for.

Mike: Weldon what about the roads?

Weldon: In looking at it, nothing in our county regulations that would prohibit. Need access for 2 vehicles, #12 needs to be located as close as possible to the South East corner. Nothing in our codes to prohibit access. Safety we can control with signage, issues and concern not as bad as several other areas in the county. Other topography in the county does not give us near the visibility as this one does.

Mike: At this time we will open to Public Hearing. I would like to remind everyone any and all statements made this evening are to address the merits of the proposal on this development and should only address the compliance or lack of compliance according to the Fremont County Comprehensive Plan. Time limits imposed to three minutes.

Brad Orme: 2747 E 500 N, The small lot does not fit into our farming community, the useable parts of lots are very small, concerned about taxes like in the Teton Valley, concerned about the water in that area, water in slew comes from the canal up above, septic tanks, wells, access to 500 N, don't feel like it is safe, signs won't help, awfully long private road. Who will maintain the road?

Karen: Homeowners association will have to maintain the road.

Brad: It will destroy the uniqueness of the area, our personal property rights, because of wetlands, propose 3 twelve-acre lots.

Mike Angel: 500 N 2800 E, same line as Brad, ranching community, average family 4 people, additional 48, sewage, wells. If they think they can stop the sewage, it will go the same direction as to the water. Neighbors will complain about the smells, too many houses in one spot. Real narrow, it will look like North Fort Hall, I can't talk I scatter things around myself. Could put 2-3 nice homes can't stack 12 in there, it will be like a trailer park,

Caprice Miller, 2735 E 500 N, I would like to support all the issues, if I wanted to live in town we would have bought in town. Appreciate desire to develop property, this is direct contrast to they way we live. These will double the number of people living out there. Someone is going to get killed with the roads as they are. I don't think the land can support that many people. History says that people move out then don't like the farming. Concerned about the cul de sac and the unsafe access to the county road.

Gwen Hoffman: 273 N 2400 E, my dad, Diehl Peterson, 418 N 2400 E, has had problems with septic. Any developments are uphill from the slew. Our well has been contaminated by septic and know that can exist. With the enhanced, it can still drain thru the lava. Water goes into the wells. 12 new wells will draw on that water system, will cause wetlands to be less wet, we as ranchers need that water right and priority. Concern about cul de sac, I have been a rancher for several years, the drought we are experiencing, development that has come through, other thing is the cul de sac, one entrance. A giant went through in Arizona, what would happen if there was a fire. Visibility problem, spud trucks fly up and down road. Development is inevitable but should consider 4-5 homes. As we built our home in 60's had to blast to get our basement could not have plumbing, sub in basements.

Eric Powell: 2753 E 500 N, I signed letter, and I agree with everything said. Concerned about ground water, lot size, say 3 acres, but only 10-11 acres on top, eyesore, sacrificed to live out there. Do you have plans for a fence? Sign? Porous rocks, ditch goes into hole. Lot more rocks than dirt.

Kevin: No fence, no plans for sign.

Susan Welker: 531N 2800 E, Bus route, will they go into the sub division? Mike and Cheryl had to re drill 2 years ago, you should protect us first and not the sub division. Please go out and visit the area. Then you will understand why we are so upset.

Kyle Babbitt: Everything has been covered.

Larry Miller: 2718 E 500 N, a lot of things that concern me have been covered tonight, rock ridge has had lots of problems with wells, 12 more home will take a tremendous drain on our water. As far as lava rock being porous, I have sinkholes on my property; sewer systems will still go into our drinking water. Appears, that those three acres run narrow slew, if they fence is that will ruin the wetlands, lived there since I was 3 years old, don't want to see the hollow change. Beg to differ with access, cannot see over knob, people fly up and down road, three hills and all dangerous, with that many people someone will get killed. Access for amount of homes they are talking is too dangerous, you might get alone with 2 – 3 houses in there. Lots of wells have gone dry up there; with more wells and sewers it will have impact on us living below there.

Mike: Any one else want to address the committee?

Kevin: Clarifications, no community irrigation, no water rights, and number of lots we can have is in a rule book, the Comprehensive Plan and I hope that is what we go by. CC & R's include protection of farming

Karen: We can require that we do a resource easement that will not allow anyone to complain about farming.

Kevin: Only stick built homes are allowed; it will be on the plat.

Mike Angell: Would like board to come out see the property.

Karen: Irrigation District has not responded about the wetlands. Corp of Engineers controls wetlands.

??????Slew area in not covered through Irrigation District. If they don't respond back I can't give stipulations pertaining to the slew. In general, they are not going to respond back.

Delynn: The army corp of engineers, won't allow any structures in the wetlands.

Brad Orme: Is cul de sac going to be paved?

Karen: No, but has to meet county standards, fire trucks, school buses, emergency vehicles have to get in.  
Mike: Closed to public comment, board to discuss  
Kirk: Does the county have any ground water maps?  
Karen: Yes I can contact the agencies and get maps.  
Rod: County safety issues, zoning laws do not address existing roads; county does not have funds to correct existing roads.  
Kirk: The school district has to be approached.  
Karen: Yes  
Mike: Concerned about Owen not being able to sign off.  
Kirk: We can include in final plat.  
Mike: Shall we do an onsite?  
Linda: We need to see road access.  
Kurt: Comment it's wonderful that so many people are involved, you need to understand that we are bound by county, state and federal codes, we are bound by laws like everyone else. Laws are here to protect property owners and developers. It is not a matter of what the code says whether we can or cannot do. If we don't like things in the code, we need to request change. But today we have to go buy our codes.  
Kip: There is not enough soil on the ground; it is too porous, sewer and well conditions.  
Kirk: If Owen cannot approve every lot, what happens?  
Karen: They could be changed into larger lots.  
Kurt: Could they change the cul de sac?  
Mike: If Owen is concerned about sign off.  
Karen: You have the right to table the decision for 60 days; you can wait for Owen to get back with you.  
Connie: I make a motion to make an onsite and table for 60 days.  
Kurt: I second the motion  
Unanimous  
Mike: Onsite will be scheduled after Owen's final review.  
Karen: I have a developer that has a proposal for a hot batch plant at Siepert's. He is requesting to meet with the board ASAP. This is project to resurface the roads from the Relay Station to Chester. I told him I would ask if he could come in with a sketch plan and then come in and do public hearings for the middle of July.  
Meeting scheduled for the 21<sup>st</sup> of June.

### **Administrator's Report**

See report in packet

**May 19<sup>th</sup> Nancy Taylor will be here - wants to know how you are doing on CAFO**

### **CAFO Meeting: June 7, 7:00 Commissioners Room**

Mike Loveland 662 Sandcreek Rd., Bruce Crapo 680 N 2100 E,  
Brian Schudlies 2252 E 400 N. Thanks Kirk

### **Adjourn**

**Connie: 1st**

**Linda: 2nd**

**Unanimous**

