

**Planning and Zoning
Agenda
Monday, June 21, 2004
7:00 p.m.**

PRESENT: Mike Davis (Chairman), Rod Dalling, Kurt Eidam, 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 Department and Project Representatives.

WELCOME: Mike Davis called the meeting to order at 7:10 p.m.

MINUTES: Connie Otteson motioned to approve the minutes as written for the May 17, 2004 meeting. The motion received a second by Kirk McKert and voted unanimously to approve.

Public Hearing – Hot Mix Batch Plant – Kevin Siepert/Nolan Krebs

Mike: 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 3 minutes.

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: Karen please report.

Karen: Read report (see packet from Meeting 6/21/04)

Mike: Are there any questions, statements, compliance, and lack of compliance in response to Karen's report?

None

Mike: Nolan, would you like to come forward please. Would you or Kevin like to add too or clarify anything that Karen has reported on?

Nolan: No comments, but these meet the maximum requirements. When we said we will be running 7-7 that does not mean our company anyway, will be running 7-7 we will mostly 7-5 or 6 but we want the latitude to go that direction. Also it said 2-3 jobs per year. That is far as we are concerned for highway projects; Sieperts have more contractors that may come in for other projects they would like the latitude to do that. The letter that I wrote I mentioned that there were 2-3 projects to be done out of there, because I don't think the highway projects would allow any more than that. Generally the projects are big enough that they would not accommodate more than that during a year. We do have all the permits from EPA, EMSHAW, WSHON, and those types of things.

Karen: In his report he has a lot of the tests that were run in order to meet EPA, DEQ.

Nolan: Those tests are for our specific contracts that we will be bring to this project. The tests were run in accordance with Idaho EPA, Utah EPA, and Wyoming EPA. The test results show how much pollution actually does go into the air from this particular hot plat.

Mike: Is this the same standard that EMSHAW would require.

Nolan: Actually EMSHAW doesn't have anything to do with the air quality as this is showing. EMSHAW has to do with mining and the safety of mining. Yes we meet any of those requirements.

Mike: Any board members have questions for Kevin or Nolan?

Kirk: You do have a copy of permits, Karen?

Karen: Yes, in booklet, they will stay in the file; you can make a condition of approval for all permits to be supplied for any future sub contractors.

Kevin: EPA, DEQ, EMSHAW all keeps a pretty close eye on everything.

Nolan: An older plant could be moved in and allowed to operate with grandfathering.

Kirk: That would still be permitted.

Karen: Operation hours will be 7AM-7PM.

Mike: In special circumstance or situations like the City of Rexburg did last year. (Paving at night)

Karen: We would the contractor to come in and tell us what is going on.

Mike: Let the neighbors know of any extended hours of operation.

Nolan: The only problem I can see is, if the paver went down out on the project and we had to have cleaning plant out.

Nolan: There will be an employee at night on the site at night to keep the asphalt hot, do maintenance and cleaning. There will be no operation at night.

Bill: The lights will be on all night in the area where the one man will be working?

Nolan: No not all light up, restricted to the maintenance area.

Mike: Any letters?

Karen: No but received phone calls from Jerry Carter, Deb Coleman, Trenna Peebles.

Mike: We will now open for public hearing. I have a sign up sheet, has everyone signed up that wished to do so?

Jerry Carter: 487 N 2300 E, St. Anthony, I will be the last person to tell someone what can they do on their land. Where will the plant be, near tracks?

Kevin: No near shop and highway 20.

Jerry: How long will you be there?

Kevin: I have a 30-year permit?

Karen: The hot mix plant will be there for short periods of time; the crushing has a 30-year permit.

Jerry: What will happen to my property value?

Kevin: I don't understand your concern?

Jerry: Let's say I chose to sub divide there, what will I expect as far as time frame? That will not be very good for with noise and everything. I don't have a time frame, I'd like to know I would live long enough to see it out of there.

Kevin: This is my lively hood, I can't promise when I'll be gone.

Jerry: On the other hand, what I would like to see you do, you can put buffer between us with gravel, to help make the noise and smell better. Good fences make good neighbors. Don't want to see permanent batch plant there.

Karen: We are approving only temporary batch plant tonight with this permit they have applied for.

Jerry: Are you limiting the number of days?

Karen: No, we are saying he can have a portable batch plant come in 2-3 times per year. They cannot run in the wintertime. We are not giving approval for him to set up a batch plant permanently.

Nolan: EPA will not allow you to operate a temporary plant to stay more than 180 days.

Karen: Explains contract and regulations to Jerry Carter.

Jerry: All months that it is not freezing you could have a batch plant there?

Kevin: Yes.

Mike: Closed the meeting for public comment and opened to the board for discussion.

Kurt: We asked for all permits and they have provided everything we have asked for.

Mike: Anyone else on the board have any comments?

Karen: Do you want to discuss any of the items Mr. Carter has brought up?

Kurt: We have already discussed those.

Kirk: How often are the permits updated?

Mike: EPA keeps you current.

Kurt: EPA will not reissue permits without checking you out.

Kirk: We want to make sure permits are up to date?

Kurt: You cannot renew any of your licenses, as a contractor, if you cannot show that your equipment is up the standard. None of your insurances, none of your DEQ, no one will issue any permits if you are not up to the minimum standards.

Mike: We can make conditions that all permits stay current and all hot batch plants are current when they come in to Fremont County.

Kurt: Make condition that all incoming contracts meet the most recent requirements.

Kurt: I make a motion to approve the Hot Batch Plant with conditions that any future contractors and/or plants that come in provide all the necessary documents, inspections, insurance, current license, permits and meet minimum requirements for the current DEQ and EPA in Karen's office prior to operation.

Connie: 2nd the motion

All voted yes with Rod Dalling abstained do to arriving at the end of this session.

Final Plat – Fox Tail Meadows – 4 Lots – Bob Mortensen

Mike: Karen

Karen: We have Bob Mortensen here tonight; remember this project is located south of St. Anthony and this is on 2000 E approximately 10 acres – 4 one acre lots, shared access will come off 2000 E, 6 acres will be devoted to open space and noted on the plat that no construction can be in the open space area. Only look at the 10 acres and he has met all the requirements we have asked him to do when we gave him plat approval.

Mike: Owen, have you looked at this proposal?

Owen: I'm fine with it.

Dirk: Any changes since preliminary plat?

Karen: No, for safety reasons we are asking for shared driveways.

Rod: Where does it show water rights?

Connie: Pointed out info on sheet.

Mike: Do I hear a motion?

Kirk: What about CC&R's?

Karen: They will be recorded with the plat.

Dirk: I make a motion to approve final plat.

Kurt 2nd

Unanimous

Final Plat – Snake River Butte Subdivision – Jamie Walker

Mike: Karen

Karen: This is project with 118 acres with 21 lots. Darrel or Mr. Larson, we have two representatives tonight. This is up in Warm River Next To Northfork Highlands, in the shaded areas we had issues with swell when we went up and did an on site. Two different roads can access described road locations, private wells, private septic systems, lots 1 & 10, building envelopes are shown in shaded areas.

Bill: Any changes since we last saw it?

Karen: No

Dirk: Lots 4 and 5 have access off Homestead Road?

Karen: Yes, they can actually do a shared drive way.

Kirk: Is there an issue with access off Homestead for lots 4 and 5?

Karen: No, lots 57 and 58 will actually have to be given access off the interior subdivision road.

Kirk: 1, 2 and 3 will be accessed from the interior sub division road also.

Karen: What we have discussed with Road and Bridge, we are very limited giving access off a county road to Weldon and I have talked and we are sticking to our guns, we don't give access off a county road except in this case where they don't have an access then they will be allowed access to use that road.

Mike: Darrell, do you have anything to add?

Darrell: I have nothing to add, you have seen the sight.

Mike: Owen, have you seen the sub division?

Owen: I'm ok with individual wells and septic.

Karen: They have submitted a development agreement with letter of credit to go to County Commissioners.

Mike: Looks good any more thoughts or ideas?

Kirk: I make a motion to approve.

Dirk: 2nd

Unanimous

Final Plat – Twin Rivers Subdivision – Mountain River Engineering

Mike: Karen

Karen: This project is next door to Northfork Highlands and the one we just approved for Snake River Butte. 360 acres, 58 lots, shaded areas are building envelopes. The only change is on sheet one, Royal Coachman Dr., we have a cul de sac, in the preliminary plat we had the road extend over Snake River Butte Ranch, there will be a roadway for utilities easement but no public use. Individual wells and individual septic. Sheet 2, ??????? Lot 21 and part of lot 22-block 4. Page 3 the same thing on lots 12 -16 shaded are protecting for slopes, lots 18, 19, 20, and 21 block 1 (partial 22) shaded areas protecting slopes.

Mike: Owen what do you have to add?

Owen: They are fine for individual septic and individual wells.

Karen: We do not have a development agreement; they cannot go before the County Commissions until the roads are completed. They can go with a development agreement and have it signed now or finish roads, then go to the Commissioners.

Darrell: We expect to have the roads done very quick, when have approval from you guys, we have onsite gravel source and we have approval from the state to have a hot plant there.

Karen: If we are going to do an onsite gravel source, and you are actually crushing gravel onsite for the roads, you are going to have to have a zoning permit to do that. For a gravel mine operation.

Lynn Hossner: The State of Idaho is coming to inspect, it is not a gravel mine, and we are taking off part of the top of a hill, to put down on the property.

Karen: Are you going to crush?

Lynn Hossner: We have approval from the state of Idaho.

Karen: The State can give you all the approval you want, but we have a Zoning Ordinance in Fremont County that you have to abide by.

Darrell: And we will.

Kirk: Are you crushing?

Dirk: Are you crushing?

Mike: Are you crushing?

Darrell: Yes

Kirk: Then you do need a permit.

Karen: Then we have to go to public hearing in order for you to run a gravel crushing operation on your site.

Lynn Hossner: I don't think so, but if we do.

Darrell: What ever the laws are we will do.

Karen: I think the situation we are at right now is if the Planning and Zoning Commission want to give there approval, they are going to have to give it with the condition that Zoning Approval needs to be given for Gravel

Mine Operation. You can't go forward getting final plat approvals from the County Commissioners until the roads are done.

Lynn Hossner: I checked with the state of Idaho on this particular and there are no ordinances that I have to go by.

Mike: There are Zoning Ordinances for that in Fremont County for that Lynn.

Lynn Hossner: I'll have to read it, but I have it all straight with the State of Idaho.

Mike: Karen can get you the information.

Lynn Hossner: I thought we had it all taken care of.

Mike: Any questions for Darrell and Lynn?

Darrell: If you study the original preliminary plat there are some areas to the north we showed for home building and we did not show that on the final plat because, we looked at it on a map to determine the slopes and now we have been everywhere on it and have determined that it is lot steeper than the quad maps showed.

Mike: Ok thank you Darrell.

Rod: I think we can approve with conditions, do we need to put the gravel crushing in the conditions?

Karen: Gravel mines, are a separate issue and do not need to be put in the conditions.

Kurt: Totally separate issue from what we looking at now.

Rod: I move to accept the final plat with the conditions that they will complete the roads before going to the County Commissioners or have a development agreement with county along with a letter of credit.

Kirk: 2nd

Unanimous

Kirk: I make a motion to break.

Dirk: 2nd

Unanimous

CANCELLED - Sketch Plan – 4 Lot Subdivision – North of Ashton – Glade Lyon/Rick Byrem

Work Meeting – City of Ashton Impact Area Proposal – Mel Mikkola

Karen: Mel Mikkola, City of Ashton Building Inspector and Planning and Zoning

Mel: Proposal of Ashton Impact area a rough sketch plan was passed out. Basically it is the same border we did in 1994 except to the east we are now going to border Marysville.

Discussion and Concerns:

Street Extension

Minimize access to Highway

Anticipated largest growth toward Marysville and along Highway 20

Wetlands considering for a park - The area is conducive for building due to the thermal heat in this area

High density residential below transportation dept.

Need to seriously consider including Marysville in the impact area

County will be in charge of the impact area until it is annexed into Ashton.

Water Treatment needs to be upgraded and possibly be moved

Concern about moving highway away from Ashton, it would kill any businesses Ashton has left

Next step - public hearings.

Discussion:

Mike: Let's take a minute to discuss; Kurt has been getting some harassing phone calls.

Kurt: Calls about the Wilford Town site

Karen: Fred Behring is going to record a record of survey that shows all the utility easements

Kurt: OK, when he sold these lots, some of them showed them, some of them didn't show any easements.

Karen: Because he used the old town site plat.

Kurt: Now some of these people who thought they had bought this town site with this plat is now going to have to move because of the utility easement.

Karen: What do you mean, they are going to lose part of their lot?

Mike: Part of their lots, their water,

Kurt: There was one guy that almost started building in a location where the easement was; that he didn't know about and at the last minute it came to his attention

Karen: Utah Power and Light has been adamant with Mr. Behring to come in and give them a plat and record it with the county.

Kurt: Another thing is, he sold those lots, some he has put covenants on and the first one's he didn't, now that he is selling more he is adding to the covenants and trying to make the additions retroactive to the past owners.

Karen: If the covenants are not recorded with the county, which they are not.

Kurt: He is saying there is a 15' easement on the front of 300N

Karen: I think the plats that I looked at they are only 10'

Kurt: There are a lot of problems and the property owners aren't sure where they stand.

Rod: It was a mess from day one.

Kurt: Our hands are tied.

Karen: Trent has not backed us up on this. I spoke with Nancy on this and told her what a mess we have with old town sites. Some are 5 acres; some have been split down to 1/2 acre. I have a complaint right now; there is a guy that has a one-acre piece of ground that has over 30 horses on it.

Group Discussion:

Regarding code changes to protect the people.

Nancy and Karen are working on the urgent code changes that need to be made now.

Administrator's Report: CAFO meeting July 12th

Connie: I make a motion to adjourn

Bill: 2nd

Unanimous