

**FREMONT COUNTY  
Planning & Zoning  
Revised Minutes  
Monday, July 19, 2004**



**Attending:** Mike Davis, Chairman, Linda Crapo, Rod Dalling, Kurt Eidam, Dirk Mace, Kirk Mackert, Kip Martindale, Connie Otteson, Bill Smith, Rich Zimmerman

**Others Attending:** Cathy Winters, P & Z Secretary, Owen McLaughlin, District 7 Health Dept., Weldon Reynolds, Road & Bridge Supervisor

**Mike Davis, Chairman:** Called the meeting to order at 7:05 PM and welcomed the attendees. First order of business: the approval of the minutes.

Connie Otteson: Made a motion to accept the minutes as printed.

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

Motion carries.

**Decision for Hollow Estates – Kevin Thompson, Engineer - Delynn Hathaway – 12 lot Subdivision 500 N**

Mike Davis: Requested report from Karen Lords, Administrator

Karen Lords: Handed out new plat map, letter from Aspen Engineering to Owen McLaughlin. Engineering Department went out and did test holes and we have 11 test holes. The developer is asking for 9 lots, not the original 12. Owen is here tonight and can tell you his decision after receiving information regarding the test holes.

Mike Davis: Owen, did you have an opportunity to go out and review the information supplied.

Owen McLaughlin: Yes, the test holes proved the lots were capable of handling individual septic.

Mike Davis: OK

Karen Lords: Kevin Thompson is here representing the developer, he can add more information.

Kevin Thompson: As you can see the changes on the new copy of the plat. Discussed the reeducation in lots, their locations and impact. The Department of Health has a technical guide called EGM, refer to the letter, the lots meet the requirements, with the exception that there maybe two lots test hole number 4 and number 5 there is not the full 4 feet of top soil so that will require an enhanced septic system. The neighbors had a concern and Delynn felt that taking out 3 lots he could compromise with the neighbors and still make this work.

Kirk Mackert : It looks like on your test hole sample #2 you are only dealing with 16" of soil also?

Kevin Thompson: Yes, it will require an alternate system.

Kirk Mackert: When the engineering group was doing the study were they looking for the potential of contamination or the aquifer or the surrounding water sources at all?

Kevin Thompson: Yes, we had a soil geologist go out and look at that.

Mike Davis: Any questions for Kevin? Did you have anything to add Karen?

Group Discussion regarding Septic Systems.

Conclusion: The septic systems will have to be enhanced with the exception of 2 lots.

Dirk Mace: Did we talk about building envelopes?

Karen Lords: Yes and you can see that on the colored plat. It still meets the density requirements because he has reduced it down by three lots.

Mike Davis: I was in contact with our prosecuting attorney regarding some of this. It is with the state law and the law we have within our comprehensive plan, it meets all the requirements and the engineer confirmed that. I wish there were less lots, just my personal opinion, because I know the life style the people have out there. Yet the law and the state and our own code bind us.

Kip Martindale: Make that clear, does that mean we couldn't vote against it if we wanted to?

Mike Davis: If it meets all the requirements Rod, by state and county code rules and regulations, if the county wanted to pay for another engineering study we could do that we could postpone the decision. But he had an independent engineering study; Owen McLaughlin has said yes and signed off. I don't think we have any options on it. Mr. Hathaway did reduce 3 lots, and law binds us by what we can do within the parameters of the law.

Kirk Mackert: For the record, concern for the potential contamination of the aquifer and the ground water in the area, knowing what is under the rock it is just a concern.

Kip Martindale: I have that concern. The rate of enhances sewage systems in other counties have not done very well.

Mike Davis: I know that and have questions in my own my mind, but again the law binds us.

Linda Crapo: What happens if they do fail and the people come back on us?

Mike Davis: The Prosecuting attorney stated in that situation it becomes a liability of the developer or possibly the owner of the lot making the contamination. The law binds us.

Rich Zimmerman: Motion to accept the Subdivision as submitted, noting the concerns of Kip Martindale, Rod Dalling and Kurt Eidam.

Linda Crapo: And my concerns too.

Kirk Mackert: 2<sup>nd</sup> the motion

Motion Carried, with one Nay (Kip Martindale).

## **Sketch Plan – 50 lots – 126 acres – Old Shotgun Road – Rick Byrem**

Karen Lords: North of Centennial Shores and South Shores. Asking for individual septic and individual wells.

Rich Zimmerman: We need to put a sewer system out here.

Karen Lords: There is grant money that has been funded to Fremont County for a study for putting in a sewer system out there. All of the Shotgun area will be studied and we are 2 years out to get that study done. Rick Byrem is here representing the developers.

Karen Lords: What we have to look at when we go to public hearing, we would have to look at the visually sensitive map and also the wildlife corridor.

Group Discussion

Conclusion: Problems with Emergency Services

Rick Byrem: It does meet code 2 1/2-acre minimums for Island Park. I checked the land condition map; it is not in a visually sensitive area, not in wildlife corridor. Prime develop-able land according to the code. We have tried to come up with a plan there will not be driveways off Shotgun road all driveways will be off the interior road, a private road. There is one existing road in the middle of the property.

Mike Davis: I hope I'm not of line when I ask who is guardian.

Dirk Mace: Frank Vandersloot

Mike Davis: Is this a partnership or a group?

Rick Byrem: Dave Kuhn is here to represent The Natural Guardian Limited Partnership.

Dave Kuhn: I represent the guardian, Frank Vandersloot.

Rich Zimmerman: Who is the owner of Jacob's Ranch.

Mike Davis: There is just sagebrush.

Dave Kuhn: Yes, wide open spaces; it is pretty open there. It is right beside the Mitch Jacobs development.

Mike Davis: Is there anything out there Rick that would possibly change what you are presenting tonight, when you get to dig test holes.

Karen Lords: That is not fair to ask, when we get further into this and we go to public hearing those questions have to be answered and they will not know that until they actually go out there and do test holes.

Mike Davis: I just wish we had more information at the time of the Sketch Plan.

Rick Byrem: I think this will work there is not a great land change between this property and the land near this. I don't foresee any problems.

Mike Davis: Any questions for Rick or Karen.

Karen Lords: Are you looking at year around access?

Dave Kuhn: Yes.

Karen Lords: Underground utilities?

Dave Kuhn: I don't know

Rick Byrem: That is what is going on out there now and it only makes sense. They currently do keep that road open, not required by the county.

Kurt Eidam: The fire truck out there only holds about 500 gallons. They are building some nice homes out there.

Karen Lords: Currently, we are doing a fire mitigation plan and fire stations have to be built within 6 miles of a residence. A lot of insurances are denying coverage if they are not within 6 miles.

Mike Davis: Any more questions. Karen, anything else to add.

Kurt Eidam: I make a motion to go to public hearing.

Kirk Mackert: 2<sup>nd</sup> the motion

Motion carries.

Kirk Mackert: When you come back, please make sure you have all your permits in place.

### **Sketch Plan – Leslie Parkinson – Proposed Subdivision – Hog Hollow Estates - 94 acres – 32 lots – 2900 East**

Karen Lords: This proposal came to you in 2001, the time clock ran out and so Leslie Parkinson and her brother Dirk have decided to go forward with it again. We are going to have to redo this, if they haven't accomplished what they needed to within two years, and we did not have a development agreement, they have to go back to square one. Nothing has changed, we are looking at 2.5 acre lots with individual septic and wells. This is located on 600 N and 2900 E. We did an onsite on this and it has been in farm ground. I went out in 2001 and I had completed a land site evaluation to determine if it was productive cropland or not. I can honestly say when I got out there; there were more rocks than potatoes.

Bill Smith: This is the same proposal?

Karen Lords: Exactly

Rod Dalling: What did we decide was happening with the water on this?

Karen Lords: I'd have to go back and look that up.

Dirk Parkinson: The reason we didn't pursue this before was due to the economy and didn't want to invest a lot on money into it. I have had some interest in selling some of the lots. I would like to go forward and develop.

Rod Dalling: What do you doing with the natural flow rights off this land?

Dirk Parkinson: Part of them will stay there and part won't.

Rod Dalling: Are you going to divide it among the lots? All of them.

Dirk Parkinson: I'm not sure; some of them are so far away from the ditch it is not practical.

Rod Dalling: The storage water the same way?

Dirk Parkinson: The storage water I will probably keep.

Mike Davis: Any other questions?

Karen Lords: You will have to state that on the plat, so down the road, everyone will know what will be happening with the water rights.

Group Discussion

Conclusion: Same plan as we had before. Rod concerned about water for 2 1/2 acre lots, legally without water they can't irrigate that much. Legally you can only irrigate 1/2 acre, I don't know whether that will be enforced or not.

Kurt Eidam: Motion to go to Public Hearing

Rich Zimmerman: 2<sup>nd</sup> the motion

Motion carries.

## **Sketch Plan – Gravel mine Operations with Rock Crushing – Lynn Hossner – Warm River**

Karen Lords: Gene Kantuck is representing the project tonight. The project you approved last month Twin Rivers, with Gene Kantuck, Lynn Hossner and others.

Weldon Reynolds met with the developers and in order for them to build their roads; the county is very concerned over the stone bridge. We have cement trucks going over it now for the houses that are going into North Fork Highlands. The concern is that it is not going to hold up for gravel trucks to go over. The developers have proposed to crush their own gravel on site of their project. The state of Idaho does not require them to have a permit, because they are doing it on their own land for their own use. Because this is a major change for what the land is currently, I am requiring them to get a permit to crush the gravel. Review the colored map and note the actual site. This is north of the Twin Rivers subdivision and Snake River Butte subdivision. They are planning to help Jamie Walker with his gravel.

Gene Kantuck: We think it is a win-win situation for us, the County and Jamie Walker.

Mike Davis: Any questions?

Kurt Eidam: So it would not be used just for the subdivision?

Karen Lords: They will be mining the gravel and crushing it for their roads and Jamie Walker's subdivision.

Rod Dalling: Does that change the permit?

Karen Lords: What happens, as long as they are doing it on their own land, the State of Idaho has said that they will not issue them a permit. The person that is going to be coming into to crush the gravel, he has submitted (in your packet) all the documentation of what he has to have for permits for him to move the crusher around. We have to take into consideration the County doesn't want them to damaging a bridge they can't replace at this time.

Gene Kantuck: Weldon did say that the bridge is down to 52% of the life of the bridge. He is afraid that before 2015 we will need to replace the bridge. The bridge seems Okay but the footings are not.

Karen Lords: Take into consideration that we have a lot of bridges that need to be replaced; I give Weldon a packet every month, I asked him to come tonight. I think you need his input. When we have subdivisions with road concerns, Weldon needs to be here because he knows exactly what is going on.

Mike Davis: Do you have someone in mind that is going to do your crushing?

Gene Kantack: Beco.

Linda Crapo: Is this going to bring up the issue that everyone in the valley is going to want his or her own gravel pit?

Karen Lords: It could very well.

Kurt Eidam: Then the state law will have to change.

Gene Kantack: This site will be completely reclaimed.

Bill Smith: It states that will be a home after gravel crushing.

Gene Kantack: It will be a home site, reclaimed with topsoil. It is essentially a rocky knob and will be taken down then reclaimed with topsoil.

Kirk Mackert: Does the state require that the gravel stay on the property that it is being mined from?

Karen Lords: I believe so, I can call and double check by the time we do to public hearing.

Kirk Mackert: That is the only gray area I see here.

Karen Lords: Remember we have a county bridge that is at risk here.

Kirk Mackert: So we are doing a variance because of that?

Kip Martindale: I can understand we are thinking of the counties well being, but by the same token the graveling or creating of the roads up there is going to encourage more traffic and more cement trucks coming across the bridge. I actually don't see an advantage; it is going to be a problem either way.

Kurt Eidam: I'm concerned if that is going to open the door for other people wanting to mine on their own property.

Group Discussion

Karen Lords: I will contact the Department of Lands to make sure we have covered everything.

Mike Davis: The next question will be is if the Department of Lands says that it has to stay strictly within their subdivision. Then what will Jamie Walker do?

Gene Kantack: They are next door to us we share a common boundary.

Linda Crapo: But if the rule says that you do it on your own property period.

Gene Kantack: I talked to Mr. Hicks; I think he had said if it for your own use you do not have to go through the same permitting process. We want to make sure that everything is above board. So if Jamie Walker has to go on his own, that will not affect us we are just trying to help out a neighbor.

Karen Lords: You can say that you can allow them to go forward you can state that will be a condition. If they are going to do their roads and not Jamie's they still have to go through a Public Hearing even though the state may not require whatever permits there

are. Mr. Hicks has to have for his operation has to have certain permits in order for him to be mobile and take his rock crusher around. We have asked for those permits.

Group Discussion

Mike Davis: Any other questions?

Karen Lords: If you go forward with the Public Hearing I recommend that you have Weldon present.

Rich Zimmerman: I make a motion we bring this to public hearing and have Weldon Reynolds attend, Karen getting documentation as to how the state approves the individual or joint use.

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

Motion Carries

Kurt Eidam: This is one place where a variance can be used to save the bridge. We are not setting precedence by doing it.

Group Discussion

Karen Lords: The County has received money to put together a Fire Mitigation Plan and time is almost up. It has to be completed by either September 1 or September 30 of this year. I have been working with the County Clerk, the County Commissioners, GIS Dept with BLM and the Forest Service along with the Fire Departments. We received word that if we can get this in place we have an opportunity for a lot of Grant Money that is out there with BLM. I have devoted my time to that situation. We are in the process of receiving funding for a Transportation Plan and that will take 12-16 months. My times are mixed with other issues that the Commissioners felt were more important. I will meet with Nancy Taylor in the near future, she wants to see some of the larger projects we have coming up in the near future. We have requested that Trent be here for the rest of our meetings, but that will only be 4-5 because he will be done in January. Sue Sommer has resigned and I'm looking for a replacement. Cathy Winters has regrettably resigned due to her commitment to her new job. Lori Beard will help out in the near future.

I have a lot of land use issues coming our way. City of St. Anthony Chamber of Commerce has asked why they can't put an advertising sign up (at Crapo Corner) that advertises 8 or 9 businesses in St. Anthony. I requested they come in with a proposal of a Code Amendment Change for our sign regulations. I think that will be coming very shortly. I have had to site several places.

I've had an issue with a realtor in Rexburg; they would like to change our codes for the size of Realtor signs. Currently we allow a 4 ft sq sign in size. Several realtors have

poster board sign, and I have written a number of violation letters. They have come back with a code amendment change that will come before you next month.

We have several code amendment changes that have come up with the Fire Mitigation Plan. Those will have to come before you and the regulations must match our codes.

The Transportation Plan will have some major land use issues that we will have to look at and addresses. We have lots and lots coming at us over the next few months.

Kirk Mackert: Suggested when Nancy Taylor, Land Use Consultant, comes over, the board meets with her.

Connie Otteson: Motion to Adjourn

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

Motion Carries.