



PLANNING AND ZONING MINUTES Monday, July 18, 2005 - 7:00 p.m.

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

Other Attendees: Karen Lords, Administrator, Molly Knox, Secretary, Owen McLaughlin, D7HD, Rick Byrem, Gene Kantack, Harvey Willford, Bob Bauer

Mike Davis welcomed everyone with opening the meeting at 7:07 p.m.

The minutes from June were approved by Rod Dalling and seconded by Linda Crapo.

Public Hearing – Code Amendment – Term Limits for P & Z Commission

Mike Davis – The next item on our agenda is term limits change. Karen have the proper notices been provided?

Karen Lords – Yes, it has been published in newspaper and posted on the property.

Mike Davis – I would like to remove self from commission. Connie, will you take over?

Connie Ottesen – Karen, do you have anything to report?

Karen Lords – gave report discussing the issue of revising the term limits for the Planning and Zoning Commission. Information was given as to the requirements currently in zoning ordinance and read the revised ordinance written

Connie – Do any of the board members have any questions for Karen? Karen, did you receive any letters or comments?

Karen Lords – No, not by mail or phone calls.

Connie Ottesen - The first on list is Mike Davis.

Mike Davis - 2495 E 300 N, St. Anthony – the reason that I felt and because we have addressed several issues, I feel we need to revise the term limits of the Planning and Zoning Commission. The issues coming before the Commission will be addressing in the future will require members with experience and education. We do not want to have to replace several members at one time. We would want to keep the board in tack for the knowledge of making revisions to the Development Code and Comprehensive Plan.

Connie Ottesen – Thanks, next on list is Sam Jones

Connie – Other than Mike, is there anyone else who would like to make comments? Closed to public comment.

Kurt Eidam – How many?

Kurt Eidam – It would be nice to have the option to quit.

Karen Lords – It would require a letter of resignation.

Kurt Eidam – I know the issue would be keeping the knowledge of the board.

Kirk Mackert– It's not mandatory to go over term limits is it?

Karen Lords– The state statue states you would be required to fulfill a 6 year term.

Karen – When we started out with the new board after replacing so many and coming up with a rotation for each member, we should put language in that there is rotation for each board member.

Karen – We would need to state the changes in the draft.

Kirk Mackert - Ours says 9 members, we have 10 serving with Mike.

Kip Martindale - Mike and I met with County Commissioners. We propose a maximum of two commission members be replaced with in one year.

Rod Dalling – We need to introduce here the need to rotate term of the members.

Karen Lords– You would need to make a motion to reword this language

Karen Lords – If you want to make changes with the language, then you will need to table your decision to reword the ordinance.

Rod Dalling – We need a motion to redo it? I will make that motion.

Kirk Mackert – We are changing three commission members’ terms in there.

Kurt Eidam –We would need to rotate and a majority would have more than 4 years.

Linda Crapo – What if we don’t want to serve more than the term?

Karen Lords– You can be more restrictive just not less restrictive of the state statute.

Linda Crapo– We can’t be changing the numbers in state statute?

Karen Lords – You can make changes but only by ordinance.

Group Discussion -

Karen Lords – No more than two members should be rotated on an annual basis.

Kirk Mackert – What about the date you started serving on the commission?

Karen Lords – Your date would be when you came on board.

Group discussion – regarding the revision of what the ordinance is currently written and what language should be used for a new revision of the ordinance.

Rod Dalling – Do we need to make a motion to table motion or start over?

Kurt Eidam – I think we should deny or table the ordinance.

Rod Dalling - I make a motion to deny the proposal as it stands.

Connie Ottesen – A motion has been made to deny the ordinance until changes have been made. All in favor - None opposed.

Decision for Zoning Boundary and Zoning inside in Impact Area for City of Ashton

Mike Davis – The next item is the decision for the City of Ashton impact boundary and zoning.

Kurt Eidam – Excused himself from the discussion.

Karen Lords – You tabled the decision and the 60 days are up. Would you like to hear what Ashton has to say?

Mike Davis - Okay, is this the changes that have been made? (Map in packet.)

Karen Lords – No, you need to talk to the city.

Kirk Mackert - They have not had their meeting yet?

Mike Davis - Do we have a representative for the City of Ashton?

Kurt Eidam - Can I be excused?

Mike Davis - Yes

Sam Jones – Since the last time it was tabled due to no meetings were held in front of City of Ashton. A meeting was held on the 15th of June, 2005. Planning and Zoning held their meeting and it passed and a meeting was held with the City Council and was passed by Mayor and City Council.

Rod Dalling – in audible

Karen Lords – What you do tonight is to make a decision to deny or approve the original map and zoning.

Sam Jones – The committee from impact area all agreed to the map and made some changes.

Mike Davis – It sounds like we need to deny this and make a motion.

Kirk Mackert – Deny or table?

Kip Martindale - I would like to propose that we deny boundary and zoning for the city of Ashton until they return with a new map and zoning changes.

Connie Ottesen – I will second that.

Mike Davis - All in favor? None opposed.

Final Plat – 2nd Amended Plat Twin Rivers Ranch – Gene Kantack

Last month we held the Public Hearing concerning the 2nd Amended Plat for Twin Rivers Ranch, which would be changing lots 15 & 16 to lots 15a, 15b and 16. Roads were already in existence, so access is not a problem. They will have individual well and septic. We have asked for setbacks from the edge and they have done that. The developer is in the audience if there are any questions. Developer noted that there have been no changes since last month only the boundaries of the new lots. There were no more questions from the board.

Kurt Eidam – Made the motion to accept the 2nd Amended Plat of Twin Rivers Ranch.

Rod Dalling – Seconded the motion.

Mike Davis – A motion has been made and seconded to accept the Final Plat of the 2nd amended plat of Twin Rivers Ranch, those in favor? None opposed. Motion carries.

Public Hearing – Used Car Sales – Harvey Wilford – 1543 E 300 N, St. Anthony

Mike Davis - The next item on agenda is the Public Hearing for used car sales for Harvey Willford. Karen, have all of the proper notices been made?

Karen Lords – Yes, letters were mailed out and the ground has been posted. Just a review of Mr. Willford's letter also including the letters from neighbors included in the packet. I will now read my report:

Harvey Willford, property owner and representative for Willford Cars is requesting a Class II permit approval to conduct a used car sales operation from his residential home. The used cars would be purchased from automobile auctions. Some cars purchased through insurance auctions may require repair. The parcel contains 1.5 acres located in Section 15, Township 7 North, Range 39 E.B.M., Fremont County, Idaho. The operation would be a part-time business and operated by Mr. Willford. When deemed necessary a student mechanic from BYU Idaho would conduct a repair service on the used vehicles or prepare them for sale. Repairs would be in fenced area until ready for display. The Display area will be 50-60 feet from road to insure being inconspicuous as possible for neighbors. Most customers will attract through newspaper advertising. The car sales will be conducted from 12:00 – 4:00 - Monday through Friday with some sales scheduled by appointment. Mr. Willford intends the business to be low-key, conservative endeavor to create a little change to the existing neighborhood ambiance as possible.

Conditions of approval should address the issues of car repairs dealing with hazardous materials such as oil products and the disposal in a safe environmental meeting state and federal requirements. A proposal for disposal of hazardous materials was not included.

The proposed development is within the South Fremont Zoning District, and is subject to Performance Standards of Chapter VI of the Fremont County Development Code. The used car sales operation would be with in the South Fremont Fire District. A South Fremont Zoning District Performance Standards Checklist is attached.

I recommend the following conditions for approval:

1. **V.I.C. – Water Quality: State and Federal Regulations** – All developments shall demonstrate continuing compliance with state and federal water quality regulations.
2. **VI.H.1. – Wildfire Hazards: Individual Structures** – All developments that are in or adjacent or forested areas, or areas of flammable brushy vegetation shall be encouraged.
3. **VI.J. Protecting Air Quality: State and Federal Regulations** – All development shall demonstrate continuing compliance with state and federal air quality regulations.

4. **VI.J. Protecting Agriculture Operations** – Development of other uses in farming areas should not interfere with existing agriculture operations, including the normal operation of dairies, feedlots, potato cellars, and other agricultural activities that may, at times, be perceived as a nuisance by inhabitants of nearby residences.
5. **VI.K.2. – Irrigation Systems: Runoff** – No development shall channel storm water or snowmelt into any irrigation systems with out written consent of the responsible irrigation entity.
6. **VI.N. - Weed Control** – As required by I.C. 22-2471, “ It shall be the duty and responsibility of all persons and nonfederal agencies to control noxious weeds on land and property that they own”.
7. **VI.O.1. – Noise** – No development shall create excessive levels of noise or vibration beyond its property line. Excessive noise, as measured at the property line, exceeds the standards of Appendix H.
8. **VI.O.2.a. – Light, Glare, and Heat: Hazards** – No development shall direct hazardous light, glare, or heat beyond its property line. Welding equipment and similar sources of intense light shall be shield from neighboring properties or public ways by enclosure in a building, location on the property, or construction of a fence or a wall, or a densely planted landscape buffer.
9. **VI.O.2.b. Light, Glare, Heat: Fixtures** – All fixtures used to illuminate commercial and industrial uses shall have a full cut-off, no building or landscape feature shall be uplit, and no commercial or industrial use shall generate a level of illumination grater than 0.4 foot candle in any neighboring residential area. Illumination of signs is specifically addressed in Appendix A.
10. **VI.O. 3. – Electrical Interference** – No development shall create electrical interference that adversely affects other uses.
11. **V.I. O. 5. – Industrial / Commercial Solid Waste** handling and storage areas shall be effectively screened from the public view by enclosure in a building, location on site, or the construction of a fence or wall. This includes the expansions of existing solid waste handling and storage areas. Landscaped buffers for these areas are encouraged.
12. **VI.O.6. Runoff** – No development shall channel storm water or snowmelt runoff in a way that adversely impacts neighboring properties or public ways.
13. **V.I.P – Hazardous Substances.** Any development that is, or that may be reasonably be expected to be subject to the reporting requirements of EPCRA (The Emergency Planning and Community Right-To-Know Act of 1986) shall demonstrate continuing compliance with state and federal requirements for the storage and handling of hazardous substances.
14. **VI.V.2. – Buffering: Installation Encouraged** – Installation of landscape buffers between potentially incompatible land uses and along public roads in accordance with Appendix K shall be encouraged.
15. **V.I.X. – Signs** – shall comply with detailed performance standards of Appendix A.
16. **V.I.E.E. Off Street Parking and Loading Areas** – Off street parking and loading areas shall be provided as required by Appendix C. Snow storage shall not be permitted to reduce the size of any required off-street parking or loading areas.

I recommend a point assignment of “0” on all Absolute Performance Standards and a “+0” for Relative Policies as shown on checklist.

It was discussed concerning oil and antifreeze removal arrangements. Mr. Willford is familiar with oil removal but is not up to date on requirements on removal of antifreeze. Board members informed Mr. Willford that he can go to the county landfill to remove the used oil. Mr. Willford agreed that that would be the best way to take care of it.

It was also discussed that there was buffering needed of trees, shrubs or so every 50 feet. There are already a huge row of Lilac bushes that are blocking some of the area where buffering is needed. Anywhere near a residential home is located buffering is needed.

Mike Davis – Opened meeting to Public Hearing, no one has signed up to comment on proposal so at this time. We will also close to Public Hearing at this time turn over to board for their discussion.

It was discussed that there needs to be a plan put together for waste removal and that could be made a condition of approval, as well as some type of buffering, a fence or bushes or trees.

Kurt Eidam – I make a motion to approve Mr. Harvey Willford’s Used Car Sales with the condition of any hazardous products will be removed properly and timely and a type of buffering will be put into place.

Rod Dalling – I will second that motion.

Mike Davis – Okay a motion has been made and seconded for Willford’s Used Car Sales, with the conditions as written pertaining to hazardous products removal and buffering. All in favor? None opposed. Motion carries.

Sketch Plan – Harrison Springs Project – 11 Lots – Rick Byrem

Mike Davis – The next item on the list is Sketch Plan for Harrison Springs.

Karen Lords – The map is near or if any of you are familiar with McCrea Bridge – which is near the “Cowbell Subdivision”. The project will have most of its lots on southern end of property. Rick Byrem is representing the project and is in the audience. The property located to north on the map, has been presented to me to keep for the owner himself, for a home. On the south end of the property, there will be 11 lots and access will be off the Yale-Kilgore Road. There will need to be approval through the Forest Service for access to the northern portion of the project. The lots will have individual septic and individual wells and most lots are averaging 2 - 2.5 acres in size. A concern with the southern area would be the floodplain, and we would need to ask for setbacks or building envelopes.

Group Discussion – regarding the current sewer feasibility study and what requirements would be required for this project.

Group Discussion – regarding the location of the project

Mike Davis - have they had any opportunity to see septic systems?

Karen – Rick Byrem would have to answer if they have answers for the septic system.

Kurt Eidam – questions regarding the site location for sewer

Rick Byrem – No, an on-site analysis has not been completed.

Group Discussion regarding elevation, lot sizes, setbacks for floodplain requirements, setbacks for septic and the type of covenants the developer is looking at.

Rick Byrem – Mr. Valenti is an expert developer and will be moving here later. He wants the project to be top notch because he will be living there. He has no intention of selling lots 9, 10, 11. He will be keeping those for himself.

Group Discussion regarding this only being the Sketch Plan

Karen Lords – My concern is the developer coming back and wanting to sell the northern lots and we need to know what will be the master plan. We don’t want to complete this portion of the project and not include the northern lots. We need to know a setback for the flood plain area on some of the lots. We also want to know the overall plan for the project and if the northern lots will be sold later.

Rick Byrem– Most of the questions can be answered with permanent deed restrictions.

Group board discussion - inaudible

Kirk Mackert– This project meets the County density requirements?

Mike Davis – This road would need to be permitted by Forest Service?

Kip Martindale – Are we looking at two separate plans?

Kirk Mackert – The high water mark would be allowed for setback.

Karen Lords – We would want to have building envelopes to state where structures can be built.

Karen Lords – We can require building envelopes.

Rod Dalling – Makes motion to allow continuing to public hearing with the condition of covenants, septic approval and setback requirements.

Kurt Eidam – question regarding no access and given information.

Kirk Mackert - seconded the motion

Mike Davis – A motion has been made and seconded to continue to public hearing. Those in favor? Motion carries.

Sketch Plan – Repair Business – Bob Bauer – Business Loop Hwy 20

Mike Davis - The next item on the agenda is for a Repair Business located on Business Loop Hwy 20 presented by Bob Bauer.

Karen Lords – gave the report summary was read to the board. It reads: The building will be located next to the current building that was used by Spudnik Co. at the South St. Anthony exit. The building will be 40' x 80' and set just to the North of the current building. It is to be used as a repair shop with 3-4 employees with ample parking for up to 12-15 units; operating hours are 8am – 6pm 4 days a week and ½ days on Saturday. It will be hooked up to the existing water well and a new septic tank installed. Solid waste will be taken to landfill or be contracted out by a private firm. Power and telephone are on site. Fire coverage would be under County services. The new building would be approximately 100' to the North of the current building. Current Business neighbors are Maupin Door Manufacturing Co. to the North and Five County Detention Center.

Group Discussion - Board viewing the map given.

Bob Bauer - It turns out that the overall plan for this area is as follows:

R&S Automotive Repair is currently in working operation in the old Spudnik Building. This new building would be built for them to move their Repair shop into because there is an interested buyer in the current building. Mr. Bauer is trying to make the current tenants and the future tenants happy. Fremont Motor Sports is interested in the building that R&S is currently in. This will help them for marketing purposes of being on that corner lot and in a much more visible area to the Hwy. They would have loved to have been in a while ago but we needed to get this new building/business approved first.

The old area and the new areas are and will be enclosed in with security fencing.

Group Discussion - There were some concerns about autos stacking up and the need to be moved on by the board. Mr. Bauer said he would be sure that they would be addressed.

Kurt Eidam – I make a motion to approve the sketch plan of Mr. Bauer's repair shop to continue on to Public Hearing.

Rod Dalling - I will second the motion.

Mike Davis – A motion has been made and seconded for the Repair Shop for Mr. Bauer to continue on to Public Hearing. All in favor? Motion carries.

Administrator's Report

Karen Lords - Letter from Carol Sweet, read to board.

Group Discussion regarding issue of county finding with manufactured homes and single-wide mobile homes and meeting snow load issues. Board requested a letter be sent to the County Commissioners regarding elimination of opportunities for low-income families using single-wide and manufactured homes for housing. RV park requirements and mobile home park requirements discussed.

Adjourn

Motion to adjourn made by Kirk Mackert

Seconded by: Kurt Eidam

Adjourned at 10:00 p.m.