

**Fremont County Planning  
& Zoning Regular Meeting Minutes  
November 17, 2008  
6:00 pm  
County Annex Building**

The Fremont County Planning & Zoning Commission met in a regular meeting on November 17, 2008. They met in the County Annex Building. **Members in attendance were:** Glen Pond (Chairman), John Nedrow (Vice-Chairman), Sam Davis, Jim Gerber, Cindy Miller, Steve Pinther, Larry Singleton, and Steve Trafton.

**Staff and others present:** Kurt Hibbert (Administrator), and Letta Laux (P&Z Secretary).

1. Welcome

The chairman called the meeting to order at 6:00 pm.

Mr. Pond welcomed Steve Trafton to the P&Z board.

2. Minutes

Mr. Pond asked the P&Z to look over the minutes from September 22, October 20, and October 27, 2008,

**MRS. MILLER MOTIONED TO ACCEPT THE MINUTES FROM SEPTEMBER 22, 2008. MR. GERBER SECONDED. VOTE TAKEN: ALL IN FAVOR. MOTION PASSED.**

**MRS. MILLER MOTIONED TO ACCEPT THE MINUTES FROM OCTOBER 20, 2008. MR. DAVIS SECONDED. VOTE TAKEN: ALL IN FAVOR. MOTION PASSED.**

**MR. DAVIS MOTIONED TO ACCEPT THE MINUTES FROM OCTOBER 27, 2008. MRS. MILLER SECONDED. VOTE TAKEN: ALL IN FAVOR. MOTION PASSED.**

### 3. Sketch Plan-John S. Pocock Trucking LLC-Shop

Mr. Chase read from the staff report regarding the shop for John S. Pocock Trucking LLC. He read from page 2. Stated there are standards related to run-off and erosion control when considering grading. The applicant has said they will plant trees as a buffer, but they do need more information on the types of trees and the plan for that buffering. Based on the size of this shop as per the development code, this would require a large scale development study. The primary concern is for the roads and the storm water retention. Historically, it requires the P&Z commission to decide if this needs a large scale development study and to direct the staff on what to do. He read from page 6 listing standards that are applicable to this project and he recommended the applicant look closely at those so he can come back for approval having met these standards.

Mr. Pinther questioned if they are going to discuss whether or not to have a large scale development study.

Mr. Pond stated they can discuss that after they hear from the applicant.

Mr. Hibbert stated that he and Mr. Chase have looked into that code section on the large scale development study requirements. They are mostly applicable to subdivisions. The issue they are most concerned about with this commercial building is for the traffic and road access. When they get to that point, they need to deliberate on which of the large scale study issues are actually applicable to this project. They also need to discuss some other options for doing this study.

John Pocock stated they purchased the old H&K gravel pit and they just want to put a truck shop on their property. There has been concern with some of the buffering from the neighbors. He has planted some poplar trees around all 4 sides of the property. He does not have a lot of plans yet, because he wanted to get through the first stage before drawing them up.

Mr. Pond asked where the trees are.

Mr. Pocock stated he met with Molly Knox and Mr. Hibbert and Mrs. Knox was the neighbor who was concerned with the buffering.

Mr. Gerber asked how close the trees are going to be planted.

Mr. Pocock stated he was considering planting them around 8-10 ft unless they have a better recommendation for him.

Mr. Davis stated he read that the trees should be 10ft. apart.

Mr. Gerber stated if the diameter of the trees is only around a foot, he would wonder if they should be closer together.

Mr. Chase stated there are standards in appendix k that list details for the width of the trees and the spacing.

Mrs. Miller stated it might be wise to have a back-up fire fighting supply because of the hay storage etc.

Mr. Pocock stated he got the number from Mr. Hibbert for the fire district to find out the requirements, and he would be glad to follow their requirements.

Mr. Hibbert asked about the hay and straw storage.

Mr. Pocock stated they might store some hay temporarily.

Mr. Gerber asked what the shop is for.

Mr. Pocock stated this is for maintenance and repair on their trucks. His drivers live all over the place and only about 8 of them are parked there on the weekends.

Mr. Davis asked if there were plans for living quarters or office buildings there.

Mr. Pocock stated there will be no living quarters, but he would like to have a parts room and a conference room for meeting with his drivers.

Mr. Singleton asked if there are plans for a fence for security.

Mr. Pocock stated there are not plans for the fence as of now. There is a barbed wire fence around the east and the south side.

Mr. Singleton stated there are concerns with the burmes and what that will do with the water run-off.

Mr. Pocock stated they do plan on building that up with gravel. It should drain off well.

Mr. Pinther asked if there were any lights planned or possible noise issues that would affect the neighbors.

Mr. Pocock stated they will address those issues. They will have lights on the shops, but the trees should help with that. It will not be a 24-hour operation, but trucks could come in at times during the night.

Mr. Pinther stated that is addressed in the code. He appreciates that he has put burmes around all 4 sides. He is concerned with the dust and he questioned if the neighbors will have a problem with the dust?

Mr. Pocock stated they are going to haul in gravel, and then add crushed gravel on the top which will cut down on the dust. There are not trucks running on it all day long any way, and they should not have problems with that.

Mr. Pond stated he would suggest that they consider putting a real fence in there to keep kids out of there for safety reasons.

Mr. Pocock stated they just might need to do that anyway because they do haul stuff from Canada. We want to be CT-pad approved by the government and fencing is part of their security stipulations.

Mr. Gerber asked about the ditch and if it is transporting water any more.

Mr. Pocock stated there is a dry ditch on the east side and on the north side the ditch will stay mostly dry. It is not a major irrigation ditch.

Mr. Gerber asked Mr. Hibbert if this is something that will have to be worked out with the irrigation company.

Mr. Pinther asked if he has all the neighbors on board with him for this project.

Mr. Pocock stated he has visited with the neighbors and has talked with them about their concerns.

**MR. DAVIS MOTIONED TO MOVE FORWARD WITH THE SKETCH PLAN. MR. GERBER SECONDED.**

Mr. Nedrow stated they need to add something about the large scale development study.

Mr. Hibbert stated they do need to discuss that. A 5,000 sq. ft. building is about a 1/3 of the size of a Walgreens. As far as the large scale sections, it would be his recommendation that A and B be combined as District 7 health approval and have their septic and water requirements be handled like any other normal approval process. He would also recommend that C is required that they get an engineering analysis report regarding the roads and the access suitability for this type of development. He would also recommend that they be exempt from sections D and E. He would also recommend that they allow the section F to be included in that they get approval from the agencies rather than doing the study for that. His primary concern is to make sure the roads are up to standards to support this development. The intent would be to come up with a report that will answer their questions and to comply with the intent of the large scale development study and get the information they need to make a good decision.

Mr. Davis stated there are a couple of things involved with a large scale development study to look: the night lights and hours of operation, especially on the weekend. They might want to answer those concerns.

Mrs. Miller asked if the safe access under section ff would be looked at by an engineer.

Mr. Hibbert stated they would. A normal procurement process takes at least 2 months. They could do it in an expatiated manner.

Mr. Pond stated getting trucks off highway 20 safely is the main concern.

Mr. Pinther stated these issues will be addressed in the public hearing, and could they just have the transportation department give their report during that meeting?

Mr. Hibbert stated he would rather them have the report in hand.

Mr. Pinther stated the only concern is for the traffic on highway 20 because the public facilities issues would be addressed normally.

**MR. DAVIS WITHDREW HIS MOTION.**

Mr. Davis stated that is a terrible intersection, but there is an alternate route.

**MRS. MILLER MOTIONED TO ACCEPT THE SKETCH PLAN WITH A LARGE SCALE DEVLEOPMENT STUDY DONE FOR SECTION C. MR.DAVIS SECONDED. VOTE TAKEN: ALL IN FAVOR. MOTION PASSED.**

4. Review of Ordinances/Maps

Mr. Pond asked Mr. Hibbert to explain where they are going with the zoning ordinances/maps.

Mr. Hibbert stated zoning is new to Fremont County. They have done performance based development. Zoning has advantages and disadvantages. He referred to a picture to show the principle of zoning. It shows a tapering of the rural development to the most urban development. He passed out a handout showing the different zones. They could protect specific areas with specific criteria. One of the drawbacks is the propensity to develop too many zones. He explained several different types of zones and what they get used for. Spot zoning, if appropriately used can be very beneficial. It is bad when there is incompatibility. Mixed uses works in America today. It has revitalized the downtown areas.

Mr. Pinther asked if people will still be able to apply for changes in the spot zoning.

Mr. Hibbert stated they have not gotten into that yet, but you can still change zoning.

Group discussed mixed zone uses.

Mr. Pinther stated he has always been opposed to growing Last Chance and instead they should be encouraging these types of places. They do not want Last Chance to be a commercial operation area.

Mr. Hibbert explained definitions of different types of zones. They can add conditions for approval.

Mr. Pinther asked if they could accommodate mixed uses if they should come in.

Mr. Hibbert stated yes they could. He explained other conditional uses. One thing that is very important when discussing rural infill is that mixed uses are very important around that area.

Mr. Gerber asked if a variance is allowed in these different zones.

Mr. Hibbert stated that a variance can not be required because of the act of the applicant. He explained that there are 4 different criteria as per the code to be met for a variance. Variance is for extreme cases when it has no fault of the applicant. Other wise it would be handled by conditional use permits. He does not like the term "special use permit" and has been over used. He would prefer that they use "conditional use" permits instead as the applicant is the only one who can deny a conditional use permit.

Mr. Singleton asked what Jefferson County did wrong to make the checker-board effect in their area.

Mr. Hibbert stated part of the problem is they did not have a preferred land use map. That is why the state recommends having a plan and a map in place for guidance. They have a task of zoning this county for the first time. They have to go through the code and they need to define what these zones are.

Mr. Pond questioned if Mr. Hibbert and Mr. Chase will get together and work on this and bring it to them.

Mr. Hibbert stated they are studying this now and are discussing it. He showed a map showing properties that have not met the state threshold yet. He showed the defacto subdivisions on the map. This map shows them what to look at when they do the zoning. This is the type of data they will use it as they get into the zoning process.

Group discussed the map and the lot split issues in the county.

Mr. Pond thanked Mr. Chase and Mr. Hibbert for their work and look forward to seeing what they come up with.

#### 5. Final Review-Rental Cabin Ordinance

Mr. Pond asked for a motion one way or another on this ordinance since they already reviewed the document.

**MR. SINGLETON MOTIONED TO APPROVE THE RENTAL CABIN ORDINANCE WITH THE CHANGES. MRS. MILLER SECONDED.**

Mr. Gerber stated he realizes he is new on this board, but this seems like a big process for a small problem. He does not understand how a few home-owners renting their homes out has become a problem. There would be 18 different action points that the owner, the planning department, and the P&Z commission would have to do to make them registered. Can the P&Z commission absorb all of the hearings on these cabin rentals? Can the Planning the Department absorb all the work?

Mr. Pond stated this will have to go to the county commissioners for approval.

Mr. Gerber stated there should be a shorter and easier plan.

Mr. Pond stated this is a simplified as it can be. There are a lot of people who live near these rentals and everyone has their own opinion. It is up to this board.

Mr. Davis stated they could group the hearings together.

Mr. Gerber stated it would take a lot of time to enforce this and listen to the hearings.

Group discussed the public hearing process for the rental cabins.

Mr. Pinther stated the neighbors would have to be able to speak on behalf of each of these cabins. Each one is going to have to have an individual hearing.

Mr. Hibbert stated they do have a 2 year transition period and that will help as they won't have to listen to all the hearings at once. Hopefully, they can come up with an expedited process for re-approval.

Mr. Gerber asked if they could have an expedited process for the beginning.

Mr. Hibbert stated there was not a lot of fuss at the public hearings because this has been refined down to basic life safety issues and simplified enough that the home-owners feel they can do this.

Mr. Pinther stated by the time they are reviewing each one of these, they are creating a tough job for them. This is a big problem and a big concern in Island Park. We do need to nip it in the bud. We will regret this a year from now.

Mr. Pond stated there will be a lot of work upfront.

Mrs. Miller stated a lot of the cabin owners have already done a lot of the work. Most of them understand that they need to do this and this is a compromise.

Mr. Pinther asked if this is the final draft. He stated they missed a lot of the life safety standards.

Mr. Hibbert stated they agreed to put that language in the first of the section rather than having to spell it out in each individual section.

Mr. Pinther asked if the railing requirements will be included in that.

Mr. Hibbert stated yes, and that is a main concern with the building official.

Mr. Singleton stated at the public hearing most everyone agreed that something needed to be done.

Mr. Davis questioned the part about the fees and if a late fee was in there.

Mr. Hibbert stated he would have to check that out and make sure the late fee is accurate. He would look at that and change that to make it clearer.

**VOTE TAKEN: THOSE IN FAVOR: MILLER, NEDROW, DAVIS, TRAFTON, PINTHER, AND SINGLETON. THOSE OPPOSED: GERBER. MOTION PASSED.**

## 6. Code Discussion Issues

Mr. Hibbert stated the code is a living document and they need to keep working on it. A task list is very important to stay focused on the issues that need to be addressed. He wrote up a list showing all the issues that were written down that people want them to address in the code. That is their starting point for discussing the issues. The handout was in the packet for them to look over.

Mrs. Miller asked about the difference between items 17 and 29.

Mr. Hibbert stated some of them are the same issues, just worded differently.

Mr. Nedrow stated this is a compilation of the ideas from the brain-storming session they had a while ago.

Mr. Pinther asked if they are going to work on a capital improvements plan.

Mr. Hibbert stated the P&Z will not look at that, but they can advocate for one to be done. He discussed Teton County's plan for putting together a CIP.

Group discussed Capital Improvement Plans.

#### 7. Administrator's Report

Mr. Hibbert asked if they could move the meeting night from Mondays to Wednesdays. Every one agreed.

Mrs. Miller asked if Mr. Hibbert could update them on their recommendation to the commissioners to not issue building permits on defacto subdivisions.

Mr. Hibbert stated that code hearing will still be on the agenda. The public hearings have been rescheduled. Administratively they have met together as a staff and adopted a process that confirms to the building code. They do get the planning review now and the assessor has consented to that. It has not been resolved as far as going back on the ones that were done in the past. There are a lot of defacto subdivisions done as shown on the map tonight.

Mr. Nedrow asked about the delay for the hearing.

Mr. Hibbert stated there was a computer glitch at the newspaper and there was not proper notice given in time for the hearing.

#### 8. Adjourn

Meeting adjourned at 7:43 pm.