

**Fremont County Planning  
& Zoning Work Session  
Minutes  
July 2, 2008  
6:00 pm  
County Annex Building**

The Fremont County Planning & Zoning Commission met in a joint work session on July 2, 2008. They met in the County Annex Building. **Members in attendance were:** Kirk Mackert (Chairman), John Nedrow (Vice-Chairman), Ron Kynaston, Steve Pinther, Cindy Miller, Joette Lookabaugh, and Vance Derricott.

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

1. Welcome

The chairman called the meeting to order at 6:05 pm.

2. Comprehensive Plan Adoption

Mr. Hibbert stated they have received very good recommendations. Stated he would like to see the P&Z make a recommendation to send the Comprehensive Plan (CP) to public hearing at the end of the meeting. He does not want the CP to read as code. They have not had a land use map in the past and they now have finished the Preferred Land Use Map. He passed out copies of the map for discussion. He explained the difference between a Zoning map and a Preferred Land Use Map. The Zoning Map is restrictive and the Preferred Land Use map is descriptive. He discussed rural village zone and design criteria for the map. He also discussed commercial and industrial zones.

Mr. Mackert questioned if they should identify the larger cities to give a reference point.

Mr. Hibbert stated they can do that. They also have received a suggestion that they might want to add grid line indications as well for reference.

Mr. Hibbert asked if they should have an individual Preferred Land Use Map for each planning area of the county.

Mrs. Miller asked if there is the possibility that the map will change when they get the information for the wildlife closure area.

Mr. Hibbert stated it definitely could change and there are some changes to be made as this is just the starting point. There may be areas that are identified for long term

acquisitions. Another thing that is missing and he would like to have the permission to add is future transportation corridors. It would give them an indication where a road should be placed when a new subdivision comes in.

Mrs. Miller asked about rural conservation areas.

Mr. Hibbert stated that should not be there and it is going to be a zone on the zoning map. He stated that this CP is going to be shifted and molded and this discussion is to get their opinion and to be able to get this out for input at the public hearing. He knows that there will be changes based on public comment and input. The committees are still working hard to bring their final recommendations to the P&Z.

Mr. Mackert asked if the impact areas, wildlife closures, and wetlands etc., are going to be an overlay for the map.

Mr. Hibbert explained that there is another data layer that will be integrated and shown. The reason he wanted the wetlands overlay for the map is to show developers that it would be very difficult to develop those lands and to discourage it. They are also going to have all the same criteria for subdivisions but the language will be changed to make the relative standards absolute standards. Some things have been taken out, but they feel very good about it. The key thing is they have the best work of the P&Z and the administration and they need to get the best work from the public during the public hearing and they can move on with this process.

Mr. Kynaston stated the Island Park reservoir is not shown on the map.

Mr. Hibbert stated they will make sure it is shown on the map. It is important to have the geographic relief on the map because it shows why some of the standards are the way they are, and it also educates the public as to how and why the expectations for Island Park may be different than those for St. Anthony. They have also consolidated the three planning areas into one code.

Mr. Pinther stated the wildlife areas are not going to be on this map.

Mr. Hibbert stated it will not, but it will be in the CP as another one of the base map sets. They want to develop and number the maps as a set. It is important for being able to monitor and update the maps and knowing what you are talking about when making future zoning decisions. If changes need to be made, they will have to change the code before they change the map and this helps to slow down knee-jerk zoning decisions. The name for this map is a Projected Land Use Map and he chose to name it the Preferred Land use Map because it indicates their desire for land use. Both terms mean the same thing.

Mr. Mackert asked if they should set a date for the public hearing now.

Group discussed dates and meeting places.

Mr. Hibbert stated they might want to have this hearing in a central location to make people feel welcome to come. Many people are aware of what is going on with the CP and they should have a separate night dedicated for the introduction of the CP.

Mr. Nedrow questioned if they need to have more than one meeting for Island Park and the other areas.

Mr. Hibbert stated unless there is a real need for that he would recommend they just have one meeting. He would also recommend that they put a form out on the website and also at the meeting place so they can have comments from the people that can not attend.

Mr. Mackert stated maybe they should go above and beyond the normal protocol for posting notices etc. to be sure as much of the public is aware of this hearing as possible.

Group discussed dates for the CP.

Mr. Pinther asked if the CP is available for the public to view on the website.

Mr. Hibbert stated it is and the map will be available by tomorrow morning.

Mr. Mackert stated they agreed to do this on July 21, 2008.

Group discussed where to have the meeting. 1st choice is North Fremont Auditorium. 2<sup>nd</sup> choice is for the South Fremont Auditorium 3<sup>rd</sup> choice is the Fremont County Courthouse.

**MRS. MILLER MOTIONED TO SCHEDULE THE REGULAR MEETING ON JULY 21<sup>ST</sup> FOR THE PUBLIC HEARING FOR THE COMPREHENSIVE PLAN AND PREFERRED LAND USE MAP AT A LOCATION YET TO BE DECIDED AT 6:00PM. MR. DERRICOTT SECONDED. VOTE TAKEN: ALL IN FAVOR. MOTION PASSED.**

Mr. Hibbert discussed the provisions that have been made for the Development Code (DC) and stated the LESA has been moved out of the regulatory section and is now in the Natural Resources Inventory. They have also added 6 new zones in a roughed out format including commercial and industrial zones. In each of the zones they have discussed uses for Class I and Class II permits and he want to discuss them and get information from the P&Z. He asked them to be very conservative at the start. It is better to have tight regulations than too loose and then have to come back and tighten them. They also need to look at the difference between a rural conservation zone and a rural living zone. The WUFI code has been included in the appendices and they need to discuss if they want to add all of that into the code as there has been some concerns mentioned by the building department. They also have replaced the old road standard document with the new ones. He discussed some of the adoption procedures and the possibility of allowing some of the sketch plans to be approved by him rather than coming to meeting. He does not want to

process applications that can not be approved. There is also some additional gravel mining criteria in the DC. The final change is that they have taken it upon themselves to combine the three sections of code (Island Park, North and South Fremont). If there are specific criteria for one section, it is still there. The overall criterion is more restrictive right now, and converting those relative standards to absolute standards was difficult. They are more restrictive as of now but they want to get the proper balance and that is why the P&Z is so important; they welcome ideas and input from the P&Z.

Mr. Mackert stated they appreciate the combining of the districts and he questioned if there will no longer be a scoring sheet per se; they are going to have absolute standards that are either met or not. The checklist will replace the score sheet.

Mr. Hibbert stated it is also for predictability so that the developer will know if he has met the requirements or not. People have been frustrated with the way it is. There are also design standards referenced in the DC and they need to update those. They want to be predictable and fair.

Mr. Pinther questioned how they are going to encourage developers to do something when these are all absolute standards.

Mr. Hibbert stated this board has the discretion to ask the developer to do something that is not required in the code. He gave examples of what developers have done just by being asked.

Mr. Pinther stated he is referring to encouraging the developer to exceed the design standards in a subdivision, and they need to be able to have some incentive to offer them to encourage that. Density bonus seems to be the only way to do that, but they should find some other way to encourage the developers to exceed the minimum requirements. That is why he liked the point system. They need to have flexibility to be creative without going below the minimum standards.

Mr. Hibbert stated there will be density given as bonus points but that will be found in the zone specific language. The criteria for expectations will vary depending on what zone they are in. These are minimum standards and that is not what they want to target. Not having the point system will be a change and there were some definite benefits to the point system, but there is a trade-off there that has been very expensive and difficult for the county.

Mr. Pinther stated if they have minimum standards with no incentives to exceed those standards, why would the developers do more? They need to allow that.

Mrs. Lookabaugh stated just saying there is a minimum standard does not mean that they have to set those standards low. Our minimum standard for the county could be set quite high.

Mr. Hibbert stated they do not want to discourage people from performing miracles because of a lack of incentives. That is why they need the code revisions; they need the absolute standards but they also need the ability to go above and beyond.

Mr. Mackert stated he would hope that when they do set the standards, they would be elevated to be acceptable with what is going on in that specific zone.

### 3. Development Code Revisions

Mr. Hibbert initiated a brain-storming session and passed out post-it notes for people to write down ideas for code revisions to be compiled on a master task list. He asked everyone to remain anonymous. Some of the suggestions were: access, the 1,000 ft. rule for roads, impact on schools and bussing routes, development agreements, impact fees, transfer-of-development rights, wetlands, define time frames, design standards, cost of services for the county, visual impacts, easement regulations, gravel pit access, where RV Parks fit, job description for P&Z members, training for P&&Z, enforcement of violations, roads and points of access, developer contribution, gravel pit restoration, enforcement of permits and county ordinances, checker-board lots(2 acre lots), overlay maps, culinary well (average size), protection of streams and rivers, developer pays the cost for fire protection, EMS upgrades, police upgrades, and access roads etc., and encourage growth around infrastructure. He stated they will put these ideas on a list and start working on them. These are all important concerns.

Mr. Derricott asked about the issues with rental cabins.

Mr. Hibbert stated it is a big issue that they are starting to address and he has recommended to the Commissioners that they have a registration program for rental cabins. In order to be registered, they will need to comply with certain criteria. If they do not comply then they will not be registered. It is a different approach but it is very effective because it comes down to life safety issues. They have to decide if it will be an annual or bi-annual renewal process and the cabin owners will receive a certificate showing their registration.

Group discussed issues with some of the rental use cabins in Fremont County.

Mrs. Lookabaugh asked if they would need to hire a compliance officer.

Mr. Hibbert stated the work is mostly covered by a person that they already have on staff. He has a rough draft of the document right now and this process will go pretty quickly.

Mr. Pinther asked if they were going to allow grandfathering.

Mr. Hibbert stated no as these are life safety issues.

Group discussed how the registration will work in regard to the zoning for commercial use cabins vs. residential use subdivisions being used as rental cabins and how the code reads in regard to rental cabins. They discussed the challenges of enforcing this.

Mrs. Miller stated she would like to know where they are in regard to visual impacts.

Mr. Hibbert stated they need to have a work session to come up with design standards for the county in order to get a consistent look in the county.

Mrs. Miller questioned where they are on the RV Park use. Isn't it the same as renting out a cabin in Island Park? They need to decide where it fits. And, if something comes to the table, they will have to refuse it until there is code written to support it.

Mr. Hibbert stated he agrees.

Mr. Mackert stated the developers need to help the process by doing an amendment to the code as part of the process. They have to help solve their own problem.

Mr. Hibbert stated that the developer can find some code in a municipality that has done what they are looking to do and bring it to them to adopt so they can fit. Then the P&Z will have specific criteria to use and judge if it fits.

Mr. Mackert stated they also need to discuss the parking for all the trailers and access to recreation trails from private property.

Group discussed some of the issues with access to recreational trails from private property.

Mr. Mackert stated they have also had issues with developers bringing in Covenants that they are going to have in their development that is to off-set some of the code requirements. There is no enforcement there, and it means nothing.

Mr. Hibbert stated they can not allow that to be done because covenants can be dissolved at any time. The only way to have those requirements enforced is in the development agreement or the plat note.

Mr. Hibbert stated he would recommend they put these issues on a task list and deal with them not in any specific order as they are all important.

Mr. Mackert asked if they could hear from Commissioner Hurt.

Commissioner Hurt stated he thinks this conversation is very healthy. He realizes the CP document will not be complete, but they can address the issues that have been difficult for the county in the past few years and get them resolved they will be ahead. He is encouraged by what he has seen. Mr. Harrington is also going to a study and a plan for

what the Sand Dunes area is going to look like in the future. They need to have a plan and be able to implement it.

Mr. Hibbert stated his appreciation for the staff in the Planning and Zoning Department in Fremont County. He appreciates the support from the GIS Department as well.

Mr. Mackert stated he agrees and also thanked Mr. Chase for all his work.

Mr. Chase discussed the special meetings coming up with the Agricultural Committee and the Land Use Committee.

Group discussed possible dates for the Committee Reports and decided on July 17, 6:00pm.

#### 4. Administrator's Report

Mr. Hibbert showed and explained a graphic illustration of how zoning could be applied.

Steve Roberts Fremont Growth Solutions explained they want to have a seminar on how to build a subdivision that is conservation friendly and also marketable. They want to know who would be interested in attending in order to gauge a level of interest.

Adjourned meeting at 8:05 pm.