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**Fremont County Planning  
& Zoning Work Meeting Minutes  
August 22, 2011  
6:00 pm  
County South Bridge Street Meeting Room**

7 The Fremont County Planning & Zoning Commission met in a special meeting on  
8 August 1, 2011. They met in the County South Annex Building. **Members in**  
9 **Attendance were:** Rod Nichols (Acting Chairman), Sam Davis, Larry Singleton,  
10 Layne Hepworth, Patti Crapo, and Jim Gerber. **Excused:** Cathy Stegelmeier (Chairman),  
11 John Nedrow (Vice Chairman), Cindy Miller, and John Harrington.

12  
13 **Staff and others present:** Stephen Loosli (Administrator), Greg Newkirk (Planner/GIS  
14 Specialist), and Kaylie Bowman (P&Z Secretary)  
15

16  
17

**1. Call to Order and Welcome**

16 Mr. Nichols called the meeting to order at 6:12 p.m.  
17

**2. Approval of Minutes August 1, 2011**

18 Mr. Nichols asked if the Commission if they had any changes to the minutes.  
19

20 Mrs. Crapo submitted her changes via e-mail  
21

22 Mr. Nichols said on line 630 it should say County not State.  
23

24 **Mr. Hepworth moved to approve the minutes for August 1, 2011 as**  
25 **corrected. Mr. Gerber second. All in Favor, motion carried.**  
26

**3. Old Business**

**3.1 Conclusion – Project – Floyd Wilcox Rental**

27 Mr. Nichols asked if everyone had a copy of the information on this application.  
28

29 Mr. Loosli reminded the Commission why this was tabled at the last meeting. He  
30 explained that he talked to Blake Hall the Civil Deputy and it is his conclusion and his  
31 recommendation that the Commission does not withhold an approval. He recommended  
32 this because the public frequently uses this road; any one that has permission can get the  
33 gate code.  
34

35 Mr. Nichols asked if it is the main road onto the island.  
36

37 Mr. Loosli said yes, as you come across the causeway the home is almost immediately to  
38 the right.  
39

40 Mr. Nichols said regarding the application every other requirement has been met, and this  
41 concern has been addressed by legal council.

42  
43 Mr. Loosli said there is a bigger strategy at play here. I will explain this more after you  
44 come to your conclusion here.

45  
46 Mr. Nichols asked if there were any other thoughts on this application.

47  
48 **Mr. Gerber moved to approve the Floyd Wilcox application as it was**  
49 **submitted. Mr. Singleton seconded. All in Favor, motion carried.**  
50

51 Mr. Loosli explained that there are already 20 Class I permits issued for people to rent  
52 cabins on Bills Island. He said that the access of the road for this use is against the  
53 CC&Rs. He said that this road may not be something that we as a County can approve  
54 access to. He said the next action may be that the Bills Island Association may seek a  
55 legal review, and if this happens the applications we have permitted will be rescinded.  
56 This all depends on the outcome of the legal review. The challenge that the County faces  
57 is that the current owners of the road, Bills Island Association, is not in conjunction.  
58 There are four sets of CC&Rs on the Island, and they all need to come together. They are  
59 currently working on this. He said that the communication between our attorney and  
60 their attorney's have been very applicable.

61  
62 Mr. Nichols asked if the action they have taken here is in accordance with the  
63 development code.

64  
65 Mr. Loosli said yes according to the development code this can be approved. He then  
66 explained how this was done for the Woodlands access.

67  
68 Mr. Gerber asked about the seventy decisions that have been made on the island.

69  
70 Mr. Loosli said there have been twenty cabin rental permits approved. The issue the  
71 community has is that the road is privately owned. He said the issue is does the County  
72 have the ability to up the usage on the road if we don't own it. He said this will be  
73 determined in the courts.

74  
75

#### **4. Sketch Plans - Valley View RV Park Extension – Island Park – Class II RV Park**

76 Mr. Nichols turned to the new business. He asked Mr. Loosli to explain this sketch plan.

77

78 Mr. Loosli said that this is different from the one the Commission looked at earlier. He  
79 explained where the RV Park is located. He said that this land is in the County. He  
80 explained how a sketch plan is presented under the new Code. He said that at the  
81 conclusion of the applicant's presentation the Commission can approve this to advance  
82 further and schedule a site visit. He said that the primary part of the Development Code  
83 that applies to this is Appendix N. He explained that this is informal. Questions can be

84 asked but at the end the applicant only can leave with permission to continue the process.  
85 He then turned the time over to the applicant.

86  
87 Mr. Wendell Winegar 3836 N Bills Island Loop Road, Island Park. He said that he has  
88 owed the RV Park since 1999. He said that they have made great improvements to the  
89 park since they took it over. He said that they have expanded behind the Henrys Lake  
90 Station. He said that they also bought the 4 lot subdivision that adjoins the RV Park. He  
91 said that they want to improve the property and create buffer zones. He said that at this  
92 time they are talking about the property adjoining the RV Park. He said that their intent  
93 is to encompass the subdivision lots into the RV Park. He referred to a map of the area  
94 and explained where he is talking about, and what they are planning on doing. He  
95 explained what the Code states, and how they are complying with the Code. He  
96 explained that they are getting larger RVs in the park and that their business is by word of  
97 mouth. He said that he wants to keep enhancing it to get more business. He said that they  
98 have taken large amounts of garbage off of the property. He then talked about what else  
99 needs to be removed. He said that what they have been doing has brought people back.  
100 He said that their request is to encompass the eight acres of the subdivision into the RV  
101 Park. He said that their intent is to put houses on lots 1 and 4 since there are already  
102 houses on lots 2&3. He said that they have put a buffer zone between the houses and the  
103 RV Park. He talked about all of the landscaping they have done.

104  
105 Mr. Hepworth asked how many units there are now.

106  
107 Mr. Winegar said there are 70. He then talked about what was there when they purchased  
108 it.

109  
110 Mr. Hepworth asked how many the expansion would add.

111  
112 Mr. Winegar said that they will add 55.

113  
114 Mr. Gerber asked if that would be on lots 2, 3, and 4.

115  
116 Mr. Winegar said the RV hookups will encompass 2, 3, &4. He said that on lot 1 there  
117 will be a new shower house, and open space for recreation.

118  
119 Mr. Gerber asked how they provide water and sewer, and how are they going to get that  
120 to the new units.

121  
122 Mr. Winegar explained where the septic tanks are located and their sizes. He said that  
123 they have approached the state to boar under the highway and put in a community septic  
124 system. He talked about the engineer that is going to help them with that.

125  
126 Mr. Gerber asked if they were going to be working with Mr. McLaughlin.

127  
128 Mr. Winegar said yes. He talked about the cost of pumping the septic tanks.

129

130 Mr. Hepworth asked if they were looking at a central system.  
131  
132 Mr. Winegar said yes, but that is a few years down the road. He then explained where  
133 the wells are located. He said that the water is tested every quarter and they have never  
134 had a bad report.  
135  
136 Mr. Davis asked if he had the septic pumped.  
137  
138 Mr. Winegar said that they have Parker Septic come and pump the tanks.  
139  
140 Mr. Davis asked where it was dumped.  
141  
142 Mr. Winegar explained it is dumped in Madison County. He then said there is nowhere  
143 in Fremont County to dump the waste. He said that all of the signs of the RV Park are in  
144 compliance, also the trash receptacles are in compliance. He stated that the drainage is  
145 also maintained. He said that the existing sanitary facilities are able to accommodate  
146 many more than they currently have, and that they have someone maintain these  
147 accommodations throughout the day. He said that sanitary facilities will be added to Lot  
148 1 also. He talked about where their recreation area is currently and where they are going  
149 to move it to. He said that he has ample space offered to each RV spot in accordance  
150 with the Code. He stated that the only place they fall short on is the utilities services in  
151 the Code. He talked about these utilities and why they aren't putting these in the new  
152 sites. He said that they have wifi and everyone can pick up on that. He said that they  
153 have a large television in the recreation room and everyone is welcome to use it. He  
154 pointed out that they have tried to make this into a family environment, and that they  
155 enforce all of their rules.  
156  
157 Mr. Singleton asked what kind of reception they have off of their cell phones.  
158  
159 Mr. Winger said that Verizon and AT&T are good. Track Phones work very well and  
160 T-mobile is marginal.  
161  
162 Mr. Gerber said that the Code calls for existing resources and site analyses plan. He  
163 asked if he would be working with Mr. Loosli on those things.  
164  
165 Mr. Winegar said that to his understanding this was just a sketch plan, and that he site  
166 analyses would come with the engineering.  
167  
168 Mr. Loosli said that the only thing missing is the topography.  
169  
170 Mr. Don Winegar 3636 S Bills Island Loop Road, Island Park. He turned to the pictures  
171 on this computer to show the topography of the site. He explained that because of the  
172 slope of the land the homes above the park will not have their views obscured.  
173  
174 Mr. Gerber asked where Highway 20 is located in the picture.  
175

176 Mr. Don Winegar pointed that out on the picture. He then continued to explain the  
177 picture.  
178  
179 Mr. Nichols asked if the white line defined the property.  
180  
181 Mr. Don Winegar said yes.  
182  
183 Mr. Davis asked about the emergency services, and asked if they have a plan if they need  
184 emergency services.  
185  
186 Mr. Winegar said that two of the camp hosts are EMTs; he said that they have had to call  
187 in the ambulance in before and they know where the sites are. He said that in a dry year  
188 they took out all of the fire pits. He said that they do not allow fires in the RV Park. He  
189 said that there are two roads to go in and out on. He talked about where these roads  
190 lead.  
191  
192 Mr. Davis asked if there is a place for the fire department to hook onto.  
193  
194 Mr. Winegar said we do not have a fire hydrant but they do have wells the fire  
195 department can hook into.  
196  
197 Mr. Davis asked if the distance for the trees is alright.  
198  
199 Mr. Loosli referred to the Code, and said that the trees are not of size to cause a canopy  
200 so they are alright regarding that. He then asked where the fire station is located.  
201  
202 Mr. Winegar said that there is one right around the corner, one at Mack's Inn and one on  
203 Bills Island.  
204  
205 Mr. Loosli said there are two points that he would like the Commission to look at. The  
206 first one is on page 4 of the staff report regarding incidental use. He read from the staff  
207 report. He then talked about large scale applications on page 6 of the staff report. He  
208 said they need to decide if this is a large enough scaled plan to have the applicant help  
209 pay the cost of the studies that may need to be done.  
210  
211 Mr. Hepworth asked what the first thing was that Mr. Loosli referred to.  
212  
213 Mr. Loosli said Incidental Uses and then read from the Code regarding this. He said that  
214 staff doesn't see a problem with this, but the Commission needs to decide if they are  
215 alright with this.  
216  
217 Mr. Hepworth said this is going to be 125 units.  
218  
219 Mr. Loosli asked how many units they have currently, and how many they are going to  
220 add.  
221

222 Mr. Winegar said that they have 70 units now, and would like to add 55 more.  
223  
224 Mr. Loosli said that it is in Commercial Zoning, and that this is not an inappropriate use.  
225 He said how nice it looks shouldn't matter, but it does.  
226  
227 Mr. Hepworth asked Mr. Loosli if they need to look at studies.  
228  
229 Mr. Loosli referred to the Development Code regarding Large Scale Development  
230 Standards. He read from the Code. He then referred to Appendix N and read regarding  
231 RV parks. He said that they need to determine if further studies need to be done.  
232  
233 Mr. Nichols asked Mr. Loosli to reread from the Code.  
234  
235 Mr. Loosli did.  
236  
237 Mr. Nichols said that there is a difference between residential units and an RV pad.  
238  
239 Mr. Loosli said that Appendix N refer to this. He said their determination will help him  
240 know where to go next.  
241  
242 Mr. Hepworth said that it doesn't say and does it.  
243  
244 Mr. Loosli said no it says or. He said that the RV Park is different from other things.  
245  
246 Mrs. Crapo said this is very seasonal.  
247  
248 Mr. Nichols said it is a lot different from a home where people are always there.  
249  
250 Mr. Hepworth said he doesn't agree that most of the homes are seasonal also. He said  
251 that they shouldn't make a distinction between homes that are up there and RV Parks.  
252  
253 Mr. Loosli said that one challenge that needs to be addressed is that there may be an  
254 opponent, they don't want to make the distinction incase they go to court. He referred to  
255 the Code on page 107. He said that there is no other facility that is larger than this in the  
256 County.  
257  
258 Mr. Hepworth asked what studies would have to be done.  
259  
260 Mr. Loosli said that he can determine whether this is large scaled, but he would like the  
261 Commission's input. He then read from the Code regarding the studies that would have  
262 to be done. He said that the Commission could say it is a Large Scale application, and  
263 then he would work with the applicant to produce the studies. He said the only study that  
264 he thought might need done is the traffic analysis.  
265  
266 Mr. Hepworth asked if this is a costly study.  
267

268 Mr. Loosli said no not this one; some of the others are very costly.  
269  
270 Mr. Gerber asked about the requirement for the 1500 square feet.  
271  
272 Mr. Loosli said that they can only look at this new application because the other is in the  
273 City of Island Park. He said the applicant is not asking for a commercial building of  
274 1500 square feet. He said as far as units it will be 55 more units. The Code says that  
275 they can review anything over 35. He then explained how this works.  
276  
277 Mr. Don Winegar said that the state came in and put a paved right hand turn lane in last  
278 year, and this year they came back and put the lines on it.  
279  
280 Mr. Hepworth talked about the Red Rock Road problem when there wasn't a turn lane.  
281  
282 Mr. Loosli said there is now a turn lane there.  
283  
284 Mr. Winegar said that he fought with the State to get the turn lane put in. He explained  
285 how he was able to get this turn lane put in. He said that he looks out for the safety of his  
286 guests. He said that he wants to make sure the guests are as happy when they leave as  
287 they were when they came. He explained how he gained his knowledge on the wiring.  
288 He also explained how they maintain the park. He said if they have a problem they fix it  
289 immediately, they own all of their own equipment. He then had the Commission look at  
290 the pictures from what it was and what it will be.  
291  
292 Mrs. Crapo asked what they do regarding people with four-wheelers.  
293  
294 Mr. Winegar said that they have two trails out of the park. He said that if they do speed  
295 in the park, they are asked to push their ATVs through the park.  
296  
297 Mr. Don Winegar explained where they travel with their ATVs by using a picture.  
298  
299 Mr. Davis said that the dwellings can only be used for owners and staff according to the  
300 Code.  
301  
302 Mr. Winegar said that they currently own the two houses there.  
303  
304 Mr. Nichols said the Code says it may include the following.  
305  
306 Mr. Loosli said it could include more than that.  
307  
308 Mr. Nichols asked if there were any other questions.  
309  
310 Mr. Winegar said that they have addressed that in their application. He then turned the  
311 Commissions attention to the pictures.  
312  
313 Mr. Don Winegar explained the pictures.

314 Mrs. Crapo asked if they have monthly rates.  
315  
316 Mr. Winegar explained the rates they have.  
317  
318 Mr. Hepworth said they planted trees along the private drive. He asked if they were  
319 going to plant trees along the ends of the park.  
320  
321 Mr. Winegar said yes. They are looking into planting a little nursery so that they can  
322 transplant them into the park.  
323  
324 Mr. Hepworth asked Mr. Loosli about the study regarding the traffic, and wouldn't that  
325 just decide whether to put in a turning lane.  
326  
327 Mr. Loosli said yes and it is already there. He said that the only one they need to look at  
328 now is the centralized sewer and the applicants are already looking into this.  
329  
330 Mr. Winegar said that he has already talked to the State about drilling under the highway,  
331 and they already have the permit to do this. He then showed the Commission the land  
332 they own on the other side of the highway. He showed them where they are planning on  
333 putting the sewer system, and that it is in a spot that won't be an eye sore. He talked  
334 about the RV industry. He explained that all of the spaces are a pull through space and  
335 the new ones will be on an angle.  
336  
337 Mr. Loosli said that at this point the Commission should provide any guidance they  
338 would like the applicant to take before they return with the next phase.  
339  
340 Mr. Nichols said that the utilities are not necessary because they are not going to be used.  
341  
342 Mr. Loosli said this is if they are putting in the utilities they have to be underground; they  
343 don't have to put in the utilities.  
344  
345 Mr. Winegar said that when they bought the park the utilities were over head, they have  
346 since put them in underground. He said that they can handle the numbers with their  
347 electricity. He explained this.  
348  
349 Mr. Nichols asked if there were any questions.  
350  
351 Mr. Gerber asked if they need to consider this as a large scale applicant.  
352  
353 Mr. Hepworth said yes it is large scale for our County, but the issues we have are already  
354 addressed.  
355  
356 Mr. Loosli said that they could conclude that it is large scale, but that it has already  
357 satisfied the requirements.  
358

359 Mr. Hepworth said that because of the size he would like to see a time line for when the  
360 central sewer system will be put in.

361  
362 Mr. Winegar said it is a few years down the road, but it is in the works.

363  
364 Mr. Loosli said that between now and when they see this, they will get a development  
365 agreement that has this in there. He also said that this will be in a later phase and they  
366 will have to come back for the permit to put this in.

367  
368 Mr. Nichols said that if the number of septic tanks on site can handle it then there is  
369 nothing else we can require.

370  
371 Mr. Winegar explained the capacity of the septic tanks they currently have.

372  
373 Mr. Nichols said that the community septic is to the applicant's advantage.

374  
375 Mr. Winegar said that this is his plan. He said that he is planning it in the next couple of  
376 years.

377  
378 **Mr. Singleton moved that the Valley View RV Park expansion sketch plan be**  
379 **approved to move forward. Mr. Hepworth seconded. All in favor, motion**  
380 **carried.**

381  
382 The commission complimented the applicant on how well they have maintained this RV  
383 Park.

384  
385 Mr. Nichols said there would be a break.

386

## 5. New Business

387 None

388

## 6. Other Business

### 6.1 Ridgeline Protection Policy and Definition

389 Mr. Loosli asked Mr. Gerber if he had the pictures on the ridgeline.

390

391 Mr. Gerber said that he needed to bring them in.

392

393 Mr. Loosli said that there are photos of the ridgelines. He asked what the Commission  
394 was thinking regarding ridgelines.

395

396 Mr. Gerber said that he went on the internet and typed in Ridgeline Studies. He talked  
397 about the studies that he looked at. He said that he compiled an idea of what could be  
398 used. He said that for this County there is no need for a ridgeline. He said that it is a  
399 relatively flat County, but he went out and took pictures throughout the County on areas  
400 that might qualify. He said that the Commission could look at these to decide if  
401 ridgelines are needed.

402 Mr. Loosli went to the white board to explain the ridgeline in Teton County where  
403 highways 32 and 33 meet. He explained that it is hard to find this in Fremont County.  
404 He gave examples of what might be considered a ridgeline in Fremont County. He said it  
405 is all about silhouette. He said that he can't think of any where in the County where this  
406 might happen.

407

408 Mr. Singleton said that where he lives there is a little ridge.

409

410 Mr. Loosli said that if we strictly interpret it anything over two feet would be a ridge. He  
411 said that back east they map ridgeline overlay areas.

412

413 Mr. Hepworth asked if they could do this.

414

415 Mr. Loosli said yes.

416

417 Mr. Nichols said should we do that. He then said that the property owner owns the  
418 property and they have a right to the view.

419

420 Mr. Davis said he agrees, and he said he wonders how to make this fair for everyone. He  
421 gave examples of this. He said how can they make this fair but still negotiable.

422

423 Mr. Loosli said that if they put a ridgeline overlay then it brings up a TDR issue. He  
424 referred to Park City Utah. He gave an example of this in the County. He said that the  
425 new under writing for mortgages it is going to make it hard for rural America. He said  
426 that the new Code is ahead of the times and follows this. He said that maybe they need to  
427 have Greg Newkirk do a study on ridgelines.

428

429 Mr. Nichols asked if the ridgeline view is more important than any other view in the  
430 County.

431

432 Mr. Loosli said yes. He said because of property rights. He explained this using the  
433 white board. He said that a lot of people have assumed property rights and this is where  
434 ridgelines come in. He gave examples of these. He said that zoning comes into play as  
435 to what two properties can be next to each other. He said that people do buy for a view  
436 and it makes properties more valuable. He said that assumed property rights do add value  
437 to the property. He pointed out that in Fremont County most homes face the Tetons. He  
438 said that for zoning purposes people can not block others views. He also said that things  
439 are going to change. He said that Mr. Newkirk can go look at some ridgelines and come  
440 and talk to them about it.

441

442 Mr. Davis asked if they put it in an overlay would this put the Commission in the middle  
443 of where they can go. He asked what kind of a bind does this put the County in.

444

445 Mr. Loosli said yes. He said there will be ridgeline restrictions in areas. He said that  
446 very specific areas will have restrictions. He said he would have Mr. Newkirk do a study

447 and they would get it to the Commission via e-mail. He said that there is no right or  
448 wrong answer it will just be what the Commission decides.

449  
450 Mr. Gerber asked if Mr. Loosli is going to send out the rough draft of ridgelines that he  
451 has given him.

452  
453 Mr. Loosli said yes he would send those out. He said that simpler is better up here.

454  
455

## **6.2 Fremont County Comprehensive Plan Discussion**

### **6.2.1 Review of State Requirements**

456 Mr. Loosli asked how many had read the comprehensive plan recently. He said that there  
457 are State requirements that have to be met. He said that the one they are not in  
458 compliance with is Parks and Recreation. He said that they will start the committees next  
459 week. He read from the Idaho statutes regarding Comprehensive Plans. He said not only  
460 do we want to study what the County has, but what they don't have and need. He talked  
461 about the Island Park Sewer System. He said that there may have to be a policy that in  
462 the parts of the County where the sewer system may not be adequate, no more homes can  
463 be built. He talked about the different areas they need to look at. He said the final thing  
464 is the implementation of the plans, how are we going to do accomplish these things. He  
465 said that he has applied for a grant to get a Universal Comprehensive Plan. He gave  
466 some examples of this. He said that as they go through the Comp Plan they will go over  
467 one item at a time. He said that he is trying to find funding for some of the studies. He  
468 said their primary cost is transportation expenses. He asked if there are any questions.

469  
470 Mr. Singleton asked about the land field.

471  
472 Mr. Loosli said that Fremont County is in with some other counties that will have a  
473 combined trash incinerator that will make it into power.

474  
475 Discussion on land fields and the change to the trash incinerator.

476  
477 Mr. Loosli said that if they have a large scale application they can demand that they have  
478 a central sewer. He said that they may say that in certain areas a personal sewer is not the  
479 way to go. He said there are other systems and better ways to go. He said that Fremont  
480 County is doing voluntary recycling and it brought in \$100,000.00 last year. He said a  
481 good question that was brought up tonight is septic pumping. He said there is no where  
482 to take the waste. He said he is fed up with DEQ and EIPHD.

483  
484 Mr. Nichols said they have a lot of requirements, and no where to dump. He said there  
485 has to be somewhere in this County to dump.

486  
487 Mr. Loosli said that he had a disheartening call with the County attorney regarding the  
488 response from the EIPHD attorney. He said that EIPHD doesn't have the power to do  
489 everything they need to, and DEQ won't give them the power. He said he gets questions

490 on why they aren't doing things, and the answer is because they can't it is EIPHD. He  
491 gave examples of this.  
492  
493 Mr. Hepworth asked if this is a reason to look at other systems rather than septics.  
494  
495 Mr. Loosli said that community systems are less cost over all but the up front cost is a lot  
496 more. He then gave examples of this.  
497  
498 Mr. Hepworth asked if this is something that this County should address.  
499  
500 Mr. Loosli said we can. He said that one of the problems with Appendix W is that before  
501 they can transfer the title on a home the septic has to be approved. He said that EIPHD  
502 will not do this.  
503  
504 Mr. Hepworth asked if it was because it will cause them more work.  
505  
506 Mr. Loosli gave examples of problems with septic not being inspected. He said that he is  
507 trying to get this problem fixed and how he is doing this.  
508  
509 Mr. Hepworth asked if they will get information on this.  
510  
511 Mr. Loosli said yes he will get this information to them.  
512

#### **6.2.2 Review of Current Plan**

513 None  
514

#### **6.2.3 Needed Studies and Possible Funding**

515 None  
516

#### **7. Administrator's Report**

517 None  
518  
519 Meeting dismissed at 8:25 p.m.