

Public Hearing
For Woodlands at Bills Island
April 10, 2007
9:00 a.m.
Fremont County Annex Building – Meeting Room

Present were Commissioners Paul Romrell, Donald Trupp and Skip Hurt.

Also in attendance were Prosecuting Attorney Karl Lewies, Clerk Abbie Mace, and Deputy Suzanne L. Bagley was present to take minutes.

Trent Grant Hearing Officer gave introductions and instruction to the audience, regarding parking and cell phones.

Trent Grant read the purpose of the hearing that was advertised to the public.

Clerk Mace stated that proper notice was made.

Commissioners were asked if any of them had any conflict of interest. Commissioners indicated that there was none.

Planning & Building Administrator Jeff Patlovich presented his report. This is an application for a 42 lots subdivision. This was denied due by Planning and Zoning Commission on an absolute requirement of VIII. KK. Access. He stated several other concerns with absolute requirements. He presented exhibit 3 a vicinity map of the proposed subdivision.

Commissioner Romrell asked if this was in a water quality vulnerability area.

Jeff Patlovich stated that it is. Jeff Patlovich asked that the Fremont County Transportation Plan and the Fremont County Development Code to be put into the record.

Hearing Office Grant gave directions on how the hearing will proceed.

Ryan Davis is the proposed developer. Mr. Davis stated that he is an experienced developer. This is not his first time, and he believes that putting the best people to work for him and his development.

Attorney Charles Homer attorney for the developer. Mr. Homer asked that the reference for his memorandum (Exhibit 2) submitted and be made a part of the record. Mr. Homer gave a brief history of the packet that was submitted. This project was submitted before and denied with a previous owner. He stated this is the same project with the change of density to 42 lots. He referenced the Facts, Findings, and Conclusion of Law from the previous developer. He will refer to those today. He stated this project is in water quality vulnerability area and is not in any other critical areas. He referenced Article VIII F & FF of the development code states; that a central sewer is encouraged but not required.

Mr. Brockway will testify today the advanced treatment systems are the ones they are proposing. He stated Article VIII FF says to comply with the requirements the sewer systems have to be approved by the proper government authorities. They have approved the systems referred to in the previous proceedings and they were in compliance with the sewer. At the last hearing Mr. Willie Tuescher from DEQ stated that it complies. He referred to the study from Keller and Associates. Also included RRC's that homeowners association will monitor septic systems. Also he referred to testimony from District Seven Health Inspector Owen Mc Laughlin at the previous hearing stated that requirements were met. There will also be a central water system that is encouraged not required. Mr. Brockway will testify of this. Addressing Wildfire and wildlife; he stated this was completed in a previous hearing. He referenced letters from the fire district stating the project complies. There are wildlife habitat corridors around the area with wildlife protection plans that are included in the covenants. Ray Finch will review the location of fire hydrants in the project. Mr. Russ McFarline will testify of a fire wise community. Now to the loop system requirement with 1000 or less ADT, he states it does comply. Planning and Zoning Commission did not elaborate on why this did not comply. The testimony that will be presented by experts will show that the loop system will comply. Ray Finch will talk about the causeway modification to 3-12 ft lanes. He feels that the developer has the legal right to modify the causeway. Mr. Russ McFarline will address the fire safety issues. Mr. Ryan Hales will testify to the traffic safety. Gerald Tully who is a land consultant will address the issue of Planning & Zoning Commission, the loop system; this has been approved previously by Planning & Zoning Commissioners. He referred to original Bills Island Plat and stated that the interior of the Island has always been planned to be developed.

Mr. Ray Finch from Mountain View Surveying presented a plat of a subdivision (Exhibit #4). He stated that the proposed development of 42 lots with 70 acre development transfer from Meadow Creek, he also referred to two fifty foot accesses one will be used as a primary access and the other will be used for an emergency access. They do have letters of intent for service from Fremont Telcom and Fall River Electric. They have two well lots to provide two wells. They propose 5 -6 hydrants at 100 gallons per minute for fire protection. There are 2 to 13 different lot sizes in development that are larger than the existing lots on the island. A 50 foot wildlife corridor loops for the project to be used as a buffer. Enhanced septic tanks are proposed with a 100 foot buffer between the existing development and the proposed development with 60 foot wide roads. This will have better access in the event of a fire. At the causeway there will be a dry hydrant and a boat ramp with permits from the Army Corp of Engineers. He presented a map of the causeway (Exhibit #5). He stated there will be annual maintenance of reflectors on lanes of the causeway for evacuation purposes. The main entrance will be graded with less of a slope for better access.

Commissioner Romrell asked about dry hydrants. Was this something new in Fremont County?

Ray Finch presented drawings of how dry hydrants work (Exhibit #6).

Commissioner Romrell asked what about the winter months.

Mr. Finch stated they will plow the ramp to the dry hydrants.

Commissioner Romrell asked how they keep from freezing during the winter.

Ray Finch said that the hydrants are dry and can be drained after use. He presented a drawing of the hydrant on page 16 (Exhibit #7).

Commissioner Hurt asked if the causeway would accommodate 3-12 foot lanes with 2 foot embankments.

Mr. Finch stated yes.

Commissioner Don Trupp asked if the dry hydrant lift is sufficient.

Mr. Finch stated yes and then went on to explain that this has been taken into consideration.

Commissioner Hurt asked about permits on the causeway and if they had been obtained.

Mr. Finch stated the applications have been submitted to the Army Corp of Engineers.

Chuck Brockway of Brockway Engineering talked about wastewater treatment. This project will have individual septic systems. They have nine test sites have been done and they meet the state requirements. It is 15 foot to ground water, this site is suitable with advanced septic systems they can have as little as 1 foot of ground cover (3 foot is the standard). He stated District Seven Health department indicated that the development complies with state law. Advanced treatment units are being proposed for this project, they are not required, but the applicants would like to see these (advanced systems) in the development.

Advanced treatment units are the proposed best technology. He explained that they take the place of a traditional septic tank; they have two chambers that treat waste. He explained there are two systems being used in the State of Idaho that are proven systems. BOD and nitrogen reductions take place with these systems. They are in mountainous areas. They have to be maintained and monitored by someone State approved. He addressed concerns with failures of system failure with part time occupancy, he gave a scenario – if it failed it would work the same as a standard septic system. The system can be shut down and restarted with part time occupancy gave several scenarios that show there is not a nitrate problem. Chloroform is a concern in the area they have an adequate drainage requirement. They looked at the central system as an option. His opinion is that the individual systems are better.

Water supply will be by two wells with central public water system monitored by the state. Wells will be 10 to 12 inch well casing with seals approximately 200 ft. deep; approved by DEQ. Average water demand is average 12,000 gallons per day with a peak demand of 27,800 daily gallons. Fire hydrants require 150 to 200 gallons per minute.

Mr. Brockway stated that the property can meet these demands. They have done an analysis on area impact. Peak day pumping for 30 days pulls .30 foot 100 foot from well and .14 foot at 500 foot from well. Concerning water quality, he referred the Keller study that shows good quality and the Schiess study that shows no nitrate problem. There is phosphorous in the reservoir that is typical. There is adequate water supply and treatment.

Ground water quality sampling has been done. They feel that they have looked at this from every angle that could possibly be looked at.

Commissioner Romrell asked if the advanced systems help remove phosphorus along with nitrates.

Mr. Brockway stated some.

Commissioner Romrell asked if the advanced systems are better than traditional septic systems.

Mr. Brockway stated yes.

Commissioner Hurt asked about who will monitor the advanced systems.

Mr. Brockway stated that District Seven would have to approve who gets the contract. The contract will be with the homeowners association and a nonprofit company.

Commissioner Hurt asked what happens if a system fails.

Mr. Brockway stated the state requires that the contractor must fix the problem and bring it into compliance.

Commissioner Hurt asked if a failed system would treat waste the same as a traditional septic system.

Mr. Brockway stated yes.

Commissioner Trupp asked if the rate of failure is high with the advanced system.

Mr. Brockway referred to a particular system with a bad track record. This is not the system they are proposing using.

Commissioner Trupp asked if Mr. Brockway had heard of the increased requirement from District Seven Health to require a 1500 gallon tank.

Mr. Brockway stated no, but that it is a good idea.

Commissioner Romrell asked are lot buyers required to purchase the advanced systems and pay for maintenance.

Mr. Brockway stated yes it is required in the covenants.

Mr. Homer stated for the record on ATU's that DEQ require monitoring by a third party. Covenants have this requirement with contract for monitoring by the homeowners association; individuals don't have a choice and they must comply.

Russ McFarline from North Wind talked about the fire mitigation plan. He referred to the study performed previously. He addressed the hydrants and fuel breaks that the roads make. He talked about the exit plans occurring at the start of the development from the ground up and referred to the Fremont County Fire Mitigation Plan. He stated open burning will be prohibited, there will be buried utility lines, restrictions on building heights, propane tanks will be clearly marked and 30 foot defensible spaces around homes will be required.

Commissioner Hurt asked if this property was lodge pole pine.

Mr. McFarline stated yes.

Commissioner Trupp was concerned with failure of not maintaining breaks.

Mr. McFarline does not know how but it is in the covenants.

Mr. Homer stated this is always an issue, that the protective covenants are the teeth, the homeowners association will be the monitors.

Ryan Hales represents Hales Engineering talks about the memorandum on traffic (part of Exhibit #2). He referred to several federal guides he used for this study. He gave a background of the island; that there are 301 lots of which 197 have homes with seasonal traffic highest in July. He referred to the article VIII. KK.3 of the code and referred to AADT annual average daily traffic verses ADT average daily traffic. They counted in July the ADT for the study. He referred to the graph in his memorandum on US 20 with July as the peak month, they set their counter up on the east side of the causeway. The dates that they counted were July 9 - July 19, 2005. He referred to guides that have data on national averages. This area is not of full time residents, but mostly made up of part time on the Island. They studied the peak season and came up with the following figures 2.8 ADT for the island now, $42 \times 2.8 = 118$ average daily trips. With complete build out on the island $301 + 142 = 343$ with 961 total is what they came out to which meets the 1000 ADT requirement. He evaluated emergency evacuation of the causeway at the total build out of 343 it would take 52 minutes with improvements to the causeway. This would require modification to the gate to include two exit lanes. Currently it would take 62 minutes without improvements to the causeway. He explained why ADT is so important not peaks, referenced in the federal manuals. He stated you don't build roads to peak times you would be over designing the roads. Only build to average use.

Commissioner Romrell asked what the plan is for the road surface.

Mr. Finch stated that this road would be brought up to County standards and would be a gravel road.

Commissioner Hurt asked how long it would take to evacuate now.

Mr. Hales stated that it would be 62 minutes with 3 cars at each home now; with full build out with improvements to the causeway and gate it will take 52 minutes.

Mr. Gerald Tully with Psomas has a background in development. He performed a peer review of the plan. He reviewed the findings of fact and conclusion of law from the previous application. He stated the proposed development does meet the requirements and addresses other issues. He addresses the 1000 ADT's and feels that is a balanced standard. The proposed lots are larger than the existing lots today. This is good planning. With the loop road is the same as what is there now; it disperses traffic with improvements to the causeway. It will also provide fire breaks and traffic issues. The other improvements proposed also improve the island. He looked at other areas with developed islands in the nation. Also they looked at the two lane resort communities with larger ADT's that function well. He feels the 1000 ADT's are reasonable and conservative. He feels this development meets the requirement of the county.

Hearing Officer Trent Grant introduced the commissioners and others to the audience.

Mr. Charles Homer will ask for the remainder of his time for rebuttal.

Attorney Reed Larson who is representing Bills Island Homeowners Association will have Casey Richardson from ITD go first.

Casey Richardson from the Idaho Transportation Department in Rigby took a count west of the gate at Bills Island June 30th – July 5th. The total volume was 5928 vehicles in 6 days. The counter started at 8:00 a.m. on June 30th and end at 11:00 a.m. on July 5th. The traffic count was 1076 for the weekdays and 1260 for the weekend with an average of 1247 trips. Peak use time was from 11:00 a.m. to 12:00 noon on weekdays and peak time was 10:00 a.m. to 11:00 a.m. on weekends.

Mr. Richardson stated they are non bias that they were just asked to do the traffic count. He also stated with the increasing amount of subdivisions the state is starting to look at how they affect state highways.

Commissioner Romrell asked if he had a handout.

Mr. Richardson gave commissioners a handout. (Exhibit #10)

Attorney Reed Larson stated that the information presented by Mr. Richardson was also part of the record from the Planning & Zoning public hearing. He is here today representing the Bills Island Homeowners Association which objects to the project. He stated that the commissioners have the right to protect the citizens of Fremont County.

Mr. Larson is here today to tell why they are opposed to this subdivision. He entered a map of Bills Island Plat (Exhibit #11) and an aerial map of the Island (Exhibit # 12) of who owns the roads. He stated that Bills Island Homeowners Association owns the roads. These are private roads. All of the roads are not built to county standards because they are not county roads. With the denial of the previous decision he made it clear to the commissioners that they are not bound by that decision. He referenced Bills Island Plat Exhibit #11 with private roads; also referred to Exhibit #12 on the sizes of the roads are longer than the requirement in Article VIII KK of the county code that the main road into to proposed development is 1690 ft. longer than the requirements. He stated that all the roads on the island are private roads and do not meet county standards. He stated that the gate is 13 foot 6 inches wide; and the developer has not approached the homeowners association to widen the gate or expand the causeway. He talked about the real issue at hand which he stated is KK Access. He presented a large poster of KK Access from the Fremont County Code (Exhibit #13). He referred to the 2.8 ADT that Mr. Hales stated. He stated that this is the only figure that will meet the code requirements. He feels that this does not meet the requirement (presented Exhibit #14 Trip Generation Document). He referenced page 269, the average ADT of 9.57 for single family dwellings. He stated that was not used; again he referenced page 508 about recreational home average 3.16 ADT with that number they are over the requirement. He stated using the ITD meter count 5.5 ADT is over the requirement of 1000 ADT. This is why it was denied by the Planning & Zoning Board. He stated the loop system does not meet the KK requirement. There is only one point of ingress and egress. The distance to the public maintained road is more than the 680 foot requirement. He referenced the language of the Fremont County Development Code requirements. He stated that 42 lots is not a small development with access on a private road.

Lunch Break

Mr. Larson asked if the commission has any questions.

Commissioner Romrell asked if access becomes unsafe with more than 1000 ADT's.

Mr. Larson stated this was the standard of the county with safety as a concern.

Winston Dyer an Engineer of The Dyer Group in Rexburg representing the Bills Island Homeowners Association gave commissioners a summary of items of consideration (Exhibit #15). The wells located in the Welling Subdivision which is the subdivision near by have had contamination; seven times over the last twelve years. There are several individual wells in the Bills Island that have had contamination issues. He asked commissioners to consider this in their decision. He referenced water quality vulnerability area; that according to county code calls for a central sewer system. He referred to the study from previous proposal with water quality concerns. Madison County has suspended approval of several enhanced systems and is concerned with proper operation of infrequent use. He feels that the central systems are better. He addressed fire and stated that we are under the International Fire Code of Idaho. There are concerns with water flows for fire protection. He reference letter from the Fire Marshall

on a previous proposal. He stated there are issues of ADT the level of service of a road he explained the ranking of A - E with A as the best. The 1000 ADT is for safety. He referred to the 1970's when we had water contamination at Mack's Inn. He also referenced the water quality concerns of the county. The Possibility of having a central sewer would be the best.

Commissioner Romrell asked if Mr. Dyer was talking about the Keller Study. (Exhibit #16)

Mr. Dyer stated yes.

No objections will be made and (Exhibit 16) will be entered in as part of the record.

Commissioner Hurt asked Mr. Dyer what was the contamination and where.

Mr. Dyer did not know the use of the exact location but stated it was fecal coliform.

Commissioner Hurt asked how you would address the central systems.

Mr. Dyer talked about collector and treatments with a collection and treatment plan with the possibility of a central septic with a drain field, lagoon or mechanical system.

Commissioner Hurt asked if Welling has a sewer system and how it was working.

Mr. Dyer stated that there have been some problems and that it works on the same principle as a septic system, that it is managed year round.

Commissioner Romrell stated that we are testing wells, and if your wells are contaminated where it is coming from.

Mr. Dryer stated that there have been some broken pipes.

Commissioner Romrell asked if the sewer system is lined.

Mr. Dyer stated that it was not.

Hearing Officer Trent Grant explained the public comment process.

Public Comment-

Brent Call 243 N 3500 E, Rigby, is President of the Welling Subdivision. Mr. Call stated that this is a private gated subdivision. Taxes are paid by the association. He stated it is over 1690 feet from the gate to the top of the causeway. This does not meet the requirement. He stated that there need to be two accesses. Bills Island only has one. He stated the traffic county from the state is accurate, and non bias. They tested from June 30 to July 5; the results showed over 1000 ADT with an average of 1,146. Rarely are

there only 2 cars per home. He stated the study performed by the developer was done after the holiday; he feels you have to plan for the heavy traffic. Fire protection concerns with having adequate water pressure at the dry hydrants and with the pipes freezing in the winter. He has concerns with water quality. He has boil order records for the last 10 years. He read a quote from the boil order. Coliform has been the problem causing the boil orders. Boil Order hand out (Exhibit #17).

Commissioner Hurt asked if the Bills Island Homeowners Association would be willing to help pay for a central sewer system.

Mr. Call stated he thinks they would if the county puts it in the whole area.

Commissioner Trupp asked if their samples were taken at the well head.

Mr. Call stated they came from the wells.

Wayne Moses from, Pocatello has a cabin on Bills Island. He is concerned with traffic safety on the causeway. He stated his grandchildren have had a close call. He stated expert testimony in not always as good as stated. This is a beautiful place and wants it to be safe.

Yvonne Daniel of Burley represents the Bureau of Reclamation and sent a letter dated October 16, 2006 to the Planning and Zoning with concerns with water quality at the reservoir in reference to sewer systems. She stated they have flood and flow easement that cover almost the entire island. She asked that that fact be included on the plat if the project is approved. She submitted a map of the easement. (Exhibit #18)

Garry Belton 645 E 2800 E, Ogden, Utah stated he also owns property on Bills Island asked that the commissioners consider public safety. Mr. Belton has lots 99 and 99A the first lots after you cross the causeway. He indicated the location of his lots. He does not have a cabin yet but does camp out annually for several days on this property. He sees all the traffic, lots of 4-wheelers also heavy traffic with underage drivers. He is concerned with safety, as you exit cross the causeway at 10 mph. This will be a \$20 to \$50 million dollar project using dirt roads. He stated in an emergency he is concerned with getting everyone off the island. He stated there have been moose through the area on several occasions.

Kirk Davis from Kozy Kabin Konstruction who also owns a lot on Bills Island stated Mr. Bills indicated to his family he would never develop the interior of the island. He reviewed the developer's application and stated they do a good job. The interior of the island will be developed sooner or later and he would like to see it done properly. He stated having the center of the island developed makes it safer for fire protection. He is not sure road count is accurate because of ATV's and boat trailers. He wished emotionally that this would not happen, but knows they have a right to develop. The sewer at Welling has had problems and is concerned with lack of maintenance on their system and feels that is what has caused their problem.

Greg Williams is a builder in Island Park and has two houses near the causeway. In March there has not been much traffic. They took a study on July 4th it seemed to get the traffic count as high as possible. He stated that he is a developer himself and in favor of the subdivision. The island has no fire protection as it stands right now, but will improve the island and improving the causeway will benefit all.

Hillary Morgan an Attorney from Utah stated that her family has been on the island since the beginning. She is concerned because this is a private development. She read a portion of the Bills Island Subdivision plat pertaining to roads to be used by private owners. The roads are maintained by the association and they need to be protected.

Reid Richmond who is President of the Rexburg Boat Club and on the Bills Island Homeowners Association Board stated that there have been water problems in the Boat Club with the two wells. There are concerns with density. They do maintain a fire truck on the Island and a letter was submitted. (Exhibit #20)

Commissioner Romrell asked them to identify the location of the Rexburg Boat Club.

Mr. Richmond pointed it out and related the story of how the road was developed.

Commissioner Hurt commented on the road being straight and asked how many gallons the fire truck can hold?

Mr. Richman stated that it would hold 700 gallons.

Commissioner Hurt asked if it has been used.

Mr. Richmond stated that it had.

Commissioner Romrell asked if the well had been lowered.

Mr. Richmond stated that it had been lowered from 60 to 65 feet.

Commissioner Romrell would like to see how low the wells really are in the Welling Subdivision.

Commissioner Romrell asked how hard it would be to use a dry well.

Mr. Richmond stated that he had not done it.

Con Haycock who is from Burley is a property owner on Bills Island. Mr. Haycock's well is 120 feet and it went dry in 2003. He is concerned with the proximity to the proposed wells. If there were to be a fire he does not have the capacity to fight fires. He referred to (Exhibit 19) a map with photos around it. He is concerned with the possibility

of a log drop in a fire on the causeway; how will we get off the island. He has concerns about the bottleneck at the Forest Service which is two lanes.

Gary Longhurst 1836 East 1400 North, Shelley, is a cabin owner and is concerned if the language used today is appropriate. He works for the INEL. In previous testimony it was stated there are only 250 enhanced systems in the state. There was a question as to how it was proven and does maintenance come out of Boise. That will be a large cost. Safety concerns at the Planning & Zoning hearing and the developers study that was done between July 9-19 with 670 ADT's the current build out will be over it's 1000 ADT's; 1,145 based on our study with the proposed subdivision. Three lanes will be used on the causeway for a fire evacuation. His cabin is in the backside of the proposed development. He is concerned with the roads and safety on both sides of his cabin. He is concerned with access. There are more then two vehicles per cabin at the existing cabins.

Wendell Winegar is from Utah and has a cabin on Bills Island. There are several concerns with the depths of the wells and the size especially with fire and fire protection. Mr. Winegar stated that lot 11 has contamination over time. He states the flow runs out of the island into the lake and feels a central system would be better. Road comparison in Florida are very different from the island, and references having three roads at one point to exit the causeway studies by the developer was in a low time of the year. The homeowners study was done on a high traffic time of the year. He is a volunteer fire fighter and is concerned with the dry well. He stated there has been a chloroform problem with lot 11. He is also concerned with the groundwater levels on the island.

Penny Belton 645 East 2400 North, Ogden, Utah, also owns property on the island would like to have it known for the record that 12 trees were taken out of her property. She is concerned with this. The power company has the right to remove trees in their easement; but they did not remove the trees. The Welling addition was named after her dad, and she hopes to see this developed properly. Ms. Belton is a teacher and tries to teach to play fair and feels very offended by the removal of her trees.

Commissioner Romrell made the comment that she could teach his grandchildren anytime.

Benjamin Davis of Rigby, talked about the safety of the place where his family cabin is located. He referred to a similar situation in Rigby where he lives is happening, because there is only one access point; therefore is grateful for a developer who is trying to do it right. He state you can't stop growth, but it needs to be done properly. Homeowners should be addressing these issues and work with the developer.

Marl Vik Fremont County Public Works Director is a registered engineer. She stated she doesn't have a personal interest in this project. That she is here as a public steward. She discussed the ADT's and the imposed improvements to the causeway. She discussed the two traffic counts presented. She referred to Mr. Hales testimony stating it is not common practice to do a count over a holiday weekend. Counts are over 1000 trips per day. She stated the developers did not present the trip generation report, the

homeowners association did. It is the standard used by industry. She read the definition of recreational homes from the standard. She would like to see the traffic counting be part of the record.

Commissioner Romrell asked for a definition of ADT's.

Mrs. Vik stated that AADT is over a whole year and that ADT's is anything over two days.

Commissioner Romrell asked if there is an industry standard?

Mrs. Vik stated it can be anything you choose.

Commissioner Hurt asked what should be the standard?

Mrs. Vik state our code says the standard is ADT.

Commissioner Hurt asked how many lots are available.

Mrs. Vik stated a total of 343 potential homes. She also explained the ITD count is only 57.3% of the total possible build out.

Commissioner Romrell asked what is more common AADT or ADT.

Mrs. Vik stated it depends. She continued on the causeway. The diagram she reviewed was the one submitted to the army corp. or engineers. The road surface can be widened without widening the causeway. She explained the current road on the causeway. She has concerns with not being able to put in three lanes without adding fill and having guard rails with the current width of the causeway. She would like to have it in writing that they can add additional fill.

Commissioner Hurt asked if the embankment now is 35 feet and if the road on the causeway is straight.

Mrs. Vik stated that the road is currently more to one side of the causeway.

Commissioner Hurt asked if an extra two feet to put 3 – 12 foot lanes is enough.

Mrs. Vik stated it is not how she would have designed it. She feels it would need more room on the other side for guard rails.

Commissioner Hurt asked Mrs Vik if she could see any concerns with going over the 1000 ADT's.

Mrs. Vik stated safety is not a determining factor.

Commissioner Romrell stated it is good to have our own engineer.

Brent Call came up with the depths of the wells at the Welling Subdivision they are 100 ft. as far as they can tell.

Troy Zentner of Utah owns a lot in the Welling Subdivision and would like be able to use the whole island and have safe water. He is in land development and from listening today we will all lose if this development does not happen. There are valid concerns by all. If they have their own homeowners association we will have safer roads. We need to work with the developer on more safety issues. This developer does a very good job with development.

Kevin Turpin of Orem, Utah is a developer by trade. He commented on the KK requirements. He feels the development does not comply with KK; there must be two in's and out's for safety reasons. The loop system can be used on a small development. This is a 42 lot proposal and feels it is not a small development. There are more year round residents in Island Park and the number will not be going down only up. He feels that we are over the 1000 ADT's now. The loop to the public highway has not met the requirements if you have to travel ½ mile. He questioned the causeway is dual owned. That does not make it a public road. The causeway needs to be address if it is not a public road. Three lanes do not create two ingress and egress. He talked about safety not inconvenience. He asked that the commission deny today's proposal.

Brent Whittaker Island Park a real estate broker and volunteer firefighter is scared to cover a fire in this area and stated that everyone would gain from the approval of this subdivision.

Commissioner Hurt asked why he would not like to fight fires.

Mr. Whittaker stated that there are no defensible spaces on the island.

Commissioner Hurt asked if they were able to take the large equipment around the island.

Mr. Whitaker stated that he had, but that it was very tight.

Commissioner Hurt asked if the fire department had assessed this area.

Mr. Whitaker stated that the problems are in the areas that you are not able to turn around.

Commissioner Hurt asked if a new road would give better access to the Rexburg Boat Club.

Mr. Whitaker stated no, but that it would help with evacuation.

Hearing Officer Trent Grant explained how the rebuttal works.

Public
Rebuttal comments
No rebuttal comments

Reid Larson rebuttal for the Bills Island Homeowners Association stated that the Planning & Zoning Board denied this based on KK that the development does not comply. One issue is the easement for the causeway is 50 foot at the bottom and he questions how to have 40 feet at the top. They have concerns with KK and hope the commissioners deny the permit.

Mr. Homer rebuttal for the developer stated that Mr. Charles Brockway will be the first of their experts to speak.

Mr. Brockway talked about a few problems on the Welling Addition central sewer system and does not know why there is chloroform present and not functioning and it is unfortunate that they are having so many problems. If the wells are too shallow it will not effect the proposed development. If the new wells are put in properly they will not cause more problems, the same with the Boat Club well which is only 65 feet. This is very shallow and does not meet today's standards. This will not cause more problems. The new wells will be approximately 200 feet. The individual lots that are having problems do not relate to the proposed development. There are water quality concerns; the only concern is the phosphorous. For the proposal the test were .5 per liter would be .05 lbs per day which is 19 lbs per year and that is un-measurable. There are only 250 advanced septic systems in the state. There is more and maintenance that is being set up and monitored closer.

Ryan Davis the developer related to the wells and he is willing to help the homeowners association with their wells. They stated that this was not a problem. Now they are stating that this is a problem today. He feels that he has met the requirements. He stated that they did not cut down any trees. He has built several developments in the west and that they plan to stay here.

Mr. Ryan Hales is a Professional Planner and a Professional Planners Engineer. He feels that he abides by the code of ethics. He stated he has been upfront. He entered (Exhibit 21) which is data from Mr. Hales. The trip generation is compiled nationwide he stated there is a calculated rate the R2 value is .96 you do not use the average rates from a subdivision because it does not hold true. He referred to Provo as an example to calculate rates. Those studies superseded these tables and rates. You have to take local trip generation study. You have a hard time applying this study. The trip rates came in a 2.8 they are the best that can be done. He referenced daily rates refers to the memorandum on tab 2 pg.3. He stated they don't typically do traffic studies on holiday weekends. He stated that the causeway is adequate and it would take 5000 ADT's by highway standards. It can handle more then 1000 ADT's; at 1000 you are at 20% of capacity. He stated the homeowners association also did other counts at other times that were not

submitted. He did include those today (Exhibit 22) ITD counts on other days. He reviewed his calculations again with the commissioners. The 1000 ADTs they feel can be met. In a normal situation how long is an ADT ran. They try to normalize the data they took at a peak.

Commissioner Romrell asked what is used more AADT or ADT?

Mr. Hales stated that ADT is used more, and that Fremont County has a great Engineer in Marla Vik.

Charles Homer stated that he would typically have tried to meet with the County Engineering Department. He stated Marla Vik indicated concerns the Army Corp of Engineers. He stated that the causeway widening will take additional permitting. This will be a condition of approval. He stated that concerns of Mr. Larsen's were addressed. Current Roads don't meet county standards. Developers roads will meet county standards. Developer is not claiming ownership of causeway. He also referred to a deed in Developers Memorandum tab 15 page 2. He quoted from the deed. He also sited a Supreme Court case. His last point was ADT and KK. He stated the developer has tried to be conservative in their numbers with a loop system. It could stand alone and comply. The have given entire island numbers with full build out. The state count is unbiased. He feels the way it was presented was bias because they did not give all the numbers. He addressed the statement made about not using precise language; we have used the most precise language. This proposal does comply with DEQ and District Seven Health Department standards. The 1000 ATD is conservative. We need to focus on what is best for the island. This will improve conditions of the island.

Commissioner Romrell asked if the original Bills Island Plat is in the record.

Mr. Homer stated that it was.

Commissioner Romrell stated that if the public think we (the commissioners) are about done. We are not, we have a lot to review.

Trent Grant thanked everyone.

Commissioner Romrell thanked Mr. Grant. This is end of the input. Now they will go deliberate according to code.

All commissioners thanked the public for the manner in which the hearing was taken care of.

Commissioner will meet Friday the 13th at 9:00 a.m. in the Commissioners Room.

There being no further business to come before the board hearing was adjourned.

Paul Romrell, Chairman
Fremont County Commission

Attest: _____
Abbie Mace, Clerk

Exhibit List for Woodlands at Bills Island Subdivision Appeal Hearing:

1. County Record
2. Developers Memorandum Documents
3. Location Vicinity Map
4. Plat of Proposed Subdivision
5. Map of Causeway
6. Dry Hydrant (Draft Drilling) drawings
7. Drawing of Dry Fire Hydrant pg 16
8. Contour map
9. Contour map
10. ITD Traffic Study
11. Map of Bills Island Plat
12. Arial map of Island
13. Copy of KK Requirements of Fremont County Development Code
14. Trip Generation Documents
15. Winston Dyer documents
16. Keller Water Study
17. Boil Order submitted by Mr. Call
18. Map of BLM Easement
19. Map of Island with photo's
20. Letter from Land Equity Partners
21. Data from Mr. Hales
22. ITD counts on other days
23. Graft of data

