

**Fremont County Planning
& Zoning Commission
Minutes
March 31, 2008
County Annex Building**

The Fremont County Planning & Zoning Commission met in a regular session on March 31, 2008. They met in the County Annex Building. **Members in attendance were:** Kirk Mackert (Chairman), John Nedrow (Vice-Chairman), Larry Singleton, Joette Lookabaugh, Cindy Miller, Steve Pinther, Ron Kynaston, Vance Derricott, and Glen Pond.

Staff and others present: Joshua Chase (Planner I), Molly Knox (P&Z Administrative Assistant), Karl Lewies (Prosecuting Attorney), Marla Vik (Public Works Director), and Letta Laux (P&Z Secretary).

1. Welcome

Mr. Mackert welcomed everyone to the meeting at 5:59pm.

2. Minutes

There were no minutes to approve.

3. Status Report on Golden Sands Resort Large Scale Development Report-Schiess & Associates

Grant Thorson-Schiess & Associates stated that the first copy of the Large Scale Development Study has been given to the County, and they are waiting on the review to be finished by Nelson Engineering.

Mr. Thorson discussed the Emergency Medical Services section and they estimate that there would only be one additional trip the EMS would have to take to the resort each year for an on-site pick up, and three extra visits to the hospital per year. They have received a "Will Serve" letter from the EMS. He discussed their desire to obtain an additional sand rail so they would not have to share the one they do have with the police department, and there are no funds set aside as of yet. This development might participate in the cost of that through possible taxes or donations depending on the development agreement between the County and the developer.

Mr. Thorson discussed the Fire Services Section. They have received a “Will Serve” letter from the fire department, and there is an on-site water system that will provide water for fire fighting. He discussed the Police Service section, and they have not been able to contact the Sheriff. He discussed the Transportation Services section, and stated they have had a traffic impact analysis study done by Project Engineering Consultants. The findings were that some of the existing roads are deficient in asphalt and signage. They estimate that a turn lane would be required in this development, and also the installation of 4-way stop signs. The cost would be the responsibility of the developer. There are inadequacies in the rail road signs and pavement as well as other road conditions that need improvement. There will be an increase of traffic due to the development.

Mr. Thorson discussed the Sanitary Service section. They have been in contact with the cities of St. Anthony and Parker. They have received preliminary “Will Serve” letters that will be approved after the design is done subsequent to approval from the P&Z. They are willing to negotiate and work with them. They have a secondary option of having an on-site treatment and disposal plant.

Mr. Mackert asked if there are any concerns with easements going from the site to the cities.

Mr. Thorson stated they would have to get a right-of-way easement from the County.

Mrs. Miller asked if they intend to have an on-site treatment plant as per page 7 of the report.

Mr. Thorson stated if it does not work out with the cities, they would use this as an alternative. Even though the upfront cost is more, it is better to send the sewage to an established waste-water treatment facility where the long term maintenance is already in place.

Mr. Pond asked if they are going to have to disturb the asphalt on the roads to install the pipe, and what the potential impact would result from that?

Mr. Thorson stated they would try to put it outside of the asphalt. If they did not, they would repair it at their cost and would also have to get a right-of-way encroachment permit as well as permission from the road and bridge department.

Mr. Singleton asked if it is cost-effective to build a two mile pipe to service these lots.

Mr. Thorson stated the upfront cost is more, but the long-term benefits that cost.

Mr. Singleton asked if this would be a private line and would it be for future use?

Mr. Thorson stated the ownership of the line would probably be turned over to the cities. Others would eventually hook up to and use the line.

Mr. Mackert questioned if the cities would take up the cost maintenance and upkeep on this line and assess fees for that cost.

Mr. Thorson stated yes, and there would be an initial hook-up fee as well as a monthly service fee.

Mike Jardine-Schiess and Associates stated that St. Anthony will obtain the right to allow future hook-ups and require that they are allowed access to the line and that will be worked out in an agreement along with the ownership and the fee schedule.

Mr. Pinther questioned if the capacity of the St. Anthony treatment plant could handle the flow of this without additional contaminants.

Mr. Thorson stated the St. Anthony treatment plant is at 50% capacity, and has recently undergone extensive upgrades. There would be a greater impact on the Parker plant.

Mr. Thorson discussed the Water Supply Section. They plan on keeping the water rights that they currently own. They do have a well that can be used to irrigate the lawns etc. They will build an on-site community water system under domestic use that has fire hydrants.

Mr. Mackert asked if they will pull both sources of water out of the existing well or will they be drilling a second well.

Mr. Jardine stated it is likely they will drill a second well. Based upon the original pump test, they will be able to meet the flow demands.

Mr. Thorson discussed the Parks and Open Space Section and there is no impact. They will have a lot of open space to be used. Discussed the Solid Waste Section, and stated they did get a "Will Serve" letter from a private company.

Mr. Pinther questioned the impact on the EMS from this development. He questioned if they would classify the impacts as being something that will have a cost in the future. Will they have to build an ambulance shed? What will the short and long term impacts be?

Mr. Thorson stated they are estimating one extra visit from an EMS crew, and three extra hospital visits generated from this development. He does not see that great of an impact. The impact fee is a legal term and a legal issue. They County may consider that they need a new sand rail and that should be a required fee to the developer.

Mr. Mackert stated it is a proportional impact pertaining to this development, and that is what they will need to decide on.

Mr. Thorson the impact on the dunes is about 2%. The EMS and the Police Department have only spoken of the sand rail as a possibility and it has not been fully explored yet. If it is purchased in the near future, their proportional fee will be from 2%-4%. They have not contacted the Sheriff yet.

Mr. Pinther stated they can require capital improvements to assure the life and safety of the people, but they can not require payment of the costs of what the impact will be later on down the road. Questioned what is required to meet the safety of the people out there.

Mr. Thorson stated nothing else would be required at this point.

Mr. Pond questioned the road situation and questioned Mr. Thorson's statement that it is the weather as opposed to the travel that does most of the damage to the roads. He questioned the weights that the roads can hold out there.

Mr. Thorson stated the study was on the traffic counts, and they did not do an in-depth look at the structure of the roads.

Mr. Pond asked what the additional cost would be to the County, and what the additional impacts would be on those roads.

Mr. Mackert asked if they looked at the weight of an RV pulling a loaded trailer vs. a loaded potato truck.

Mr. Pinther that is what we are missing in this County, a Capital Improvements Plan. It would allow them to be able to collect impact fees.

Mrs. Miller questioned the definition of the by-pass road.

Mr. Jardine stated the traffic can use a by-pass road if they do not want to go through the city.

Mrs. Miller questioned who is responsible for the signs for the rail-road crossing.

Mr. Thorson stated it is understood since the rail-road was there first; the County, City or developer would be responsible for the crossing.

Mrs. Miller stated the traffic analysis was done during the winter, and she does not feel that it is a valid study since traffic is down during the winter. She is concerned from the safety issue, especially during the season that people would be using it.

Mr. Thorson stated their estimation of RV traffic is based on peak capacity. The counts of traffic are done in the night time, but it is the responsibility of the traffic engineer to take those counts at the best time. If they want to take issue with it, they can take it up with Nelson Engineering and ask them to address the concerns as part of their review.

Mr. Derricott stated he agrees with Mrs. Miller regarding the traffic counts during the summer rather than during the winter. He also agrees with Mr. Pond that it is the traffic more than the weather that causes a majority of the road deterioration.

Mrs. Miller questioned the two-lane traffic on the rural roads, and how it is determined if there is not any lines painted on the roads.

Mr. Thorson stated it is the cost that out-ways the need for having those lines painted. It is determined by the width of the road.

Mr. Mackert asked if they had visited with the County concerning widening those roads for the future. They do project greater usage in the future.

Mr. Jardine stated that when the traffic count was done, they looked at population usage and developed usage statistics for those roads. They also looked at other charts to determine the level of service on those roads. Their findings were that the level of service was around A or B, and that level was not going to be affected.

Mrs. Vik- Public Works Director explained the level of service grade A and that it means that traffic is not a hindrance to the trip. Most roads in the County have a grade of A or B because we just don't have that high level of traffic.

Mr. Thorson discussed appendix B regarding service on the road.

Mr. Chase asked what they think they need to further address before coming back to the P&Z commission.

Mr. Thorson stated they need to address the traffic counts, and they will wait and see what Nelson Engineering has to say.

Mr. Mackert asked if this is the report for the county and if this is the document that Nelson Engineering would be reviewing. He asked if they would come back if they need any other questions answered.

Mr. Thorson stated they would be glad to and Mrs. Knox can email them any questions so they can be prepared.

Mr. Jardine questioned how they were to address the concerns from Nelson Engineering's review.

Mr. Mackert stated they will have Nelson Engineering report to the P&Z and give reasons for their findings.

**4. Work Session-Idaho Sands Resort, Doug & Kelly Tolbert-AW
Engineering-From March 17, 2008 Public Hearing**

Mr. Mackert stated there can be no public comment; this is a work session only for the P&Z members to discuss the concerns brought out in the public hearing. He asked Mrs. Knox to make copies of the minutes from the public hearing.

Mrs. Laux read the motion from the minutes.

Mrs. Miller removed herself from the discussion due to conflict of interest.

Mr. Mackert stated they were concerned with the road and that it did not meet the loop system requirements. There were also concerns about having a fire break out there.

Group looked through the scoring sheet, and discussed what the issues are that they need to discuss tonight.

Mr. Mackert stated he did not think that a 20ft firebreak was adequate, and read from the code regarding fire protection regulations.

Mr. Pinther questioned if they should lower the score from a 0 to a negative score.

Mr. Mackert stated they should look at considering it; there is no fire-fighting water in the area, and they need to maintain a larger buffer there.

Mr. Pond questioned if they can rescore this.

Mr. Lewies stated the road was a major issue whether or not it complies with the two points of access, or the loop system. They should look at that before they go on to other issues as it is an absolute standard.

Mrs. Lookabaugh stated she agrees.

Mr. Pinther sated his opinion that they should identify all the areas the developer is deficient in.

Mrs. Lookabaugh stated it is a waste of time because the road and the access is the crucial issue.

Mr. Mackert stated he can see both sides because Mr. Pinther wants the developer to be aware of all the issues that they need to address.

Mr. Pinther stated if he fixes the absolute problem and then comes back and there are still problems that need to be fixed before he can get approval.

Mr. Mackert stated they will discuss the road first, and the other items after and that will take care of every one's concern.

Mr. Mackert asked Mr. Pinther to comment on his concerns for the road issue.

Mr. Pinther stated his concern is that the P&Z needs to enforce the standard of two-points of access to ensure that developments that are farther away from the infrastructure of Fremont County have good access to that infrastructure. He feels that if they enforce the standards, they will have better developments.

Mr. Nedrow read from Idaho Code FF.3 Road Access.

Mr. Singleton stated that they had discussed the option of running parallel roads to meet compliance.

Mr. Pond stated the intent when this was written was for permanent dwelling units and this is for mobile RV's and they are not there year-round. He is not sure that putting another lane out there accomplishes anything.

Mr. Singleton stated he fills the same way.

Mr. Pinther stated there are a lot of things in this particular development that are a stretch, and a side by side road makes it compliant, but it is foolish. New standards and definitions would be established by that. He is not trying to be against the developer.

Mr. Pond stated he does not even see this as a development because it is a dry camp. He does not see it any different than pulling off in BLM land for camping.

Mr. Derricott stated the developers have indicated the possibility of having permanent structures and water available out there in the future.

Mr. Mackert read through some of the minutes to address all the issues that need to be discussed.

Mr. Chase stated they need to look at the standards and does this development meet those standards.

Mr. Lewies stated they need to look at the entire code as they are trying to promote health, safety, and general welfare, and weigh that in your decision.

Mr. Lewies stated that the Bill's Island development has only one point of access and they widened it to three lanes allowing for adequate safety access. The Commissioners accepted that as adequate.

Mr. Pinther stated there was an extreme situation there and he did not agree with it, but the Commissioners looked to address the problem. He does not see they have an extreme situation here.

Mr. Mackert asked Mr. Chase his opinion.

Mr. Chase stated that he will refer to the administrator's report. The administrator encouraged the developer to apply for a variance, and if a variance was given, they would approve it the development, and deny it if the variance was not approved.

Mr. Singleton questioned if they were to build a parallel road, would it comply?

Mr. Chase stated it would.

Mr. Singleton asked if there are two options: build that parallel road, or go to the County Commissioners for approval.

Mr. Mackert stated they need to make their determination based on the plans in front of them as that was not part of the determination, but the board can have that as a condition of approval. He asked Mr. Lewies for advice.

Mr. Lewies stated the developers can not change their plans part-way through this process.

Mr. Pond read from ff.3, and stated they do not even want to have year-round access.

Mr. Mackert stated there are places in Island Park that do not have year-round access that are required to have the year-round maintenance.

Mrs. Lookabaugh stated her concerns that if they open the door here, where do they stop? She agrees with Mr. Pinther.

Mr. Pinther asked what they could make a motion after they go through all the items of issue.

Mr. Lewies discussed how to do the motion.

MR. PINTHER MOTIONED THAT ITEM VI.FF.3 (SAFE ACCESS TWO-POINTS) WOULD BE MOVED TO THE FAILS COLUMN ON THE SCORE SHEET. MR. KYNASTON SECONDED. THOSE IN FAVOR:

**LOOKABAUGH, PINTHER, NEDROW, DERRICOTT, AND
KYNASTON. THOSE OPPOSED: SINGLETON AND POND.
MOTION PASSED.**

Mr. Mackert asked everyone to look at page 22 of the Development Code Item II (Wildfire Hazards). He questioned if the 20ft buffer was too narrow for a fire break.

Mr. Pinther recommended changing the score from -1 to a -3.

Mr. Nedrow stated he agreed with Mr. Pinther.

Mr. Mackert asked if everyone agreed that the wildfire hazard is a -1 and will be changed to a -3. The group agreed.

Mr. Derricott read from the original memo in the administrator's report that the developers do plan on the possibility of having permanent dwellings out there sometime in the future.

Mr. Mackert asked Mr. Chase to tell them if it complies with Individual Water Supply standards. He read from the Development Code VI.AA (Individual Water Supplies).

Mr. Chase stated that standard N has some exemptions, and they are proposing a dry camp situation.

Mr. Pinther questioned how the developer would come back to get the commercial permits.

Mr. Chase stated they would have to use appendix N, and the commercial use would be to service them only, not the public.

Mr. Lewies stated they would have to come back and get a commercial permit. There would have to be a public hearing on the use for that. He asked them to look at the master planning section. Chapter XII

Mr. Chase read from Chapter XII.D (Master Planning).

Mr. Nedrow stated that does not apply at this time because what they are proposing covers the entire area that they own.

Mr. Chase stated they have indicated their intent have some commercial use areas.

Mr. Derricott stated they need a more complete and definite plan on what they are proposing to do out there because there is controversy.

Mr. Mackert stated it does appear there are some additional uses that could be used later on.

Mrs. Lookabaugh stated she agrees with Mr. Derricott that this plan is a little vague.

Mr. Mackert questioned if they would have to get the commercial use approved, or would they do a plat amendment.

Mr. Lewies stated they will have to work with the building and planning department to determine that.

Mr. Pinther stated that the problem is that this is such a unique development. The incidental use scares him. They could build a dwelling out there for the owner or manager without a permit. They can put in commercial use for the people in the development, not the public.

Mr. Lewies asked them to remember the Fall River Ranch Resort Development.

Mr. Pinther stated that this falls under appendix N. They combined the RV Park standards with the Subdivision standards, and they should not have done that. But, it does apply.

Mr. Chase stated the record shows that the applicant came in under the standards of appendix N.

Mr. Mackert asked for any other items they want to discuss.

Mr. Nedrow stated he wanted to discuss the public access section. He does not believe this development's private road supplies public access for the sand dunes as it is only intended for the residents of the development. They should change the score to 0.

Mr. Singleton discussed the road between the Siddaway property and the development.

Mr. Mackert stated he agrees with Mr. Nedrow, and asked if they have clearly supplied public access. If they did not, they should change the score.

Mr. Pinther stated they have increased the opportunity to the public.

Mr. Mackert asked if all agree that the score should be changed to a 0.

Mr. Mackert stated in rescoring the development, he comes up with a 3.

Mr. Nedrow stated it does not change the fact that they still end up with a positive score.

Mr. Pinther stated the road needs to comply with Marla Vik's requirement for the cinders.

Mr. Pond stated regarding the memo that Mr. Derricott read and the possibility of homes being out there eventually; he felt that conflicts with the staff's analysis.

Mr. Pinther asked if they would address the need to comply with Mrs. Vik's standards for the cinder use. Also, there would need to say that no permanent structures or water should be there.

Mr. Mackert stated they also need to address the rescoring, and the road structure building.

MR. PINTHER MOTIONED THAT THEY DENY IDAHO SANDS RESORT BASED ON NOT MEETING THE ABSOLUTE STANDARD OF VI.FF.3 (TWO POINTS OF ACCESS). HE FURTHER MOTIONED TO CHANGE THE SCORING ON VI.H.2 (WILDFIRE HAZARDS) FROM 0 TO -3 AND VI.HH.2 (PUBLIC ACCESS) FROM 6 TO 0 CHANGING THE OVERALL SCORE FROM 12 TO 3. THEY WOULD NOT ALLOW PERMANENT STRUCTURES, WATER, OR SEWER. MR. DERRICOTT SECONDED. VOTE TAKEN: ALL IN FAVOR. MOTION PASSED.

Mr. Pinther stated they can appeal and hopefully the developers got information on how to proceed and get this development to pass.

5. Adjourn

Group discussed upcoming meeting agendas.

Meeting adjourned at 8:16 pm.