

1  
2  
3  
4  
5  
6

**Fremont County Planning  
& Zoning Regular Meeting Minutes  
April 26, 2010  
6:00 pm  
County Annex Building**

7 The Fremont County Planning & Zoning Commission met in a regular meeting on April  
8 26, 2010. They met in the County Annex Building. **Members in attendance were:** Glen  
9 Pond (Chairman), John Nedrow (Vice-Chairman), Sam Davis, Jim Gerber, Larry  
10 Singleton, Stephen Loosli, Cindy Miller and Cathy Stegelemeier.

11  
12 **Staff and others present:** Kurt Hibbert (Administrator), Joshua Chase (Planner), Molly  
13 Knox (Administrative Assistant)  
14

15

1. Welcome

16 Mr. Pond welcomed everyone and began meeting at 6:00 pm.  
17

18

2. Code Revisions

19  
20 Mr. Pond stated that he thinks that we should be thinking about the possibility of  
21 scheduling a public hearing with what we have.  
22

23 Mr. Hibbert stated that he hoped for a few more copies of chapter five for the  
24 public. Stated that he had made the revisions and eliminated redundancy. The  
25 basis and core of discussion tonight is the table. We need to decide on the  
26 applicability of the development standards. We have three distinct development  
27 types in the code. The Table shows different zones, the different types of  
28 development and 51 standards. It shows which standards would apply. There  
29 was some discussion on the short plat subdivision and the need to create its own  
30 individual standards rather than trying to apply our main standards.  
31

32 Mr. Pond asked for a smaller size to be able to see the wording better.  
33

34 Mr. Hibbert retrieved it. He moved to the charts to discuss what was listed.  
35 Stated that they have made all standards absolute standards in comparison to that  
36 we have had in the past. There are a few new divisions that have been created.  
37 Read divisions 1-9 titles. He would have liked to see the standards in the rural  
38 village zone put into the large scale development study, rather than have them in  
39 two places. We went thru as staff and tried to assign the standards. Stated that  
40 we need to go through them one at a time and discuss if they are okay where they  
41 are on the table. Under Division 2, Water Quality and Air Quality are

42 questionable because they are federal and state regulations. Read off what was  
43 listed under Division 1.

44

45 Mr. Loosli asked to be reminded of where we decided the minimum lot size for  
46 rural tracts.

47

48 Mr. Chase responded that on page 24 of what was just handed out, and read from  
49 Division 9.

50

51 Mr. Loosli responded that did we not discuss a size like 40 acres or above did not  
52 require a subdivision process? How would the P&Z process a rural tract?

53

54 Mr. Chase responded that you would not. On our exemptions in Chapter 3 it  
55 reads that there are no permits required to break land into more then 160 acres and  
56 it has the 20 acres for Ag use.

57

58 Mr. Loosli responded that this is the County's enforcement of non subdivision  
59 parcels, correct.

60

61 Mr. Hibbert stated that he was asked what you are doing in the new code to  
62 facilitate the splitting of the new lots. The response was that we are making a  
63 short plat process that is so easy that it incentivizes people to not do illegal splits  
64 anymore.

65

66 Mr. Loosli stated that the 160 acres is a higher standard than the state's standard.

67

68 Mr. Hibbert responded yes.

69

70 Mrs. Stegelmeier questioned on the short plat, if would help families break up  
71 property.

72

73 Mr. Hibbert stated that they can do a short plat for less than 5 lots really 6, with  
74 one being open space.

75

76 Mr. Loosli cleared up that the state exemption for an Ag split does not grant a  
77 building permit, can not think of much use for a 5 acre split for agricultural use.

78

79 Mr. Hibbert read through the table told the commission to pay attention to the  
80 no's.

81

82 Mr. Chase stated that some were challenging to think about within the constraints  
83 of the table. It was important for us to be able to separate standards for a  
84 subdivision or a single family dwelling and what applies to what.

85

86 Mr. Hibbert stated that there are some exceptions listed in the footnotes. Read the  
87 footnotes on the chart. Also footnote 2, wastewater collection and treatment,

88 applies but is also governed by the Fremont County Sewer Systems Ordinance. A  
89 system that is within 500 feet of the existing sewer line may be required to  
90 connect to the central collections and treatment facility. Please look through  
91 chapter five as you look through the chart. Kurt discussed that the numbers in the  
92 code should coordinate with the numbers on the table. Read through starting with  
93 Subdivision design, stated that it would not apply because it is in the commercial  
94 industrial as far as design requirements. We are not looking for an open space  
95 subdivision in a commercial subdivision. Remember they would not have that  
96 expectation.

97  
98 Mr. Loosli asked if in the event that we make a variance for a short plat wouldn't  
99 you need to add to this paragraph unless otherwise specifically excluded, because  
100 there are those that do not apply as a short plat. (Page 4 of 212 paragraph 1 on the  
101 new handout Division 1).

102  
103 Mr. Hibbert asked if all were okay with that.

104  
105 All responded yes.

106  
107 Mrs. Miller stated that this would add a variance possibility.

108  
109 Mr. Loosli responded yes that unless we later decided that something did not  
110 apply to the short plat it would exclude it.

111  
112 Mr. Hibbert responded that originally we had this big list of standards, now we  
113 don't have to do that if we keep this table as a part of the code.

114  
115 Commission decided to keep table.

116  
117 Mr. Hibbert continued reading table Division 2.

118  
119 Mr. Loosli asked why not add that to the list of our required plat notes.

120  
121 Mrs. Miller responded that it is all required.

122  
123 Mr. Loosli stated that it is in our existing code in Appendix L, where we list the  
124 mandatory plat notes that have to be done that we don't control, this might be one  
125 of those things that go there.

126  
127 Mr. Hibbert asked if all were okay with #4 becoming a plat note that.

128  
129 All responded yes.

130  
131 Mr. Hibbert read on Critical Areas Water Quality Vulnerability.

132  
133 Mr. Loosli asked tell me what a Nutrient Pathogen Study can cost.

134

135 Mr. Hibbert responded that it varies anywhere from six thousand to one hundred  
136 ten thousand. It is good data to have for developments.

137

138 Mr. Loosli stated that if DEQ or District 7 has an issue with a spot they deny the  
139 septic permit?

140

141 Mr. Hibbert responded, theoretically but they are still permitted. One of the main  
142 goals is to make the short plat easy so that we do not have defacto subdivisions  
143 done by deed.

144

145 Mr. Gerber questioned who was going to use this table.

146

147 Mr. Hibbert responded anyone who wants to develop. They will be able to look  
148 at it and decide what applies to them. The things such as sewer, roads, access,  
149 water, all of the ordinances that we have historically required. It has just made it  
150 easier to understand.

151

152 Mrs. Miller stated that she is seeing it as, I can come in and you can help me  
153 decide how to develop it.

154

155 Mr. Hibbert stated that there will be no surprises; you will know all of what is  
156 wanted up front. Chapter 4 is going to be the most helpful for the average person  
157 coming in that is where the land use tables are.

158

159 Ms. Stegelmeier questioned if someone could use this chart as a short plat guide

160

161 Mr. Chase responded yes it is, rather than reading every standard to see if it  
162 applies to a short plat.

163

164 Mr. Hibbert stated that this table allows us to assign these standards to our  
165 development type.

166

167 Mr. Hibbert read on in Division 2

168

169 Mr. Loosli asked what the difference was between critical areas wetlands and  
170 critical areas streams lakes corridors.

171

172 Mr. Chase stated that they have been separated historically except when the river  
173 system or lakes have a wetland.

174

175 Mr. Chase stated that the first does not establish a buffer

176

177 Mr. Loosli responded the second is the buffer.

178

179 Mr. Hibbert asked if there is a chance to consolidate the two to cut down on some  
180 redundancy.

181  
182 Mr. Chase responded yes there is a chance.

183  
184 Mr. Davis asked what and when are we going to do something about ridgelines  
185 and if they belonged in this location.

186  
187 Mr. Loosli asked if it could it go into number 9, slopes/ridgelines.

188  
189 Mr. Hibbert responded that the International Building Codes have some really  
190 good information on that.

191  
192 Mr. Chase stated that our Building Official is going to draft some language  
193 because he is familiar with that code. We have used it from the building code to  
194 set back structures from slopes. We need to see if that is going to do it for us.

195  
196 Mr. Hibbert continued reading #8 Wildfire Hazards

197  
198 Mr. Loosli asked if footnote B is discussed in Appendix S, the WUFI and if it is  
199 redundant. The table says see Appendix S and I want to be sure that it is in the  
200 paragraph.

201  
202 Mr. Hibbert stated that the WUFI potentially applies everywhere.

203  
204 Mr. Loosli stated that I think that any clarification should be in the text and not on  
205 the table.

206  
207 Mr. Hibbert responded that he agrees. We will move the footnotes into the text  
208 and out of the table so that it's not all over.

209  
210 Mr. Loosli stated that it is questionable which lots actually apply. The staff  
211 determines if it applies or not. It's very vague.

212  
213 Ms. Stegelmeier stated that it says yes all the way across on Wildfire Hazards so  
214 wouldn't it apply anyways.

215  
216 Mr. Hibbert responded that the actual standard on Wild Fire Protection is different  
217 then what the WUFI requires.

218  
219 Mr. Chase stated that we created the note from the text so we should scrap the  
220 note.

221  
222 Mr. Loosli stated that we need to be clearer on what lots may not qualify on  
223 wildfire because I can't imagine how to determine what is not brushy vegetation.

224

225 Mr. Hibbert stated that he would look at it and fix Appendix S  
226  
227 Mr. Hibbert continued reading #11 Critical Areas Wildlife Habitat, which is  
228 looked at across the board.  
229  
230 Mr. Loosli stated that's not what we say, in the latest draft it says that the  
231 applicant will prepare and implement a wildlife mitigation plan. For example in  
232 the short plat do we really need to have a wildlife protection and mitigation plan?  
233  
234 Ms. Stegelmeier stated that we had also talked about 8.1.9  
235  
236 Mr. Chase asked if there are some of the components of that plan that make sense  
237 for a limited habitat plan but not the full blown thing. Is there one or two that  
238 everyone should address and only the larger should have to address them all?  
239  
240 Mr. Loosli stated that he is good with that. 8.1.1 says that the applicant is going  
241 to self identify what species are on the property, problem is it depends on the  
242 season. Also identify some type of protection mitigation plan; this whole section  
243 seems to fall right in line with what the Commissioners were wanting last  
244 meeting.  
245  
246 M. Hibbert asked if he would clarify. He knows that they had issue with the  
247 agencies being the authority. Our Comp Plan addresses this.  
248  
249 Mr. Loosli asked what can the County do or what should it be doing for wildlife  
250 on private property. What authority or enforcement does the County have? Why  
251 are we making work for consultants to go out and do this at a great expense? And  
252 once we get the information what do we do with it? Collect it?  
253  
254 Mr. Chase stated that in our open space subdivisions we use it to be able to design  
255 your subdivision.  
256  
257 Mr. Loosli responded right and we talked about that but I don't see it in the draft  
258 yet. Example is the land that would be prioritized for open space in a subdivision  
259 design would have this wording for Wildlife habitat. But it does not say that yet.  
260  
261 Mr. Chase stated that he has the language but no, it's not in there.  
262  
263 Ms. Stegelmeier asked if in a short plat, you can do this wildlife study yourself.  
264  
265 Mr. Hibbert responded that he did not see anything that said you can't.  
266  
267 Mr. Chase stated that if you go and work with agencies they would be able to help  
268 you with the information. Stated that he had some language that he had drafted  
269 that he could read to them for them to consider.  
270

271 Mr. Loosli stated here is what's going to happen if it stays the way it is: gave  
272 scenario of someone coming into the office with an application and they are going  
273 to present some information and an opponent to that application is going to say no  
274 they did not do it right. And they are going to sue if we grant permission; they are  
275 going to say you did not take into account wildlife that we know is there. That's  
276 why I ask why the County needs to know this? I agree as a qualifier for 8.1.3 &  
277 8.1.4 are fine for part of the open space plan. But to have some type of Wildlife  
278 Protection Mitigation Plan, every opponent to an applicant is going to say that's  
279 not good enough.

280

281 Mrs. Miller questioned what the Habitat Protection Plan was.

282

283 Mr. Hibbert stated that generally what this anticipates is not a professionally  
284 prepared study even though some developers may choose to do that. They want  
285 you to look for these components, which is to identify any wildlife habitat area  
286 the principle species present and species to use as indicators. In open space area  
287 subdivisions that is why they want to buy into that. These components are to  
288 identify what's there. Read 8.12 the elements and 8.13 – 8.19. Read from the  
289 Comp Plan on page 13, Policy 11.

290

291 Ms. Stegelmeier stated to take out 8.1.9 & 8.1.10 because it is already prohibited.

292

293 All in agreement

294

295 Mr. Loosli questioned how all felt on the fencing map.

296

297 Mr. Singleton stated that it should be removed.

298

299 Mr. Loosli responded that we all agree that 8.15 should be stricken

300

301 All in agreement

302

303 Mr. Hibbert stated that the comment was made concerning the design component  
304 and the wildlife and maybe it could be strengthened. At this point we are still  
305 working on the design components.

306

307 Mr. Loosli stated that in a part that we have not gone through, in section 9, there  
308 is some prioritization given to land types and the open space. I was trying to  
309 suggest that some of things should connect, that the applicant should look at these  
310 types of property for open space.

311

312 Mr. Chase read from language that did not get into the draft. Then to division 9  
313 under site plan analysis read under 4 of that paragraph.

314

315 Mr. Loosli responded that the best place he felt it would fit would be back under  
316 protection use and designation of open space or designing the open space.

317

318 Mr. Chase stated that the site plan analysis is the data. Each site is so different  
319 and is unsure if it is wise to say that wildlife always wins when you have this  
320 specific site and you are balancing all of the specific design items. If you want to  
321 take preference of what is in the open space design then great.

322

323 Mr. Loosli stated that he felt it should be under a preferential list so that a  
324 developer knows what the Commission will look at.

325

326 Mr. Chase stated that is a good idea.

327

328 Mr. Loosli asked going back to number 11 Wildlife habitat what plan we want the  
329 developers to go by, because them going by their own plan is not going to apply.

330

331 Mr. Chase replied that it has always been a component of the Development Code  
332 but it has not been mandated so as a result no one has done it.

333

334 Mr. Loosli responded that now it is, every thing is an absolute, if you fail on any  
335 one of those things then you are done.

336

337 Mr. Chase stated that there are a lot of things that people can contest. We want to  
338 make it doable for sure and protect the developer when they do it.

339

340 Mr. Loosli asked if a short plat applicant would have to do it.

341

342 Mr. Nedrow suggested making the requirements less stringent for a short plat than  
343 they are for a full subdivision.

344

345 Mr. Gerber stated that he is a T&E species, because it is required by law. The rest  
346 is just general information.

347

348 Mr. Loosli stated that he did not have issues with 1,2,3 or 4 it is just getting the  
349 information that informs them on the presentation of the site plan.

350

351 Mr. Hibbert stated that if the concern is cost then we need to be more specific  
352 that is not the expectation. Maybe we can be more specific on the types of  
353 information that we are looking for.

354

355 Mr. Stegelmeier asked if we can make it known that under certain circumstances  
356 we will need a study done.

357

358 Mr. Hibbert responded that we could in a large scale development.

359

360 Mr. Chase stated that in the large scale development it was a recommendation that  
361 some of the studies from our rural village zone were better than our large scale  
362 development and we did replace the large scale development standards with them.

363

364 Mr. Hibbert stated that these are just components of the report.

365

366 Mr. Nedrow questioned if it was going to be different between short plat and  
367 larger subdivision. We should require a more professional study for a standard  
368 subdivision. And an individual could do their own study.

369

370 Mr. Loosli stated that a short plat is designed to eliminate the lot split.

371

372 Mr. Chase asked what the decision was.

373

374 Mr. Loosli stated that we are at an agreement of a lesser standard for short plat.

375

376 Ms. Stegelmeier stated that a consultant or professional needs to be hired for a  
377 standard subdivision.

378

379 Mr. Hibbert asked about 1.6 and 1.7

380

381 Mr. Loosli read 1.6. stated that it was specific to the Comp Plan.

382

383 Mr. Chase clarified what this means

384

385 Mr. Loosli stated that we should adopt the whole Living with Wildlife, Montana  
386 State document as an appendix and make them sign off on it.

387

388 Mr. Chase you want to integrate into this wildlife plan.

389

390 Multiple commissioners agreed and multiple commissioners wanted to read it first  
391 and then decide

392

393 Mr. Loosli stated the benefit is there is a tangible set of guidelines to argue about.

394

395 Mr. Nedrow asked if that would also cover 8.1.7. I think it's a great idea.

396

397 Mr. Hibbert read 12 Native Plants; read that it will be on the county maintained  
398 list, which we will put together. Air quality is a federal and state guideline, could  
399 place in plat notes section.

400

401 Mr. Loosli asked who was in charge of enforcement.

402

403 Mr. Hibbert responded that it was DEQ. Read division 3 Ag Resources.

404

405 Mrs. Miller asked what CAFO standards are we using.

406

407 Mr. Hibbert responded that we will get to that.

408

409 Mr. Hibbert read on.  
410  
411 Mr. Chase commented on another standard that you recommended to delete,  
412 related to agricultural land.  
413  
414 Mr. Loosli it would be covered in the design standards.  
415  
416 Mr. Hibbert read on, livestock on residential lots, home occupations and home  
417 based business.  
418  
419 Mr. Pond asked if we could go back to 21, there are a lot of people wanting  
420 chickens on their land now, even in town but we don't say anything about them.  
421  
422 Mr. Chase stated that it is a use by right in zoning.  
423  
424 Mr. Hibbert home occupations and home based businesses, residential care  
425 facilities.  
426  
427 Mr. Chase home occupation and home based business, there is an expectation the  
428 commercial and industrial won't have homes.  
429  
430 Mr. Hibbert changed those to no.  
431  
432 Mr. Loosli stated that we talked about redefining those three things to make more  
433 sense.  
434  
435 Mr. Hibbert stated that it would be nice to have the division. Read on.  
436  
437 Mr. Loosli stated that a home occupation, home based business, residential care  
438 facility is specific to the applicant, is it not?  
439  
440 Mr. Chase stated that is one of the things in the appendices that did not make  
441 sense.  
442  
443 Mr. Hibbert Read Division 5  
444  
445 Mr. Loosli stated that the only thing that is defined as visually sensitive is what is  
446 on the map. There is some new mapping but it needs redone.  
447  
448 Mr. Chase stated that the new mapping showed every part of the county as  
449 visually sensitive.  
450  
451 Mr. Loosli referred to South River Road in Chester.  
452  
453 Mr. Chase stated that in land use compatibility one of the major components was  
454 to establish setbacks and we really modified those setbacks in division 9 looking

455 at new subdivision design. We need to and are going to do some more work on  
456 that.

457

458 Mr. Hibbert read division 6

459

460 Mr. Loosli asked about wastewater rural living short plat, we have separate  
461 collection and I would like to propose that it could be IS or CC. The density in  
462 rural living is not that different than rural conservation.

463

464 Mr. Hibbert responded that it depends a ton on the lot size and the location in the  
465 county.

466

467 Mr. Loosli stated that if you come back to rural living short plat, some guy is in  
468 rural living and he decides he wants 5 acre lots he has plenty of land for  
469 individual septic.

470

471 Mr. Hibbert stated he would change this.

472

473 Mr. Loosli stated that you could put that they have individual septic and future  
474 connection ability to a central system.

475

476 Mr. Hibbert responded that was a great idea. Read #35 private utilities. This was  
477 not going to be required in rural tract but in all other subdivisions we were.

478

479 Mr. Chase stated that if you look at the specific standards it is specifically power.

480

481 Mr. Pond each power co. has their own requirements for easements in  
482 subdivisions. They have to do them or the will not get the hook ups.

483

484 Mr. Chase stated that is part of the utilities is to establish easements and will serve  
485 letters and putting in power.

486

487 Mr. Loosli read that we are requiring utilities to be provided to each lot before  
488 road surfaces are to be constructed.

489

490 Mr. Hibbert stated they do not want you to cut the roads.

491

492 Mr. Chase stated that it is existing language.

493

494 Mr. Pond stated that they will not do the subdivision until they have final plat.

495

496 Mr. Loosli asked how Fremont County is going to deal with the situation that  
497 Glen just brought up concerning the power and it not being placed until they have  
498 a final plat.

499

500 Mr. Pond stated that it needs to be recorded so that it is put in right and no  
501 changes are made.  
502  
503 Mr. Loosli stated that Fall River wants paid upfront, and you have to trench and  
504 they have to inspect your trench and then they will put it in.  
505  
506 Mr. Chase responded that it could be addressed in a development agreement  
507  
508 Mr. Loosli stated that because we have all of the absolutes and we won't record or  
509 final plat and the power company will not unless that is all done, we have a bit of  
510 a stand off here.  
511  
512 Mr. Hibbert read construction easements, off street parking, access standards, and  
513 fire protection.  
514  
515 Mr. Chase asked if there were any comments on it.  
516  
517 Mr. Loosli asked if it was state law where you cannot eliminate existing public  
518 trails.  
519  
520 Mr. Davis asked what was meant by people having the right to go across my land  
521 to reach a resource.  
522  
523 Mr. Loosli gave an example.  
524  
525 Mr. Hibbert continued on commercial design standards, and we don't have any so  
526 it does not apply. Gravel mining applies everywhere in every zone.  
527 Manufactured home parks and RV parks are single ownership and control and are  
528 allowed on rural tracts, it's not anticipated that those would be under commercial  
529 property.  
530  
531 Mr. Loosli asked where we permit manufactured home parks. They are permitted  
532 by class II permits in all three of the zones. They are not subdivisions it is a  
533 separate permit.  
534  
535 Mr. Chase stated that the selling of individual lots in a manufactured home park  
536 happen a lot in cities.  
537  
538 Mr. Hibbert responded that in urban context it is normal but here it is not.  
539  
540 Mr. Loosli stated that we are creating a manufactured home park application  
541 under a separate thing under our appendix M rules of a subdivision. It will not  
542 have any of the items that we just spoke about, visual design standards etc.  
543  
544 Mr. Chase states that it needs to be relooked at. We would have processed a  
545 manufactured home park the standards would have applied along with everything

546 else. Our standards did not say they it does not apply to that. It is not clear and  
547 we should look at it more.

548  
549 Mr. Loosli stated that he feels all that has just been gone through as well as the  
550 appendix should apply.

551  
552 Mr. Hibbert read division 8 and division 9 and master planning and finished up  
553 reading the chart.

554  
555 Mr. Hibbert read NFL commissioner quote.

556  
557 Mr. Loosli stated that we should finish last part of division 9 where we left off  
558 two weeks ago. We got to rural conservation and then left.

559  
560 Mr. Chase stated that he was able to attend a National Planning Conference in  
561 New Orleans; one of the things that I enjoyed was open space subdivision design  
562 that a gentlemen from Massachusetts discussed. What we are doing is being done  
563 there so it's nice to see that it is being done in other areas. We have tried to  
564 simplify the open space subdivision design process. What people do is identify  
565 areas that are unbuildable when they establish the open space percentages and  
566 they say they are not going to count the land that is under water or wetlands. We  
567 placed our percentages where we felt that was not necessary. Discussed the 40/60  
568 acres development and if there were any wetlands that amount would be pulled  
569 out first. The numbers were decided not worrying about deducting land initially.  
570 Yet at the last meeting you moved numbers and I want you to think about if that  
571 should be brought back in. The first part addresses rural parcels, residential  
572 parcels. A single family dwelling can be placed on any parcel if you are able to  
573 get your septic and well and are outside of a subdivision. If you have 1.5 acres  
574 we are permitting a secondary dwelling unit.

575  
576 Mr. Loosli stated that he feels the 1.5 acres is because that is the minimum size to  
577 be able to have adequate drain fields for the two units.

578  
579 Mr. Singleton asked if DEQ had any recommendations on distances.

580  
581 Mr. Chase responded that they have separation distances of 100 feet between a  
582 septic and a well. We also thought that they could have a shared septic or well if  
583 that became an issue.

584  
585 Mr. Loosli asked if this was a permitted use in rural tracts and why not on any  
586 parcel whether in a subdivision or not.

587  
588 Mr. Chase responded that we are saying any parcel if it is that size.

589  
590 Discussed the issue of allowing two dwellings per lot in a subdivision and that  
591 existing subdivisions would not be allowed, and that we would have to deal with

592 the CC&R's of the subdivisions. Examples given of why it is unfair for the  
593 people on a parcel to be able to have two homes and the person with a lot to only  
594 be able to have one. Discussed that they each chose to live where they own land  
595 and that it would have to be discussed with the individuals whom have issue with  
596 it. As are many things that come into the office. Discussed that if the applicant  
597 so chooses to have this be a part of their subdivision then it should be applied as  
598 such that each lot can have two homes on it.

599  
600 Ms. Stegelmeier questioned if this allowed them to be able to split the ground.

601  
602 Mr. Hibbert responded no that this was for things like a mother in law home, bunk  
603 house or as a rental. It has to be under the same ownership.

604  
605 Mr. Loosli asked if a sentence be added that these units count against the density  
606 calculations on new subdivisions.

607  
608 Mr. Chase responded that yes it is a good thing to place in there to meet our  
609 density standards.

610  
611 Mr. Davis stated that we should take into consideration the soil types as well.

612  
613 Mr. Chase stated that master planning is required. So a change has been made on  
614 density due to your change from the last meeting.

615  
616 Mr. Loosli read over what was decided at the last meeting concerning the  
617 changing of size of lots. Read from chart. Wanted to point out to others.

618  
619 Ms. Stegelmeier stated that yet you still have to do all of the other things required  
620 for a subdivision.

621  
622 Mrs. Miller stated that this is under perfect circumstances.

623  
624 Mr. Loosli responded, correct. If they did a short plat first then that number  
625 comes out of the full standard subdivision. It is not a bonus.

626  
627 Mr. Pond asked on rural conservation how many do you have.

628  
629 Mr. Loosli responded that you can have 40 total on 100 acres. A short plat is a  
630 great starting point to get 6 to go and then you have 34 left. Everything is  
631 absolute now.

632  
633 Discussed the open space being included and not excluded. Open space can be  
634 part of the persons property and it will be unbuildable space of the lot. It does not  
635 have to be a stand alone piece of property. It was brought up that this way the  
636 homes could be spaced further apart.

637

638 Mr. Chase responded that is not what the open space ordinance is for and it is not  
639 how it had been described in all of the literature that they had gone through.

640  
641 Map of different open spaces ideas was brought. (In the file)

642  
643 Mr. Loosli stated that the only part that really mattered on the drawings was  
644 where the homes were to be located and that it is taken care of by the use of  
645 building envelopes. What we discussed at the last meeting is that the building  
646 envelope can not be more than 30% of the applicants land. The challenge that I  
647 have is you eliminate the utility of so much land right out of the gate when you  
648 eliminate so much land.

649  
650 Mr. Chase argued that he felt that was not the case, that you would destroy the  
651 utility of the open space when you subdivide all of it. You no longer have farm  
652 area you have homes. Asked how you continue to farm a percentage of your  
653 open space when you have it as privately owned land.

654  
655 Ms. Stegelmeier stated that to her you could sell it to someone who wanted horses  
656 and keep the open space as pasture and the other as a building envelope.

657  
658 Mr. Chase stated that you loose a lot of the utility of the open space in having it  
659 all separately owned. What is the use of the open space going to be? I don't want  
660 it all to become weed patches like others have turned into.

661  
662 Ms. Stegelmeier asked what the difference was between all example subdivisions  
663 on the map. She feels that it would all be weed patches.

664  
665 Multiple discussions going on at once, Inaudible

666  
667 Continued discussion of open space

668 Mr. Hibbert the big three things we are trying to balance are open space, design  
669 and density. I don't think there is anything wrong with what is being said but it is  
670 about how we define it and how we require the regulations to be met. It is an  
671 education effort to get there and we should place some pretty strong language of  
672 the management of the open space area.

673  
674 Mr. Loosli stated that he fully expects the open space to be an easement owned by  
675 the home owners association that can write across the tops of the private property  
676 ownerships. Such things can allow flexibility on the applicant.

677  
678 Mr. Hibbert asked what everyone thought of it.

679  
680 Ms. Stegelmeier stated that it needed to be decided before the public hearing  
681 because that is all that she has heard from people is that they do not like the 60/40  
682 or 80/20. They just want to be able to do what they want with their own land.

683

684 Mr. Chase responded that is what we are doing currently; we are not starting from  
685 scratch. We are currently at 90 percent and are moving down. We are just  
686 requesting better design as a result.

687  
688 Mr. Loosli stated that you can still get that if you mitigate the challenge.  
689

690 Mr. Chase stated that we have heard of a lot of people unhappy with larger lot  
691 subdivisions that are not managed well yet there are a lot that are managed with  
692 farmland or forest.

693  
694 Mr. Loosli I don't think anything I am suggesting is going to change. The goal  
695 was to restrict building into a constrained space to preserve the rural feel. I feel  
696 that you are doing exactly the opposite of what you want.

697  
698 Mr. Chase stated that you have a clear idea of what you want and what I suggest  
699 is you revise the language and give it back to us for review. As far as the  
700 minimum lot sizes, we originally decided to let the market drive it, but we need to  
701 place some kind of floor on it.

702  
703 Mr. Loosli stated his argument is the way that the current yield is calculated. I  
704 will write it up.

705  
706 Mr. Davis there is also a general consensus out there concerning the 70% that we  
707 have taken value away from the land. This needs to be corrected at public  
708 hearing.

709  
710 Mr. Chase agreed with Mr. Davis that it needs an explanation.

711  
712 Mr. Hibbert stated that when things are appraised it is not done on future values  
713 they do it on what it is worth today.

714

## 5. Adjourn

715  
716 Ms. Stegelmeier motioned to adjourn

717  
718 Mr. Davis seconded

719  
720 Meeting on the 10<sup>th</sup> and 24<sup>th</sup> of May

721  
722 All in favor of adjournment.