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**Fremont County Planning  
& Zoning Regular Meeting Minutes  
June 28, 2010  
6:00 pm  
County Annex Building**

7 The Fremont County Planning & Zoning Commission met in a regular meeting on June  
8 28, 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 & Cathy Stegelmeier

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. Minutes

19 Mr. Pond the first item on the agenda is the minutes from April 26<sup>th</sup>. Are there  
20 any changes?  
21

22 Mr. Davis stated that it should say **than** not then on page one line 30. And Other  
23 than that he made a motion to approve the minutes.  
24

25 Mr. Gerber seconded the motion.  
26

27 Mr. Pond motion and a second with all in favor  
28

29

3. Public Hearing – Stoddard Brothers LLC – Gravel Pit

30 Mr. Pond stated that the next is Stoddard Brothers LLC gravel pit, asked if the  
31 proper notices had been made and if there were any conflicts of interest.  
32

33 Mr. Davis responded that he did not feel that he had a conflict but he was a  
34 neighbor of the property and was on the Wilford Canal Company board.  
35

36 Mr. Singleton responded that he was also a neighbor of the property in question  
37 and that he did not feel that he had a conflict.  
38

39 Mr. Pond agreed that being neighbors was not a conflict and if they each felt  
40 comfortable with their decision then he was as well.  
41

42 Mr. Chase stated that you received some information in the mail and there was  
43 information that was given to you late that we had just received which include the  
44 Idaho Department of Lands acceptance of the Reclamation Plan and several  
45 conditions of approval that they have placed on the application. When the staff  
46 report was written we had not received anything from the canal companies and we  
47 have subsequently received one of those as well. There were a few modifications  
48 that were made on buffering and they do meet the buffering requirements of  
49 Appendix K. We also have done a review of existing permits and have done an  
50 onsite review of the pit in Island Park.

51  
52 Mrs. Miller asked if when the review was done was everything in order in the  
53 Island Park pit?

54  
55 Mr. Chase responded yes that there were a few things that had to be changed and  
56 there were other things that needed to be completed on existing permits, none of  
57 which were conditions of approval from the county. The applicant was asked to  
58 give us information on how they are doing on their reclamation of the current pit.

59  
60 Mr. Loosli stated that on page 3 of scoring worksheet you calculated a +9 as a  
61 score.

62  
63 Mr. Chase stated that it should be a zero make that change on score sheet.

64  
65 Mr. Loosli asked if there were supposed to be two worksheets

66  
67 Mr. Chase responded no just one.

68  
69 Mr. Pond asked if he would explain for the audience why the need for two public  
70 hearings.

71  
72 Mr. Chase stated that the reason we are having two public hearings is because the  
73 county decided that any gravel manufacturing required a separate permit. In the  
74 future our ordinance may require a rezone for gravel manufacturing.

75  
76 Mr. Pond stated that the extraction is the first part.

77  
78 Mr. Hibbert stated that extraction is the first hearing and manufacturing is  
79 anything such as crushing asphalt anything they will be doing after the extraction.

80  
81 Mr. Pond any other questions from the board? I remind all of you that are present  
82 to be aware that your comments need address whether things comply or do not  
83 comply. Asked the developer to please make their opening statement.

84  
85 Mr. Troy Thurgood stated that about three years ago Stoddard Brothers purchased  
86 the property to turn it into a pit under the old county code and we have waited

87 three years to do this. We have worked very closely with the staff to be sure that  
88 each and every thing has been addressed. We are the first pit to make application  
89 under the new code. It includes 120 acres off of 200 north; it is rectangular in  
90 fashion and is divided in half by a canal. Our plans are to start in the north east  
91 corner of the property, we felt that it is the best location to start and move to the  
92 west in about 10 years be over to the east side and in 20 years be completed, and  
93 to zig zag across the property, that being subject to the economy. The issue that  
94 has been brought up is the canal that crosses the property. We have received a  
95 letter from the canal company and we will work with them to be sure that there is  
96 no water lost.

97  
98 Mr. Pond stated that now would be the time for the commission to ask questions.  
99

100 Mr. Nedrow stated that he felt now would be the appropriate time for them to go  
101 over the reclamation plan.

102  
103 Mr. Thurgood responded that the idea is as we complete the phase we will go  
104 back thru and reclaim the property. It's a 3 to 1 slope at the maximum slope. The  
105 plan has been approved by the Department of Lands. One big issue is our ability  
106 to use water to control dust and we have worked with the Department of Water  
107 Quality and they were satisfied with that.

108  
109 Mr. Nedrow asked when they are finished with gravel extraction what are the  
110 potential plans for the property.

111  
112 Mr. Thurgood responded that it is set back so far it could be grazing but there  
113 could be many more options in the future but we intend to make it nice and not an  
114 eyesore.

115  
116 Mr. Davis stated that it would be good to describe the berms at this time.

117  
118 Mr. Thurgood described what the berms will look like which includes the planting  
119 of trees and the idea of hiding everything behind them. There is a drawing of  
120 them in the packet and in the file. All of the foliage will be watered by a system  
121 by the developer.

122  
123 Mr. Davis asked about a bridge on the property and what it will be made out of.

124  
125 Mr. Thurgood responded that it will be made from a railroad car or two.

126  
127 Mr. Davis asked about the width and if it would be 20 foot as it says in Appendix  
128 B or 16 foot which is what the canal companies like to see.

129  
130 Mr. Thurgood responded a 16 foot bridge and it would be nice, currently it can  
131 only be used by a 4-wheeler.

132  
133 Mr. Davis asked where the batch plant/hot mix will it be located.  
134  
135 Mr. Greg Stoddard stated that what they would like to do is extract material so we  
136 have a hole where we can place the crusher and the hot plant. It would move  
137 following the hole area.  
138  
139 Mr. Thurgood responded that it will be in a hole not on the surface.  
140  
141 Mr. Davis stated that it has also been mentioned of cleaning up the berm along  
142 200 north.  
143  
144 Mr. Thurgood we are moving the topsoil on that as we go. It is shrinking as we  
145 work.  
146  
147 Mr. Davis responded that the plan for the finished product is for that to look like  
148 the new part, correct?  
149  
150 Mr. Stoddard responded that it will eventually.  
151  
152 Mr. Gerber asked for their response to the canal company letter.  
153  
154 Mr. Thurgood responded that they have spoken to them and their intent is to  
155 ensure that they are happy and that they do not have any water loss and they do  
156 not have water in their pit.  
157  
158 Mr. Gerber read from letter we reserve the option to determine setbacks, buffers,  
159 slope heights, angles and etc. until we can gather more information from a  
160 qualified source. What does that mean?  
161  
162 Mr. Thurgood stated that he did not write the letter and what he thinks they are  
163 talking about is that nothing happens that could lead to the depletion of that water.  
164 We will not be close to the canal for about 6 years and we will be sure to have  
165 constant communication with the canal company during this time.  
166  
167 Mr. Pond asked if there were any other questions from the commission, now we  
168 will ask for public comment. There are at least 15 names on the list. I think I will  
169 allow 4 minutes apiece. The first is Beth Hennifer.  
170  
171 Mrs. Beth Hennifer 201 north 2300 east and we live on the corner. I would like to  
172 know what restrictions are placed on the drivers and what the speed is and stop  
173 signs. I have observed trucks going way too fast and not stopping. Also there are  
174 already a number of entrances into the pit, I don't think that they should be  
175 allowed any more. Also the street is not wide enough to accommodate vehicles,  
176 let alone trucks.

177 Brandon Hennifer 201 north 2300 east stated that he also had the same concerns.  
178 There are already 4 entrances they do not need any more. The berms are terrible  
179 now; the dust is bad, they are driving before 6 am and they are using their  
180 compression breaks. Do you live by your pits? No, why not?

181  
182 Mark Williams 203 north 2200 east stated that he lives the closest to DEPATCO  
183 then any other person here. The only complaint is that they have blocked my  
184 access to my ditch and the weeds that are there. Weeds plug up the culvert and  
185 have flooded them in the past. I have gotten phone call complaints to come and  
186 unplug it. I should not be here talking about this I should have gone to them.  
187 They are good neighbors; I only have those two things.

188  
189 Mr. Davis asked about access to the ditch to be able to access the head gate, and if  
190 he would like that to be fixed and the dirt removed?

191  
192 Mr. Williams responded yes.

193  
194 Beth Williams 203 north 2200 east, I live right across from DEPATCO. My main  
195 complaint is weeds, the berms are covered with weeds. Nothing has been done to  
196 block our views from their huge piles of stuff. Also access to canal and ditch as  
197 my husband has talked about.

198  
199 Kristy Owens 2289 east 200 north stated that she has read all of the sketch plan  
200 information and the staff information and I have concerns. One thing is public  
201 endangerment, trucks and kids on bikes having to go into borrow pits. Also says  
202 haul roads cannot go thru residential neighborhoods, we may not be considered a  
203 residential neighborhood. The rule of 7am to dusk or 7pm needs to be 5pm no  
204 matter what time of year. Quoted from their application “the applicant does not  
205 intend this property become an eyesore to the county” and stated that she has not  
206 seen that in their old pit. Do we think they are going to do it with this new pit? A  
207 neighbor’s well goes dry and leaves tenants out of water twice a year they come  
208 to my home for water. Also quoted attorney generals checklist, stated that her  
209 property is for sale and it will be very hard to sell her property with this new pit.

210  
211 Mr. Loosli asked what you would propose as a solution for road width.

212  
213 Mrs. Owens responded that she does not know the County’s required road widths,  
214 the bridge is dangerous.

215  
216 Mr. Loosli responded that this is the first application under the new guidelines and  
217 I hope that they intend to abide by the new rules on this property.

218  
219 Mr. Davis stated that maybe a posted speed limit and only having them travel  
220 from there west would help. The bridge would still be used but it would help  
221 protect the kids further up.

222 Ben Peterson 403 north 2700 east from the Southeast Idaho Canal Company read  
223 a letter which is in the file.

224

225 Sam Davis clarified that the canal that you are talking about is the canal that  
226 borders north and west not the one that runs through the property.

227

228 Brad Ostermiller 2291 east 200 north questioned if they can access from existing  
229 facility which would eliminate the need for more accesses. Could be added or  
230 looked at before this is approved?

231

232 Mr. Loosli responded that will be up to them because the county rules says that  
233 they have to have connectivity to the county road system. They could put in an  
234 access and choose not to use it as their primary access point.

235

236 Brad Ostermiller questioned if they are going to remove the residence that is on  
237 the east side of their property if they add that access.

238

239 Karen Daw 430 north 2600 east stated that this property used to belong to us. I  
240 know that the property would be much better as a residential land. I feel that it  
241 should not be used as a gravel pit.

242

243 Matt Davis stated that what he intended to say had already been spoken.

244

245 Sam Lusk 2249 east 200 north stated that he borders the property to the west.  
246 They have been good neighbors to me and I have done business with them. I am  
247 concerned with the speed limit on the road for them and for us, the width of the  
248 bridge and to be able to see over the bridge which crests. My main concern is  
249 safety for the public.

250

251 Steve Huber 248 north 2300 east stated that there are 45 kids from Sam's house to  
252 my house. Most of the trucks are in excess of 65 mph; we have asked for patrol  
253 and have not received that. My concerns are safety and property values. My wife  
254 screams at them to slow down on almost a daily basis with no result.

255

256 Mr. Pond asked what response they receive from the sheriffs' office.

257

258 Mr. Huber responded that we are told "we will take care of it." And I have only  
259 seen an officer there once in five years.

260

261 Brant Kerbs 240 north 2500 east representing Wilford Canal. Most concerns have  
262 been answered tonight. Main concern is what should be done with canal;  
263 stockholders say to leave it where it is. To move it would not be an option right  
264 now. Idaho Code 42 is a good one on right-of-ways on canals. Who is liable if  
265 there is a break in the night, us or them?

266

267 Mr. Loosli asked if it is safe to say that you and they are comfortable and they  
268 accept your terms.  
269  
270 Mr. Kerbs responded that the agreement on this as it moves forward is that we  
271 will work together because we have to. Discussed the bridges and the plan on  
272 repair of those. Read into record the letter that is on file.  
273  
274 Roy Beddes 2276 east 200 north right across the road. My concern is traffic, dust  
275 and noise, it used to be quiet now it is hard to live there. We are trying to relocate  
276 to be quite honest. Our land prices are going to decrease even more.  
277  
278 Jay Peterson 2169 east 200 north. What do you have against the Wilford area?  
279 Safety and the extraction of materials that will never be replaced. Lives are being  
280 ruined and destroyed literally. The fumes are terrible. Appeal to you that this be  
281 denied because the property values will be destroyed.  
282  
283 Mr. Pond stated that concludes those that have signed up. Are there any others  
284 who would like to speak? It is time for a rebuttal.  
285  
286 Mr. Gregg Stoddard stated that he appreciates the comments that have been  
287 voiced and I know that a gravel pit changes the lay of the land but the reality is it  
288 has to be in someone's backyard. We are trying to mitigate the best way that we  
289 can. The trucks that go up and down the road, we have placed signs with the  
290 approval of the county. Also tonight we are getting a little more blame on the  
291 truck traffic than what is just. Mr. Stoddard described the route that their trucks  
292 travel. Ninety percent of the traffic is not ours. Discussed the look of the berms,  
293 that this is a new code. With the old pit, there were not any codes that had us do  
294 that. We are trying to make the old nice and be sure that the new is great. We are  
295 not planning to always have a hot plant. The plan is for during certain times of  
296 the year or when there are projects that require one. I would like to let Mr.  
297 Williams know that we will accommodate your access and take care of the weed  
298 issue. There was concern on the 7am to 7pm. Most of the time we hope not to be  
299 there from those times, but there are times that we have to complete projects. I  
300 would recommend the county putting up speed signs for everyone involved.  
301  
302 Mr. Davis asked if CAMP program was known about and that it was about  
303 aquifer recharge.  
304  
305 Mr. Stoddard stated that they will look into that.  
306  
307 Mr. Pond closed the public hearing and opened the new hearing on the  
308 manufacturing. Asked the staff if proper notices had been sent and if there were  
309 any conflicts of interest. With none being noted Mr. Hibbert, please report.  
310

311 Mr. Hibbert stated that in Appendix J that we recently approved it is now required  
312 to separate the gravel extraction process from the manufacturing process, which is  
313 why we have to hear it again.

314

315 Mr. Gerber stated his confusion because we do not have a new operating plan.  
316 We are still going through the code revision process.

317

318 Mr. Hibbert stated that we adopted appendix J and K independently earlier in the  
319 year.

320

321 Mr. Pond opened the public hearing.

322

323 Mr. Thurgood I stated before we are within the zoned area for a commercial use  
324 and we have been working with the staff to be sure that we are complying with  
325 the code as it stands.

326

327 Mr. Loosli questioned if there was a timeframe that crusher will be operated.

328

329 Mr. Thurgood responded 2 to 4 weeks at a time a year, the intent is not to be there  
330 full time. A maximum of six weeks out of the year. We are unsure of when that  
331 will take place but the intent is to build the noise berm early on to be better  
332 neighbors.

333

334 Mr. Gerber stated that as he remembers the plan is to excavate down 20 or 30 feet  
335 to reduce noise.

336

337 Mr. Thurgood responded that they discussed that in sketch plan and that they  
338 really want to be good neighbors. We will do everything that we can to keep it  
339 below the decibels allowed.

340

341 Mr. Davis stated that he has had a friends dog fall into there and if it was a child  
342 that would be dangerous.

343

344 Mr. Thurgood stated that as was discussed earlier there will be fencing in front of  
345 the berm with signage of being dangerous and private property.

346

347 Mr. Davis questioned if 20 years to completion is realistic?

348

349 Mr. Thurgood stated it could be more or less but the trees will be in and meet the  
350 requirement before we start working on the particular areas.

351

352 Mr. Pond opened to public hearing and assumed that all comments from the  
353 previous public hearing are also for this one. I now close the public hearing and  
354 open for the commission to discuss.

355

356 Mrs. Miller asked Mrs. Vik to address the concerns with roads and bridges, and  
357 where are they in the line for county repair.  
358  
359 Mrs. Vik responded that we have already been talking about the replacement of  
360 those bridges/large culverts.  
361  
362 Mrs. Miller asked about the road width.  
363  
364 Mrs. Vik stated that it is 22 foot and we would like 24 feet of pavement width.  
365  
366 Mr. Pond asked if there was a Weed Department.  
367  
368 Mrs. Vik responded yes Bryce Fowler is the “Weed Master.”  
369  
370 Ms. Stegelmeier asked if there were plans on the bridges and road to be fixed.  
371  
372 Mrs. Vik responded yes on bridges and no on roads.  
373  
374 Mrs. Miller asked about speed limit signage.  
375  
376 Mrs. Vik stated that there has to be a study done. We cannot just put up speed  
377 limit signs. We can do that study and see, but I cannot guarantee that it will result  
378 in the speed limits that you are wanting.  
379  
380 Mrs. Miller asked that the study be done during the summer and not the winter  
381 due to our seasonal use.  
382  
383 Mrs. Vik responded that it says that it should be done during the week and not the  
384 weekend and it most definitely should be done during the correct season.  
385  
386 Mr. Hibbert stated that it does require a development agreement. That has to be a  
387 condition of approval  
388  
389 Mr. Hibbert stated that they have discussed the fence and we need to discuss it  
390 further.  
391  
392 Mr. Chase stated that what Kurt is referring to is Appendix K which refers to a  
393 sight obscuring fence that needs to be anywhere there is adjacent residential.  
394 Read on fencing and stated that the developer wants to put a barbed-wire fence up  
395 along with the berm and the trees.  
396  
397 Mr. Pond stated so all will understand it will go fence, trees, and then berm.  
398

399 Mr. Loosli motioned to approve the Stoddard Brothers LLC Gravel Pit with the  
400 conditions of approval from staff and the conditions of approval from the  
401 Reclamation Permit.

402  
403 Mr. Davis seconded the motion.

404  
405 Mr. Pond stated that we have a motion that has been seconded, all in favor none  
406 opposed, motion passes.

407  
408 Mr. Pond stated that we will now discuss the gravel manufacturing portion.

409  
410 It was decided to list all of the items that the commission requested to be  
411 conditions of approval that they would like to have included in the motion.

412  
413 Mr. Davis made a motion on approving the manufacturing portion of the Stoddard  
414 Brothers LLC application with the following conditions; that the site obscuring  
415 fence variance was approved allowing them to have a barbed-wire fence,  
416 including the Irrigation Company letters, that they enter into a development  
417 agreement with the county, that time limits are from 7am to 7pm being the longest  
418 hours of operation allowed, the berms be irrigated and maintained, and a request  
419 that the old pit along 200 north be cleaned up.

420  
421 Mr. Singleton seconded the motion.

422  
423 Mr. Pond we have a motion, which has been seconded, all in favor none opposed,  
424 motion passes.

425  
426 Items that should be and will be included in the development agreement include;  
427 all of the existing conditions of approval, weed control, dust and that the  
428 developer will fix the irrigation easement for Mr. Williams.

429

#### 4. Administrators Report

430  
431 Mr. Hibbert discussed that they had held a small meeting on Thursday the 24<sup>th</sup> and that  
432 the members that were in attendance came up with some great ideas.

433  
434 Mr. Chase described that new proposed densities were limited to 25/100 acres, 50/100  
435 acres, 200/100 acres in the Rural Conservation, Rural Living and Rural Infill zones  
436 respectively.

437  
438 Mr. Nedrow motioned to accept information from last Thursdays meeting with the  
439 correction of one typo.

440  
441 Mr. Loosli seconded the motion.

442

443 Mr. Gerber stated that being that once we go public hearing this all could change I feel  
444 that it is okay.

445

446 Mr. Pond stated that we have a motion that has been seconded. Mr. Singleton and Ms.  
447 Stegelmeier opposed all others in favor, motion passes.

448

449 Next meeting is schduled for the 12<sup>th</sup> of July.

450

451 Ms. Stegelmeier motion to adjourn.

452

453 Mr. Loosli seconded the motion.

454

455 Mr. Pond all in favor, Meeting closed at 8:46pm.