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**Fremont County Planning  
& Zoning Work Meeting Minutes  
August 23, 2010  
6:00 pm  
County Annex Building**

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The Fremont County Planning & Zoning Commission met in a regular meeting on August 23, 2010. They met in the County Annex Building. **Members in attendance were:** John Nedrow (Vice Chairman), Sam Davis, Jim Gerber, Larry Singleton, Steve Trafton, Cindy Miller, Cathy Stegelmeier (Chairman), Rod Nichols, and Patti Crapo.

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**Staff and others present:** Stephen Loosli (Interim Administrator), Joshua Chase (Planner), Molly Knox (Admin Asst.)

**1. Call to Order & Welcome**

Ms. Stegelmeier called to order at 5:57

**2. Old Business**

None

**3. Sketch Plans**

None

**4. New Business**

None

**5. Other Business**

**5.1 P& Z Members' Directory**

**5.2 Bylaws to be signed by new Chair & Vice**

Mr. Davis motioned to order that we change our existing bylaws to let our minutes be read first instead of last. I would like to make a motion stating such.

Mr. Gerber seconded the motion.

36 Ms. Stegelmeier stated that we have a motion and a second but I did want to note  
37 that in our current bylaws it says that any changes in the bylaws needs a 2 week  
38 written notification.

39  
40 Mr. Loosli stated the amended to act as the required notification.

41  
42 Mr. Davis amended the motion that this is the required notification to the  
43 commission.

44  
45 Ms. Stegelmeier stated that there was a motion and a second, all in favor, motion  
46 carries.

47  
48 Mr. Loosli stated that he would create an amendment to the bylaws and send that  
49 out for the two week notice.

50  
51 Mr. Davis motioned that we increase our number on the commission to 12.

52  
53 Mr. Loosli stated that it should be amended to state not less than 7 and not more  
54 than 11.

55  
56 Mr. Davis restated the motion that the commission consist of not less than 7 not  
57 more than 11 members appointed by the County Commissioners.

58  
59 Mr. Nichols seconded the motion.

60  
61 Mr. Trafton stated that I remember that we decided to reduce the number of  
62 commission members; and we did it un officially and that we are fine with things.  
63 I thought do we really need to do this?

64  
65 Mr. Loosli answered that there is less formality to the bylaws. The 2003 FCDC  
66 explicitly says 9, not more not less. It does require a public hearing and has to go  
67 through the process. The Commissioners are having a meeting that same night.  
68 And will probably appoint them then and there.

69  
70 The group continued to discuss the number needed and how the wording should  
71 read.

72  
73 Ms. Stegelmeier stated that there has been a motion and a second, all in favor  
74 motion carries.

75  
76 Ms. Stegelmeier stated that she, as the chairperson, would like to be able to be a  
77 voting member. She stated that she distributed them all a copy of the information  
78 she has found that is in favor of this, then read from both documents and asked  
79 the commission to please consider this practice.

80

81 Mr. Loosli informed the commission that the 2 week required notice is also  
82 applicable in the decision.  
83  
84 Mr. Gerber asked what if there were only 8 of us here including the chair and the  
85 vote was 4 to 4, how would you remedy that?  
86  
87 Mr. Loosli responded that would be a tie and presents a dilemma and we would  
88 need an odd number to be able to break that tie. Or reschedule to a later date to  
89 where more than 8 would be available.  
90  
91 Mr. Chase stated that if the chair is not routinely able to vote then we would not  
92 have this issue.  
93  
94 Mr. Trafton stated that is a pretty compelling reason to not allow the chair to vote  
95 unless in a tiebreaking situation. Voiced opinion that a good point was made by  
96 Mr. Davis stating that the chair vote is only cast when needed. It is a different  
97 vote and position than the rest of us. I respectfully disagree and think that the  
98 system works now as it is.  
99  
100 Ms. Stegelmeier stated again that she would like for the commission to consider  
101 her discussion.  
102  
103

### 5.3 Upcoming Development Code Amendment – P&Z Membership

104  
105 Mr. Loosli stated that there will be a public meeting on the 8<sup>th</sup> of September to  
106 add two additional members to the Commission. It will be discussed with this  
107 group and then again with the Board so that they can appoint the two new  
108 members.  
109  
110 Ms. Stegelmeier mentioned that she will not be able to be there.  
111  
112 Mr. Nedrow stated that he would be there.  
113

### 5.4 August 2010 working draft of 2010 Development Code

114  
115 Mr. Loosli explained that there are two separate versions of the working draft, one  
116 for the public and one for us to work on. A “stable” version and a “working”  
117 version that are both going to be placed on the web.  
118  
119 All want a copy before each meeting. Double pages, double sided.  
120  
121 Every page has a working draft date and time on it, so that we are all working on  
122 the same draft. The draft that I will show you tonight are things that have not  
123 been changed yet.  
124

125 If an applicant comes in with a preliminary plat, and if it is approved by this  
126 commission then they are vested with some rights. In the document that we have  
127 it states that the only person that can appeal a final plat is the applicant. Final plat  
128 is verification that the conditions between the developer and commission and staff  
129 have been met. We received a copy of the report that Mr. Nellis provided. If you  
130 want copies of that for yourself we can give you that, it is about 14 pages. Some  
131 things that he did not agree with are such as we have left behind relative  
132 standards. We are now requiring absolute or nothing. It is all clear cut wither you  
133 will do it or you will not get approved.  
134

#### 5.5 2010 Development Code Project Priority List

135  
136 Mr. Loosli stated that there are some things that need to be prioritized by this  
137 commission.  
138

139 Mr. Davis stated that one of the key issues is the gravel pit ordinance and putting  
140 a cap on how many can be allowed in a particular area. There are enough out  
141 there. We need to cap that, I don't know how to motion that or do the  
142 calculations. It is critical that this is discussed.  
143

144 Mr. Gerber agreed but not discussing it tonight but make it a priority to discuss.  
145

146 Mr. Loosli responded that is an issue that goes back to absolute performance  
147 standards.  
148

149 Mr. Nichols asked how would you set the boundaries on an issue like this.  
150

151 Mr. Loosli asked for all of the scoring sheets and read how things were scored.

- 152 1- Review of zoning derived from comp plan and the draft code?
- 153 2- Wind farms
- 154 3- Gravel pits
- 155 4- tie- on buffering and cell towers
- 156 5- Preferred land use map
- 157 6- Home Occupation, residential business, transient rental
- 158 7- Ridgeline
- 159 8- parks &recreation
- 160 9- sign ordinance
- 161 10- setbacks
- 162 11- Consistency with Comp Plan
- 163 12- WUFI

164  
165 Are there any question?  
166

167 Ms. Stegelmeier asked if you are going to send us these things.  
168

169 Mr. Loosli responded that he will redo the priority list and send you the  
170 information.

171  
172 Mr. Chase stated that we are currently getting applications for the Home  
173 Occupation permits and maybe that could be moved up on the list.  
174

175 Mr. Loosli stated that the Home Occupation Ordinance Draft is on my desk right  
176 now and I have been working on it. Asked what would we permit in a residential  
177 neighborhood? The Home Occupation Ordinance was described the  
178 Commission. Thresholds need to be determined and what okay and what is not  
179 okay.  
180

#### 5.6 Supporting Documents to review for subsequent meetings

181  
182 Mr. Loosli passed out a new Appendix O which talks about cell towers and  
183 provides us all the latitude we need. This is for a later meeting not for reading  
184 tonight. This allows us to be able to require a letter to prove that they can't get  
185 co-location as well as the need in the area and that allows co-location for the next  
186 guy that comes along. Request that cell towers are personal property and taxes  
187 are to be paid. Next is a model ordinance option sheet, wind energy which is put  
188 out by advocates of wind energy and how to come up with an ordinance that is  
189 effective for the county. The first and most important is where they are allowed,  
190 either County wide or in some particular part of the county. This is to lead us in a  
191 later meeting.  
192

193 Ms. Stegelmeier asked if this is for commercial permits.  
194

195 Mr. Loosli responded yes that it is and you can look at Appendix R to see our  
196 current standards for residential. Mr. Siddoway asked if we would consider it.  
197 Some have had this emailed to you on July 14, 2008 by the land use  
198 subcommittee and some are valid and you should re read the information and  
199 decide if you feel it is valid to have in the code. The source maps that they  
200 prepared are here on the table. We can either look at these tonight or delay it to  
201 another meeting.  
202

### 6. Administrator's Report

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204

#### 6.1 Potpourri Ranch plat amendments explanation

205  
206 Mr. Loosli stated that Potpourri Ranch is a subdivision east of the river and  
207 however long ago the land was developed. The discussion is to decide if this  
208 would be considered in a plat amendment or a replat. The HOA deeded parcels to  
209 the landowners that are adjoining. This is the cleanup of a surveyor's error.  
210 Stated that they are going to pay for all of the recording and fees that are attached  
211 to this. Any questions?

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Mrs. Miller questioned what the dotted lines were.

Mr. Loosli responded the existing land boundaries and the future land boundaries.

Mr. Nedrow asked if there should be a restriction recorded that there will not be any building permits let on the properties.

Mr. Loosli stated that there is no possible building permit that would be let on this. I brought this before you so that you can decide if this is something that is needed to be brought before you or if you feel that it is something that we can handle administratively.

Commission decided that the department could handle this administratively.

#### 6.2 Clarification on Forced Plat Information (I.C. 50-1314)

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Mr. Loosli read from forced plats handout.

Stated that deed restrictions are to be given on all of the unpermitted lot splits from this point on. If they meet the requirements then the deed restriction will be lifted.

Mr. Gerber asked what happens if there is already a house built on the property?

Mr. Loosli responded that if it predates 1992. There, is no time served that gives you better treatment. We have already been doing that. We are going to clean it up.

Mr. Chase stated that the county in 1984/ 1987 did a subdivision ordinance.

Mr. Loosli stated that we now have tools to deal with them.

#### 6.3

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Mr. Loosli showed the commission what changes he has made to the Development Code and requested approval of the changes.

Mr. Loosli started with vested rights, read and described. There were no objections, all were okay with changes.

Mr. Loosli stated that next is existing commercial uses.

Mrs. Miller asked if the 15% was a magical number.

Mr. Loosli stated that is was just thought of. It is up to you as a commission, then asked if the percentage was okay.

256 Commission had much discussion concerning percentages.  
257  
258 Mr. Loosli s decided to delay this subject so he could research the issue further.  
259  
260 Mr. Loosli moved on to Chapter 2, stated that this change is the one that will be  
261 happening on September 8<sup>th</sup>. The next is to change the review of a Class II  
262 application so that it covers all steps that the department could present to you  
263 instead of just the preliminary plat. I also added the use of a hearing examiner  
264 which is in Idaho Code, read.  
265  
266 Ms. Stegelmeier asked if they as a commission were the ones who would make  
267 the appointment of the examiner.  
268  
269 Mr. Loosli responded yes. All were okay with the changes.  
270  
271 Mr. Loosli stated moving to Chapter 3 where he added language. There were no  
272 questions and the changes were okay.  
273  
274 Mr. Loosli stated that he added paragraph D, we have added zoning. No issues  
275 with commission, changed were okay. We will also combine multiple  
276 applications into a single permit and have the highest permit cost be the sole cost  
277 of that permit. If multiple permits are to be heard at a public hearing we are to  
278 begin with the least restrictive first. They all were okay with the changes. It was  
279 stated that we have also adopted the term Fire Code Official instead id Fire  
280 Marshall. Commission was okay with that change. Next will be site development  
281 plan, read what was required.  
282  
283 Mrs. Miller asked if tall fencing needs to be included.  
284  
285 Mr. Loosli stated that fencing will be part of buffering and that this is just a  
286 drawing of what they would like it to look like.  
287  
288 Ms. Stegelmeier asked if this is what they want to do, not what exists.  
289  
290 Mr. Loosli changed the term development to application and developer to  
291 applicant because all are not developments.  
292  
293 Mr. Loosli read concerning final plat application. This wording was changed to  
294 what is shown. All are okay with this change.  
295  
296 Mr. Loosli discussed the review/comment by public agencies, letters. Read.  
297 Before you get our permit you will also get a corresponding permit for roads,  
298 issued by the county or the state. Those were all moved to one section. All were  
299 okay with the changes.  
300  
301 Ms. Stegelmeier requested an end to the meeting.

302

## 7. Approval of Minutes

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### 7.1 Minutes 7-12-10

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Ms. Stegelmeier asked if there were any changes to the minutes.

306

307

Mr. Davis moved to approve minutes of July 12<sup>th</sup>

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Mr. Gerber seconded the motion.

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311

All in favor.

312

## 8. Dismiss

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Mrs. Miller made a motion to meet on the 13<sup>th</sup> of September for a work meeting.

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Mr. Gerber seconded the motion.

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Mr. Loosli asked how many hours they would like to allot per meeting.

320

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Ms. Stegelmeier responded two hours.

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Mr. Gerber stated three hours

324

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Ms. Stegelmeier stated that there is a motion that has been made and seconded for a September 13<sup>th</sup> meeting for 3 hours in length.

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328

All in favor none opposed.

329

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Mrs. Stegelmeier asked concerning meetings in November and December.

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332

Mr. Trafton stated that November 15<sup>th</sup> and December 6<sup>th</sup> seemed to be good dates due to the holidays.

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334

335

Mr. Nichols motioned November 15<sup>th</sup> and December 6<sup>th</sup> as the meetings for those months, with the option to not have a meeting in December.

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337

338

Mrs. Miller seconded the motion.

339

Ms. Stegelmeier stated that we have a motion and a second, all in favor.

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341

Adjourn at 8:01pm.