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**Fremont County Planning
& Zoning Work Meeting Minutes
January 31, 2011
6:00 pm**

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County South Bridge Street Meeting Room

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The Fremont County Planning & Zoning Commission met in a special work meeting January 31, 2011. They met in the County South Annex Building. **Members in Attendance were:** Cathy Stegelmeier (Chairman), Cindy Miller, Sam Davis, Larry Singleton, Rod Nichols, Layne Hepworth, John Harrington, Patti Crapo.

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Excused: Steven Trafton, John Nedrow

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Staff and others present: Stephen Loosli (Administrator), Molly Knox (Administrative Assistant)

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1. Call to Order and Welcome

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Ms. Stegelmeier called the meeting to order at 6:02p.m.
Excused those not here

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2. Old Business

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2.1 Work meeting on – Richard Horner/ Res. Lodging 16-30 guests / Ashton Area/ File 11-004

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Mr. Loosli informed the commission that Commissioner Larry Singleton has been welcomed back for his second three year term and has accepted.

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All welcomed him.

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Mr. Loosli stated that what he thinks we should do is work through the old scoring sheet and see what we as a commission score them, compared to how it was scored before information we received at the public hearing. He then explained to those who were unfamiliar with the score sheets of how they worked with relative and absolute standards.

Mr. Loosli continued explaining how the score sheet works. He read from his code book starting at the North Fremont Zoning District which starts on page 31. Wetlands Open Space Use– not applicable, Stream Corridors/Floodplains Setbacks – not applicable, Slopes: Open Space 30% plus – not applicable, Slopes: Open Space 15-30% - not applicable, Slopes: Engineer’s Certificate – not required. Wildfire Hazards/ Individual Structures – read from that in the code page 33. That was originally scored a zero by staff, any discussion on that.

Mr. Nichols stated, no that seems fine and it should stay the same.

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Mr. Loosli read on, Wildfire Hazards: Subdivisions – not applicable, Wildlife Habitat: Open Space Use – not applicable, Wildlife Habitat: Plan – not applicable. Native Plants: Use Encouraged, read from code book page 34 paragraph K, concerning. That can score positive points which are not detrimental. Does anyone have any concerns?

Mr. Davis commented that he felt it should be scored a 1 maybe even a 2 because Native plants have always been there and still are.

Mr. Loosli stated that he felt we should have a discussion on that because it brings up buffering so we should look at Appendix K to see what type of buffering we have here. Read the code again. The use of native plants, propagated from local stock in the re-vegetation and buffering efforts required by this ordinance shall be encouraged.

Mrs. Miller stated that to her it is saying that they have done something beyond just leaving it as it is. So that is what we need to be looking for.

Mr. Davis stated that if they also did not detract from what was originally there.

Mr. Nichols commented that they had also planted trees on the west side of the property.

Mr. Loosli responded that we would get to that in just a minute. Due to another component.

Mr. Davis asked if they have to do something.

Mr. Loosli responded no but they get positive points if they have done something.

Mrs. Miller stated if they have done something, not if they could do something.

Mr. Loosli responded that the question to ask yourself is if there was any written or vocal evidence given at the public hearing that they have done anything.

Mr. Gerber stated that all we can say is they did not do anything to take it away.

Mr. Hepworth commented that as we go all the way thru this, can we come to the conclusion that if they do this then you will get a positive score.

Mr. Loosli responded that you could make it a condition of approval that if you were to do this upon evidence that it is done or you could have them come back and prove that it has been.

Ms. Stegelmeier stated that we still need to go over Protecting Agriculture Lands.

86 Mr. Loosli responded that is an absolute and it does not score points. Read from the
87 descriptions in the code. Asked if the surrounding agriculture operations are potentially
88 harmed by this application.
89

90 Ms. Stegelmeier commented that we ask that they do not become a trailhead.
91

92 Mr. Loosli stated that it is a valid point, yet it does not go into our ordinances
93 specifically, but it would assure that we do not have 20-30 snowmobiles going in and out
94 of the property as they do in Island Park.
95

96 Mr. Nichols stated that this property does not lend itself to that use because of its
97 location. The only way that they could is to cross 32 and go across private property.
98

99 Ms. Stegelmeier stated that it is something that we need to think about when we go
100 through these applications.
101

102 Mr. Loosli continued on, Protecting Agriculture Operations – not applicable. Agriculture
103 Industries, we did get some testimony in this arena. So I would like you to at least think
104 about it. Paragraph O on page 35, read from the code concerning. If you remember
105 correctly we received testimony that the neighboring property has a goat head count in
106 access of 100. That does not apply to this permit but we spent a lot of time talking about
107 this fact. It is something to look at.
108

109 Ms. Stegelmeier asked if the type of goat was brought up.
110

111 Mrs. Crapo responded that they did not tell us what breed of goats they were.
112

113 Mr. Loosli stated that is just for your reference.
114

115 Mr. Hepworth asked if the goat farm came after the current use of the barn.
116

117 Mr. Nichols responded that he doubted it due to the fact of the photos that were given to us
118 from the attorney which showed the remodeling of the barn to the current use.
119

120 Mr. Loosli commented that there is a trade off in these two paragraphs and it is trying to
121 find a balance point.
122

123 Ms. Stegelmeier stated that the neighbors have quite a bit of land other than where the
124 goats currently are. In the testimony they were given the opportunity to purchase the
125 barn. Did they ever comment on why they did not want to move the goats to another
126 location on their property?
127

128 Mr. Loosli stated that question was asked but not addressed by the neighbor. It was
129 stated that it was the only flat spot.
130

131 Mr. Hepworth asked if there were setback requirements from property boundary lines.

132
133 Mr. Loosli responded no.
134
135 Mr. Loosli asked if it was safe to say that there are no violations of those two standards.
136
137 All responded correct.
138
139 Mr. Loosli stated that next is Weed Control – which is an ongoing requirement and goes
140 into any approval of any permit, we can skip. Next is Protecting Agriculture Lands - not
141 applicable. Now we get into the nuisance areas, paragraph R; paragraph 1 Noise, read
142 from the code concerning. Stated that what was read from the code is a mandatory
143 condition of approval of any application that comes to this body for review
144
145 Mr. Hepworth stated that the issue of the noise was specifically a problem for the goats.
146
147 Mr. Loosli stated if you look appendix H it lists the decibel requirements, residential 50
148 at night 10p-7am and 60 from 7a-10p. If the neighbors were to show up with a recording
149 device at any time and it recorded higher than that we would have to go out and check
150 into it. Asked if there were any issues with the noise threshold being a condition of
151 approval.
152
153 Ms. Stegelmeier stated that it has to be because it is an absolute correct.
154
155 Mr. Loosli responded yes, and if it need be investigated then we would do that.
156
157 Mr. Hepworth asked if it applied to goats or just humans.
158
159 Mrs. Miller stated that would go back to Protected Agriculture.
160
161 Mr. Loosli responded correct. Next is Light, Glare and Heat: Fixtures – read from the
162 code concerning. Subparagraph B read from code concerning. We had some comment
163 concerning this. Yet they are not applying for a commercial permit, if they were going
164 for 31+ per night it would be. But we did have some complaints and testimony on the
165 lights from the property. The applicant testified that they had placed lower wattage bulbs
166 and shielding and that this was fixed. Yet you may choose to instruct me to further
167 address that in friendly neighbor terms.
168
169 Mr. Gerber stated that there was also testimony from other neighbors that there was no
170 noise or nuisances, two different opinions. We have to decide what to go off of.
171
172 Mr. Loosli stated that we will need to balance that issue. Asked if there is anything
173 further on Light, Glare and Heat that anyone else would like to address.
174
175 Mrs. Miller responded that she felt that the applicant had addressed the issue and they are
176 trying to be a good neighbor.
177

178 Mr. Loosli stated that next is Electrical Interference – not applicable, Solid Waste, which
179 is a mandatory part of all applications. Storm Water, paragraph 6, did we think there was
180 any testimony on run off. Being none next is Hazardous Substances – not applicable,
181 Livestock on Residential Lots – not applicable on this applicant’s property. Home
182 Occupations - we will discuss in a moment. It was not approached as a residential care
183 facility. Those were the absolutes, now onto the relative standards starting with Land
184 Use Compatibility. As you will recall some of these were scored with a zero and in other
185 instances they were given a negative but that was before my time. Is the proposed lot
186 coverage and landscaping compatible with neighboring uses, read on in code. Do you
187 feel that there is a reason to assess them a negative score in paragraph 1. Moving on to
188 paragraph 2, and read on concerning proposed building height. I scored it a zero because
189 the structure preexists all of these houses. The building height has been that height for
190 over 80 years. Do you feel differently? Also the height had been overstated in other
191 meetings and we have written comment from the fire department that they will service
192 the property. Next is Building Bulk, I scored it a zero and that basis is due to the building
193 has been there.

194
195 Mrs. Miller stated that is partly because nothing changed with the setbacks.

196
197 Mr. Loosli continued with paragraph 4 - proposed Activity Level, read from code. At the
198 time that I scored it, we did not have some of the testimony that we have. One being that
199 a neighbor on that road also rents. I scored a negative one on that do you want to further
200 discuss.

201
202 Mrs. Miller stated that there was not a concern.

203
204 Mr. Loosli responded that the consensus is to change it to zero.

205
206 Discussion of neighboring property owner having a rental property of their own and had
207 not come in with an application.

208
209 Mr. Loosli stated it was scored upon receipt of the application before the public hearing.
210 Scoring can change throughout due to information and testimony provided.

211
212 Mr. Nichols gave the example of the difference in the height of the building throughout
213 the course of this application.

214
215 Mr. Loosli stated that is the consensus - putting a zero there – read on. Next is 5 - Higher
216 Density residential developments, originally given a zero. Number 6 - does it block
217 views, does not matter due to it has been there for 80 years. Gravel mining – not
218 applicable. Buffering landscape buffers shall be encouraged, read from code.

219
220 Mr. Nichols stated that there is a fence and a few young trees that could be very nice
221 when they grow.

222

223 Mrs. Knox informed the Commission that the Drapers and Harbaughs constructed the
224 fence in question.
225
226 Mr. Hepworth asked if the neighbor's fence and some trees could be considered
227 buffering.
228
229 Mr. Loosli responded that buffering is referring to installation of landscape buffers
230 between potentially incompatible uses is encouraged. Such as trees, shrubs, raspberry
231 patch totaling 20 feet. And we would give points for that. Fencing is not part of this it is
232 a landscaped buffer and the fence that is there is not theirs.
233
234 Mr. Loosli asked what they felt on the paragraph. All agreed on still a zero. Read other
235 paragraph in code on retention vegetation. Is new landscaping something you want to
236 revisit? Next would be, Connections – not applicable, Signs – Appendix I which is
237 permitted. Central Water Supply, Fire Fighting Water Supply both zero. Onsite Sewage
238 Disposal - they know when they applied that they need to increase it before renting to the
239 number of individuals that they would like and they plan on doing that this
240 spring/summer.
241
242 Mr. Loosli read on thru the rest of the items in the code and on the spreadsheet.
243
244 Mr. Hepworth asked if there were any issues on safety with the corner.
245
246 Mr. Loosli stated they have the approval from ITD. Said that ITD told him that this is not
247 a permit they are going to revoke. Continued reading code, then came to Fire Protection.
248
249 Mr. Gerber stated that he did not actually see the letter from the fire chief, and would like
250 to.
251
252 Mr. Harrington stated that he believed that it was rescinding his previous letter.
253
254 Mr. Loosli stated it is not a Large Scale development – not applicable. So unless you feel
255 otherwise this cumulative score was a zero. Back to Paragraph D of Chapter 5, and read
256 from code.
257
258 Mr. Nichols stated that he did not think it necessary to get a positive score from a zero
259 due to what was just read from the code.
260
261 Mr. Loosli stated that we did not need to. Read the commission the letter for the North
262 Fremont Fire District which is in the file.
263
264 Mr. Hepworth questioned one of things he is uncomfortable with is giving applications
265 that are incomplete.
266
267 Mr. Loosli stated that we have corrected that and staff is aware that it needs to be a
268 complete full package application before scheduling for public hearing.

269 Mr. Nichols stated that he agreed with what Mr. Hepworth said about the complete
270 application with the exception of things like the septic.
271
272 Mr. Loosli stated that is the end of chapter 7 if you choose that is the way to go. Now
273 onto Appendix I, all of the items in it are absolute, Appendix I which starts on page 19 of
274 the staff report or appendix I of the draft, which he read. Does anyone have any other
275 issues with the exception of the road issue that they wish to discuss tonight? With none I
276 will skip to page 32 of the staff report, paragraph 1.38.020 access requirements, and read
277 verbiage from the staff report. During testimony in the application packet itself there is a
278 provision of the legal easement recorded August of 2009 which is for ingress and egress
279 with the point of access being Highway 32. There is no documentary evidence of any
280 shared nature or any restriction in its use. And in conversation with the counties legal
281 counsel, there is simply no way that we will ever get that information or are we allowed
282 to judacate such. There is evidence here that he as access to the highway. It was testified
283 the Karen Lee Lane offshoots this road and they have a shared point off of highway 32.
284
285 Mr. Nichols stated that you can look at the roads and see which is older than the other.
286
287 Mr. Loosli asked if there were any questions of me on this. The county attorney wants a
288 wording change on this in the ordinance.
289
290 Ms. Stegelmeier stated from the information that we have it is showing that they have
291 legal right to the road.
292
293 Mr. Nichols stated that the need for mutual consent is a moot point on this.
294
295 Ms. Stegelmeier stated that we should have made a note of Land Use Compatibility.
296 Make a change from -1 scored by the staff to a 0 scored by the Planning & Zoning on
297 Chapter 7 Paragraph W, Subparagraph 4.
298
299 Mr. Loosli is there anything else anyone else wants to talk about concerning this
300 application.
301
302 **Mr. Davis made the motion to approve application file 11-004 with the staff**
303 **report changes of Land Use Compatibility make a change from -1 scored by**
304 **the staff to a 0 scored by the Planning & Zoning on Chapter 7 Paragraph W,**
305 **Subparagraph 4. Also the change on Appendix I on the access of the road**
306 **1.38.020 not needing mutual consent. Compliance with the County EMS**
307 **Directors requests and all of the conditions required from the staff report.**
308 **Mr. Nichols seconded motion.**
309
310 Mr. Hepworth asked if this was a provisional approval or a conditional approval based on
311 the septic capacity.
312
313 Mr. Loosli stated that the current capacity is 1500 gallons. The permit will be given on
314 the current capacity and then will be modified once the larger tank is put in.

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Ms. Stegelmeier all in favor motion carries

7. Administrator's Report

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For the meeting on 28th of February we are to use the time to the best of our ability. We will also have discussion on Citizen advisory groups. Also next week we will have discussion only on the Development Code.

8. Dismiss

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Ms. Stegelmeier adjourned the meeting at 7:22pm