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**Fremont County Planning  
& Zoning Work Meeting Minutes  
January 10, 2011  
6:00 pm**

**County South Bridge Street Meeting Room**

The Fremont County Planning & Zoning Commission met in a work meeting on January 10, 2011. They met in the County South Annex Building. **Members in Attendance were:** Cathy Stegelmeier (Chairman), John Nedrow (Vice), Cindy Miller, Sam Davis, Larry Singleton, Rod Nichols, Layne Hepworth, Patti Crapo, and Jim Gerber.

**Excused:** Steven Trafton and John Harrington.

**Staff and others present:** Stephen Loosli (Interim Administrator), Joshua Chase (Planner II), Molly Knox (Administrative Assistant), Kaylie Bowman (P&Z Secretary)

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19

**1. Call to Order and Welcome**

Ms. Stegelmeier called the meeting to order at 6:05 p.m.

Excused those not here

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**2 Approval of Minutes**

October 25, 2010 Minutes

**Mrs. Miller motioned to accept October 25, 2010 minutes with changes.**

**Mr. Davis seconds. Ms. Stegelmeier asked all in favor, motion carried.**

November 15, 2010 Minutes

**Mrs. Crapo motion to accept November 15, 2010 minutes with changes.**

**Mr. Nedrow seconds. Ms. Stegelmeier asked all in favor, motion carried.**

November 29, 2010 Minutes

**Mr. Davis motion to accept November 29, 2010 minutes with changes.**

**Mrs. Miller seconds. Ms. Stegelmeier asked all in favor, motion carried.**

December 1, 2010 Minutes

**Mrs. Crapo motions to accept December 1, 2010 minutes with changes.**

**Mr. Davis seconds. Ms. Stegelmeier asked all in favor, motion carried.**

**3. Other Business**

42 Ms. Stegelmeier moved to move to item 6.1, election, next. This was done by consent.

43

44 Ms. Stegelmeier suggested the need to nominate a sergeant in arms.

45

46 **Mrs. Miller motioned to elect Ms. Stegelmeier as Chairman, Mr. Nedrow**  
47 **Vice Chairman, with Mr. Nichols and Mr. Davis as sergeant in arms, Mr.**  
48 **Loosli as Secretary. Mr. Gerber seconds. Ms. Stegelmeier asked all in favor,**  
49 **motion carried.**

50

51

#### 4. Old Business

##### 4.1 Stoddard Brothers Gravel Extraction

52 Ms. Stegelmeier stated that the commission has to follow the law, and that they take their  
53 jobs very seriously. She then opened the topic of Stoddard Brothers up for discussion.

54

55 Mr. Chase referred to page one on the items that the Board sent for the commission to  
56 review. Page 8-9 addresses solid waste. Page 19 discusses buffer. Page 21-22 address  
57 fencing. These are areas that need to be looked at, and take them into consideration.

58

59 Ms. Stegelmeier asked do you have diagram of fence types?

60

61 Mr. Chase I do and will make copies.

62

63 Mr. Gerber asked about the comments in blue, what permit is that referring, on page 18  
64 continuing on for a few pages?

65

66 Mr. Chase stated that Appendix K refers to the application before you not any of the  
67 previous applications. Everything outside of that is on the current proposal.

68

69 Mr. Gerber it is confusing talking about all of the other permits.

70

71 Mr. Chase asked if there were any further questions.

72

73 Ms. Stegelmeier none thank you. Any other discussion on this topic?

74

75 Mr. Chase left to make copies of the fences.

76

77 Mrs. Crapo questioned on pg 21, where it talked about meeting the requirements of the  
78 law, and asked was that not in here?

79

80 Ms. Stegelmeier we talked about both berms and fencing in October and whether to have  
81 berms and fence or berms and trees.

82

83 Mr. Davis. Law states a fence is required, we went with that and berms and trees.

84

85 Mrs. Crapo is that stated in there clearly?

86 Ms. Stegelmeier asked if we have notes on the distances?  
87  
88 Mr. Loosli the Board found that a berm is not a fence. They could act as a visual  
89 obstructing barrier but not a fence. Distances and facts we will turn over to Mr. Chase.  
90  
91 Ms. Stegelmeier asked Mr. Chase to clarify this.  
92  
93 Mr. Chase your original decision was to except the berm as a site obscuring component  
94 of the fencing requirement according to the Board they decided that it is not a fence.  
95  
96 Ms. Stegelmeier asked can we ask for both?  
97  
98 Mr. Chase answered yes; a berm has a benefit to the applicant in reducing buffer width  
99 and shouldn't be used as something else.  
100  
101 Mr. Gerber stated it looks like they are in compliance with permits right now, other than  
102 weeds; can't we be lenient on that?  
103  
104 Mr. Davis. We just don't want them to go seed and get on other's property. Needs to be  
105 kept non-seeding.  
106  
107 Ms. Stegelmeier we discussed solid waste. They have a few items.  
108  
109 Mr. Davis while we are still on fencing, according to ITD fencing for casual trespassing,  
110 haven't looked at all fencing, would like to recommend a 2" X 4" page wire as shown on  
111 the bottom right of the ITD standards. Galvanized page wire 2"X4" not having ladder  
112 effect for kids. This protects the neighbors.  
113  
114 Mrs. Crapo on the east border the one they had the pictures of?  
115  
116 Mr. Davis yes, can we pick that and make that part of this application  
117  
118 Discussed fencing they want Stoddard's to put in.  
119  
120 **Mrs. Miller motioned that we submit the fencing requirements from ITD**  
121 **fence standards to the applicant for them to pick a fence type and it must be**  
122 **six to ten feet tall. Mr. Singleton seconded. Ms. Stegelmeier all in favor, Mr.**  
123 **Davis opposed, motion carried.**  
124  
125 Mr. Nedrow what else needs addressed on application.  
126  
127 Mr. Loosli on fencing the Board wants to see that it goes beyond the last house 300 feet  
128 or to the property line. Code requires fences next to residential use. The Board wants to  
129 go past residential line, not just have the fence stop at the last house. This stops people  
130 going around the fence.  
131

132 Mr. Nedrow how long?  
133  
134 Mr. Loosli responded 300 feet, beyond the last house, or to the property line.  
135  
136 Mrs. Miller asked why we can't just say to the property line.  
137  
138 Mr. Loosli it may go on a lot further, this section is far past the last house. This just  
139 works.  
140  
141 Mrs. Miller said all should be fenced.  
142  
143 Mr. Loosli stated that our current ordinance doesn't require that. The ordinances only  
144 require it along residences and roads.  
145  
146 Ms. Stegelmeier stated that the fence was a condition now.  
147  
148 Mr. Davis asked Mr. Chase about on page 19 does that 80 foot buffer include trees and  
149 berms.  
150  
151 Mr. Chase yes.  
152  
153 Mr. Davis so where it says 80 foot buffer, that should include trees and berms.  
154  
155 Mr. Chase their proposal includes that. Not between agricultural and the other mining  
156 area.  
157  
158 Mr. Singleton does the reclamation permit still stand the same as on the original permit?  
159  
160 Mr. Chase they didn't change what they will do for reclamation, but the reuse of the land  
161 is unstated.  
162  
163 Mr. Nedrow what else needs addressed Mr. Chase?  
164  
165 Mr. Davis page 6 pit depth of 22 feet can't encounter ground water. Is that state code?  
166  
167 Mr. Chase read from page 3 to page 11 is a review of compliance. That is what they told  
168 the state on the permit.  
169  
170 Mr. Davis in existing permit is 22 feet deep the max and 3:1 walls can't be vertical.  
171 Explain and are they in compliance?  
172  
173 Mr. Chase County is not in position to enforce the state rules. On the new application  
174 there is a motion to apply the state laws, but not in the old applications.  
175  
176 Ms. Stegelmeier stated the need to discuss solid waste. Still are some items that we need  
177 to review.

178 Mrs. Miller doesn't the buffer screen that?  
179  
180 Ms. Stegelmeier asked if they were visible from the road and does that matter.  
181  
182 Mr. Gerber it can't be visible from the road.  
183  
184 Ms. Stegelmeier it can be seen now, do we need to recommend that it can't be seen.  
185  
186 Mrs. Miller we need to make that a condition of approval.  
187  
188 Mr. Davis page 8 the indented paragraph. Is that already in the agreement?  
189  
190 Mr. Chase stated that it was a condition already in the agreement. In the report let me  
191 clarify, you need to approach it as what we are defining solid waste as. As part of the  
192 appeal neighbors brought in pictures, applicant has put up berm, and landscaping. So now  
193 you have to define solid waste and what they need to do about it.  
194  
195 Mr. Singleton asked Mr. Chase if on old pit they were already in compliance other than  
196 the grass planting. Are there other things that they need to do?  
197  
198 Mr. Chase they needed landscaping and trees. They did that and we gave them a  
199 compliance certificate four that. We didn't identify that they were out of compliance  
200 with solid waste.  
201  
202 Mr. Davis understood that the cement would be reground, but asked about the tree pile  
203 and how that was coming.  
204  
205 Mr. Chase stated he hadn't looked at it recently. They told us that they were in the  
206 processes of removing. They didn't give a time.  
207  
208 Mr. Davis asked Mr. Chase if he felt if they will do that.  
209  
210 Mr. Chase yes, but they haven't given us a time when it would be gone.  
211  
212 Mrs. Crapo page 8 if equipment is inoperable. If it already states that the equipment  
213 shouldn't be there.  
214  
215 Mr. Chase We do not have the authority to enforce that. If it is part of the operation, it  
216 shouldn't be viewed as solid waste.  
217  
218 Mr. Davis page 14 can Marla talk to us on this. There needs to be two reviews prior to  
219 approval.  
220  
221 Mr. Loosli yes.  
222

223 Mr. Chase two road reviews needed one by county and one by ITD. Mrs. Vik stated she  
224 could facilitate the ITD review but needed some more lead time for that. We haven't  
225 received anything from ITD yet.  
226  
227 Ms. Stegelmeier we could make that a condition.  
228  
229 Mr. Chase yes, but when is that necessary. Since it doesn't go directly to a state road, it  
230 goes from county to state. This is something to think about.  
231  
232 Ms. Stegelmeier does the applicant still need to meet with the county and help make  
233 improvements to the road.  
234  
235 Mr. Davis asked if that was regarding the narrow bridge.  
236  
237 Mr. Chase yes it still needs addressed but it is voluntary on their part.  
238  
239 Mr. Davis what is Mrs. Vik thought.  
240  
241 Mrs. Vik we proposed to Stoddard brothers that we could do a precast bridge, and they  
242 put it in, so that we don't have to hire a contractor to put it in.  
243  
244 Mrs. Miller asked can it be in the development agreement that this information be  
245 decided.  
246  
247 Mr. Loosli the challenge for any permit, it attaching a condition for approval to a code  
248 requirement. It puts the county in a bad position. A voluntary action would be alright, but  
249 it has to be based on the development code. Is it reasonable to ask, yes. It can be made as  
250 a strong recommendation.  
251  
252 Mr. Gerber does the bridge meet all of the requirements?  
253  
254 Mrs. Vik this bridge was already on our radar, the changes would happen faster with their  
255 help.  
256  
257 Mr. Gerber so it isn't safe?  
258  
259 Mr. Davis two trucks can't pass on that bridge together.  
260  
261 Mrs. Vik there are a lot of bridges that are that narrow. It is not the only one in that  
262 condition. So we are working to widen all of those.  
263  
264 Mrs. Crapo asked about the weight requirements.  
265  
266 Mrs. Vik structurally it is alright, just the width is the problem.  
267

268 Mr. Nichols they have another problem the railroad crossing, it isn't wide enough. The  
269 railroad will have to widen their crossing.  
270  
271 Ms. Stegelmeier had a question for Mr. Chase 4.1 road and bridge capacity Page 14 is  
272 this not the language from the development code?  
273  
274 Mr. Chase replied that in 4.1 and 4.2 it is language in the code. You could argue there is  
275 a basis for this requirements from this language.  
276  
277 Mr. Davis should we recommend the county expedite the widening of the bridge and  
278 have the applicant help?  
279  
280 Mrs. Miller let's just do a recommendation.  
281  
282 **Mr. Davis motioned to recommend that the county expedite the widening of**  
283 **the bridge and contact the applicant for supporting help.**  
284 **Mr. Hepworth second.**  
285 **Ms. Stegelmeier All in favor motion passed.**  
286  
287 Mr. Davis another road problem. The turning radius if there is any damage the applicant  
288 has to fix it.  
289  
290 Ms. Stegelmeier asked if stated in 4.2.2 and 4.2.1 if there was enough of the wording in  
291 there for it to be in the code, to ask them to do that?  
292  
293 Mr. Davis expects their will be damage. They repair it themselves.  
294  
295 Mr. Loosli prior testimony from applicant said that they would do that.  
296  
297 Mr. Davis asked if they can recommend that.  
298  
299 Mr. Loosli yes state that as a requirement.  
300  
301 Mr. Gerber we will put that in the development agreement.  
302  
303 Mr. Loosli that is where it should be put.  
304  
305 Mrs. Vik. Stated that from the county's view, that they wouldn't want it to be concrete  
306 but asphalt.  
307  
308 Mr. Loosli we will specify what the county would like in the development agreement.  
309  
310 Ms. Stegelmeier the last thing is the berming and the trees on page 19.  
311  
312 Mr. Davis we have this cleared up, it reads what it is supposed to.  
313

314 Ms. Stegelmeier what we are talking about for conditions of approval is 300 feet beyond  
315 the last residence, compliance with solid waste, and review from ITD.

316  
317 Mr. Nichols asked waiting for what from ITD?

318  
319 Ms. Stegelmeier replied road entrances on to HWY 20.

320  
321 Mrs. Miller asked why this is required if they aren't going directly to hwy 20.

322  
323 Ms. Stegelmeier said it is required by ITD for the review.

324  
325 Mrs. Vik asked what you are asking ITD to review.

326  
327 Mr. Loosli said what ITD would be looking at is turn lanes, slow down lanes and  
328 acceleration lane. Let ITD decide that.

329  
330 Ms. Stegelmeier we don't need to worry about this?

331  
332 Mr. Loosli it will already be in there.

333  
334 Mr. Nedrow you are talking about the intersection of Hwy 20 and 200 North.

335  
336 Mr. Loosli even though they are a mile or two away they are accessing Hwy 20.

337  
338 Ms. Stegelmeier asked if there was anything else.

339  
340 Mr. Gerber the Board was wondering if they are in compliance.

341  
342 **Mr. Gerber motioned that we approve Stoddard Brothers Application for**  
343 **Gravel Extraction file #10-022 recommended for approval to the Board of**  
344 **Commissioners subject to fencing 300 feet from beyond the last residence or**  
345 **to the end of the property. Buffer along the east and the west southern 1458**  
346 **feet, south buffer to include the berm and trees and fence were residential**  
347 **use, solid waste cannot be visible from road, review from ITD of road**  
348 **entrance on and off of Highway 20 as related to the turning lanes, the**  
349 **acceleration and deceleration lanes, and the development agreement should**  
350 **be worked on between planning department and applicant on anything they**  
351 **need on this project. On the southern portion of the western border southern**  
352 **applicant works with the canal company for fencing and buffering so that the**  
353 **canal company and property owners can have proper access. Mrs. Miller**  
354 **seconds. Ms. Stegelmeier all in favor, motion carries.**

355  
356 Mr. Davis on the west border southern portion there is a canal. That road is maintained  
357 so that traffic from the canal company can go down to turn around and do what they need  
358 to do. The fence shouldn't need to go that far.

359

360 Mrs. Crapo can you amend the distance in the development agreement?  
361  
362 Mr. Davis can't we eliminate the fence?  
363 Mrs. Miller it could be in the development agreement for irrigation access.  
364  
365 Mr. Davis suggested no fence but berm is fine.  
366  
367 Mr. Davis added the canal company and property owner.  
368  
369 Ms. Stegelmeier suggests moving on to Teton River Ranch Subdivision. All agreed.  
370

#### **4.2 Teton River Ranch Subdivision**

371 Mr. Loosli did you all read the letter from Teton City? Most of you were present at the  
372 hearing. A few of the issues need looked at. The first one is that a portion of the  
373 subdivision some of or all lots are in the floodplain. The applicant said he knew this.  
374 You may want to discuss what you want to do with those lots. Second our ordinance and  
375 Teton ordinances differ. We decided that the more restrictive ordinance will rule. One of  
376 the things that was brought up was that two of the lots lacked adequate frontage on the  
377 road. The applicant is willing to redraw those to have adequate frontage. The next one  
378 brought up was that the proposed cul-de-sac wasn't up to Teton City ordinance, standards  
379 of 60 foot radius. Applicant said that he would change that. Most of this  
380 recommendation is the same as our code, one thing specifically that is under  
381 Recommended Conditions of Approval the first thing B. Purpose. He read from the  
382 recommendation. The problem is that there isn't any proof of historical use not to say that  
383 there isn't any, our code protects historical use. This proposal doesn't hinder any  
384 potential historical use, if that were to be established. This condition according to me and  
385 the county legal staff is not sustainable in our final decision. Everything else is in  
386 compliance.

387  
388 Mr. Gerber didn't see anything that allowed people to cross the property to access the  
389 river.

390  
391 Mr. Loosli the courts establish those rights not us.

392  
393 Mrs. Crapo stated there were two places that it refers to historical recreation use.

394  
395 Mr. Loosli this document from Teton City is an advisory document to you. You use it as  
396 you feel you need to.

397  
398 Mrs. Crapo the road is now part of his private property.

399  
400 Mr. Loosli the canal company has the right to use this road. It is the general public that  
401 can't use the road. It is hard for the county because of public access and private property  
402 owners. The applicant isn't doing anything to inhibit the people's right to using the  
403 banks. I suggest that you disregard this recommendation.

404

405 Ms. Stegelmeier what are you talking about compensation?  
406  
407 Mr. Loosli there is no compensation here at all. It is not for us to decide. Are there any  
408 other questions?  
409 Mr. Gerber there are two lots that don't meet the setbacks. What is your take on this?  
410  
411 Mr. Loosli the applicant is required to meet these requirements. He can add land from the  
412 other lots.  
413  
414 Mr. Davis asked do we need to make a motion.  
415  
416 Ms. Stegelmeier I was going to ask that. There are three concerns that we need to talk  
417 about. Floodplain, Cul-de-sac, and frontage setbacks.  
418  
419 Discussion on the lots in floodplains.  
420  
421 Mr. Hepworth asked about the septic.  
422  
423 Mr. Loosli another condition by Teton City is to do future proofing by putting a T on the  
424 septic and a T on the water supply. So that if later on city services were provided that  
425 could be done easily.  
426  
427 Ms. Stegelmeier reads from the Teton City requirements.  
428  
429 Mrs. Miller is that one of Teton City's requirements?  
430  
431 Mr. Loosli that is a condition that we will have.  
432  
433 Mr. Gerber asked about the fish ponds.  
434  
435 Ms. Stegelmeier asked are the fish ponds in the flood plain?  
436  
437 Mr. Loosli didn't he take the fish ponds out in the last drawing? We can't ask him to take  
438 those fish ponds out; because it is in South Fremont there is no wildlife protection zone.  
439 We can recommend that they get sign off from Fish and Game.  
440  
441 Ms. Stegelmeier asked if they can request.  
442  
443 Mr. Loosli you can direct the county to put that in the development agreement.  
444  
445 Mr. Gerber asked if they can say that if they decide to put in those ponds they have to  
446 come back to the Commissioners to get approval. We could then say they have to get  
447 approval from the Fish and Game.  
448  
449 Mr. Loosli we could have if we were in a different zone.  
450

451 Mrs. Miller as a courtesy he has to contact Fish and Game for their guidelines.  
452  
453 Mr. Loosli you have to ask yourself would you like someone overseeing what you are  
454 doing on your property.  
455  
456 Mr. Nichols asked do we need to be concerned with this.  
457  
458 Mr. Loosli I will put it in the development agreement. He is a reasonable guy, he has  
459 hired a biologist. We have the standard stuff in the agreement.  
460  
461 Mr. Nedrow you recommend that we don't put in the public access portion.  
462  
463 Mr. Loosli replied no.  
464  
465 Mr. Hepworth wondered if that couldn't be put in the development code.  
466  
467 Mr. Loosli no that is for the courts to decide.  
468  
469 Ms. Stegelmeier asked if they could put that he had to talk to his neighbors.  
470  
471 Mrs. Crapo said that the developer had stated that he wasn't going to restrict anyone from  
472 accessing the river. He just doesn't want them walking through his property and making a  
473 path.  
474  
475 Mr. Loosli there is a difference with a prescriptive easement and a permissive easement.  
476 The applicant has no problem with a permissive easement to polite fisherman but he  
477 doesn't want to let everyone through.  
478  
479 Ms. Stegelmeier is there a motion  
480  
481 Mrs. Miller said she will make a motion  
482  
483 Mr. Loosli the 2003 development code that you are working with doesn't allow building  
484 in a flood plain  
485  
486 **Mr. Davis motioned to restrict all building in flood plain that it be a**  
487 **condition of approval and listed on the plat, according to the 2003 Building**  
488 **Code. Mr. Nichols seconds Ms. Stegelmeier all in favor, motion carried.**  
489  
490 Discussion on floodplains and FEMA approval  
491  
492 **Mrs. Miller motioned that lots 12 and 13 be adjusted to have the proper**  
493 **frontage of 110 feet and that the cul-de-sac be adjusted to meet the 60 foot**  
494 **radius, and that the developer meet the requirements under appendix P**  
495 **utilities easement, and a development agreement between county and**  
496 **developer.**

497 **Mr. Singleton seconds Ms. Stegelmeier asked all in favor, motion carried.**  
498 Mr. Gerber do we want to say that there be a development agreement  
499  
500 Mr. Loosli Teton City's involvement ended with the issuing of this recommendation. A  
501 development agreement would be good to have in.  
502  
503 Ms. Stegelmeier said we will take a 5 minute break.  
504

#### **4.3 Fremont County Development Code 2010**

505 Ms. Stegelmeier states the last thing is the review of the Code. She stated that Mr.  
506 Trafton was concerned that he couldn't be here for this portion of the meeting.  
507  
508 Mr. Hepworth said at the last meeting that we were going pick another time for the  
509 development code. In discussion with Mr. Harrington and Mr. Trafton they were under  
510 that same impression.  
511  
512 Mr. Hepworth motioned to set a meeting time for a work session for the development  
513 code.  
514  
515 Mr. Loosli we are under code to do this before 60 days which is the 15<sup>th</sup> of January. The  
516 reason it is on the agenda so that it can be done before the sixty day deadline.  
517  
518 Ms. Stegelmeier is there a second  
519  
520 Mrs. Crapo we will never have a perfect document.  
521  
522 Mr. Loosli I know there is a motion with no second. If you choose today to meet  
523 between now and the January 15<sup>th</sup>, that is fine, you also can make a motion to not give  
524 the development code at this time. If you do this you would have to have another public  
525 hearing. Either choice is right.  
526  
527 Ms. Stegelmeier could we reserve the PUD chapter  
528  
529 Mr. Loosli yes, in fact let's do that. He explains why this is a good choice.  
530  
531 Discussion on whether a meeting should be made before January 15<sup>th</sup> or what should be  
532 done, and what is left to be discussed.  
533  
534 **Mr. Nichols makes a motion to not recommend the development code and**  
535 **have more discussion. Mr. Hepworth seconds. Ms. Stegelmeier asked all in**  
536 **favor Mrs. Miller and Mr. Nedrow opposed motion carried.**  
537  
538 Discussion for what date will be used for the meeting, and when the public hearing would  
539 be scheduled for.  
540  
541 Meeting Scheduled for the Development Code for February 7, 2011 at 6:00 p.m.

542

543 Mr. Loosli asked if a clean copy hinder the commissioners. Said he would give them a  
544 clean copy to go with their marked up copies.

545 List for the meeting on February 7, 2011 at 6:00 p.m.

546 \*Wildlife and Recreation

547 \*PUD

548 \*Wind Farms

549 \*Public Comment

550 \*Zoning

551

552 Ms. Stegelmeier next meeting January 24, 2010 at 6:00 p.m.

553

554 Mr. Loosli stated that if they have questions to call him about the next meeting. There  
555 are four public hearing at your next meeting. They are pretty simple.

**5. Sketch Plans**

556 None

**6. New Business**

557 None

**7. Administrator's Report**

558 None

**8. Dismiss**

559 **Mrs. Miller motioned to dismiss. Mr. Gerber seconded. Meeting was dismissed.**