



2023-2043 Comprehensive Plan Caribou County, Idaho

Photography by Scott Buxton
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Table of Contents

Acknowledgments	4
Introduction	5
Public Involvement	6
Background.....	8
Figure 1 Vicinity Map.....	12
Chapter 1: Property Rights.....	13
Chapter 2: Population.....	14
Chapter 3: Economic Development	16
Chapter 4: Transportation & Airports.....	19
Figure 2 Transportation Map	23
Chapter 5: Housing.....	24
Chapter 6: Agriculture	27
Figure 3 Natural Resources Map	31
Chapter 7: Natural Resources	34
Chapter 8: Recreation	37
Chapter 9: Land Use.....	40
Figure 4 Future Land Use Map (FLUM).....	43
Chapter 10: Public Services.....	46
10.1: Emergency Response Services	46
10.2: Local Services	48
10.3: Schools	50
Figure 6 Public Facilities Map	53
Chapter 11: Implementation	56
References.....	66
APPENDIX A	67
APPENDIX B	67

FIGURES

- Figure 1 – Vicinity Map, page 12
- Figure 2 – Transportation Map, page 23
- Figure 3 – Natural Resources Map, page 31
- Figure 4 – Future Land Use Map (FLUM), page 43
- Figure 5 – Public Facilities Map, page 53

TABLES

- Table 2 New Residential Applications, page 13
- Table 2.1 Current Demographics, page 15
- Table 3.1 Top Employers, 2020, page 17
- Table 3.3 New Residential Applications, page 25
- Table 4.1 Crop Production, page 27
- Table 4.2 Livestock, Poultry, & Products Production, page 28
- Table 5 Caribou County Schools, page 51
- Table 8 - Year-Round Activities, page 38

APPENDIX

- A – Comprehensive Plan Public Involvement Summary, page 68
- B – Idaho Regulatory Takings Act Guidelines, page 142

Acknowledgments

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Introduction

A Comprehensive Plan is a guide for the future of the county. While the focus of a Comprehensive Plan is to guide planning and zoning decisions, the scope of the Plan is much broader, encompassing many issues that impact county residents including public services, natural resources, recreation, and transportation, among others. A Plan is prepared with the involvement of county residents, community groups and other public agencies, and must reflect their issues and concerns.

Idaho counties must prepare and maintain a current Comprehensive Plan in accordance with Idaho Code Section 67-6508. The Plan must consider “previous and existing conditions, trends, desirable goals and objectives, or desirable future situations” within numerous planning components (such as land use, population, hazardous areas etc.).

The Board of Caribou County Commissioners embarked on this planning process in summer 2021, initiating a consultant contract in September 2020, to update the Caribou County Comprehensive Plan to serve as a 10 to 20-year guiding document. The planning process objectives were to:

- Provide the public with complete, accurate and timely information regarding the process.
- Offer consistent and accessible opportunities for public participation and community conversations.
- Develop strategies that will support implementation of the Plan.

This plan includes 11 chapters comprising the required plan components stipulated in Idaho Code Section 67-6508, however several components have been merged. The School Facilities and Transportation component may be found in Public Services (Chapter 10). Chapter 7 (Natural Resources) addresses Special Areas or Sites and Hazardous Areas. Community Design was considered in Chapter 9 (Land Use). Public Airport Facilities are discussed in Chapter 4 (Transportation). No National Interest Electric Transmission Corridors occur in Caribou County.

Public Involvement

A Comprehensive Plan is not complete without the input from its citizens. Any successful plan must be supportive of the local culture and way of life. It is with this understanding that the County has sought to create a plan that is sound and balanced between the desires and needs of its citizens.



The public involvement process associated with the development of this plan included early, meaningful, continuous, and inclusive communication with stakeholders and interested parties. A Public Involvement Summary details (provided in **Appendix A**) how the County conducted public outreach and solicited public feedback throughout the comprehensive plan process.

These public involvement efforts provided public awareness, education and involvement, and reflected good stewardship from Caribou County to its community. Feedback from the public helped the planning team develop a comprehensive plan that addresses the character and future growth of the county.

Community Advisory Committee (CAC) Meetings

A Community Advisory Committee (CAC) was organized by the County to help facilitate information and input for the comprehensive plan update. The CAC met and discussed elements of the new Comprehensive Plan on several occasions from November 2021 to June 2022. See **Appendix A** for detail of those meetings.

Public Events

An in-person public event was held on April 13, 2022, at Tigert Middle School in Soda Springs. The event showcased information on the planning process, an issues map for commenting, and an interactive activity to solicit feedback on Goals, Objectives and Strategies for the plan. Approximately 50 community members attended the meeting. This event was advertised via press release/article in the Caribou County Sun, flyers hung up around town in key locations, social media/webpage posts and utility mailing notices.

County staff conducted similar meetings in Grace, Bancroft and Wayan in the following month. County staff also obtained a booth for the 4th of July event in Soda Springs, Pioneer Day Celebration in Bancroft, and County Fair in Grace. The booths included the Draft Future Land Use Map (FLUM), as well as handouts and comment cards.

County-Wide Mailer & Survey

The County included information in both semi-annual tax assessments to inform all property owners of the process and to encourage their participation. The first mailer (November 2021) described the purpose and use of Comprehensive Plans, the project timeline, and how to join the interested parties list. A link to a community survey regarding input needed for the updated plan, was also provided. The second mailer (June 2022) provided project updates, presented the summer public event details and other ways to engage in the process.

Webpage & Social Media Support

The county initiated and hosted a webpage with information on the planning process, outreach opportunities, and contact information for the public if they would like to give input or ask questions. The County managed all content, design and updates to the website.

Background

Caribou County History¹

In 1984, The Daughters of Utah Pioneers prepared the following of Caribou County:

Here, with their families, man of the Shoshone and Bannock tribes spent the bright summer seasons, enjoying the mineral-colored waters. Game and fish were plentiful; wild berries grew in abundance on nearby hills. Indian ponies fed in native grasses that grew "high as a horse's belly."

The powdered formation built up by the action of the water around these springs was used by the Indian women as a cleaning agent for their robes, and as bleach for leather or anything else they wanted whitened. These native inhabitants believed that there were curative properties in the "medicine waters" and drank religiously of the queer not too pleasant tasting liquid.

No one knows with certainty what trapper or which explore was the first white men to wander in on this peaceful scene and look with amazement on the "sparkling waters" of "Tosoiba" country. It is known that as early as 1812 a party of white men under the direction of David Stuart (Stewart) who was in the employ of John Jacob Astor, was returning to St. Louis from Astoria, and passed through this Bear River country at a point near where Fort Conner was later established. These men were seeking a better route than the one they had previously used which took them over Teton Pass. Besides the more rugged and difficult terrain over this northern route, there were also greater numbers of Indians and they were less friendly. In the records of these men, it was indicated that at that time, buffalo and mountain goats were found in this part of "Tosoiba" country.

Long before trappers and explores had made their zigzag trails through a western wilderness...warriors had discovered a valley of enchantment. Lush green meadows spread out in every direction from the "Point" of the mountain where the friendly river kept ever so close to the hills rather than winding a lonely way across the valley. And everywhere there were springs, bubbling and boiling. The Indians called the valley "Tosoiba – Land of Sparking Waters."

¹ (Pioneers, Daughters of Utah. 1984, Tosoiba "Sparkling Water", page #1-2, 161,163,164, & 165)

In 1662 almost two hundred years before the covered wagons of Oregon home seekers and California gold miners started rolling over the Old Oregon trail through the land of Tosoiba, all of what is now southeast Idaho and a great deal more, was claimed by France. It is doubtful, though, if any Frenchman ever set foot, at that early period, on any Idaho soil.

From 1812 on, more and more hunters and trappers, hearing of this easier trail, followed the path of Stuart and his men. Before many years had passed, the trail became plainly marked and the campfires of the white men glowed bright and often at this "welcome oasis" along the way. And in time, tales of the wondrous fountains of "Tosoiba" country drifted back to the civilization of the East.

On January 11, 1919, E.D. Whitman of Soda Springs presented a bill in the House of Representatives proposing the creation of a county in Southeast Idaho with the county seat at Soda Springs. The boundaries of the proposed county with an approximate area of 1,300 square miles and \$5,000,000 valuation. Little interest was shown among the legislators, although Mr. Whitman made personal contacts with them to gain their needed support. Delegates from Pocatello went to Boise opposing the proposition. Also, delegations went from Grace and Bancroft in the interest of the new county, but with the suggestions that the county seat be at Grace or Bancroft.

The bill passed the House of Representatives February 11, 1919, Governor D.W. Davis signed the bill making Caribou the fourth county in Idaho. The First County Commissioners took oath of office Monday, 5th, 1919.

This newly formed county had a population of 2,121 and an area of 1,263 square miles, or nearly two persons to each square mile. At that time Caribou ranked twenty-fourth in area, thirty-third in wealth, and fortieth in population among the counties of Idaho.

The primary need of the county was a county building place to do business, have offices, and keep records. The Caribou County Courthouse was built in 1919 by C.K. Bocker.

Caribou County Setting

Caribou County is located in the southeastern part of Idaho. Our border counties are, to the east Bannock County, Idaho, to the north Bingham County and Bonneville County, Idaho, to the west Lincoln County, Wyoming, and the south Franklin County and Bear Lake County, Idaho. Caribou County encompasses 1,746 square miles, with three major rivers flowing through it.

The Portneuf River rises in western Caribou County, approximately 25 miles (40 km) east of Pocatello, along the eastern side of the Portneuf Range. It flows

initially south, passing westward around the southern end of the 60-mile range, and then turning north to flow between the Portneuf Range to the east and the Bannock Range to the west. It flows northwest through downtown Pocatello and enters the Snake at the southeast corner of American Falls Reservoir, approximately 10 miles (16 km) northwest of Pocatello. ²

The Blackfoot River is a tributary of the Snake River in the state of Idaho. Formed by the confluence of Diamond Creek and Lanes Creek, it flows 135 miles (217 km) to its mouth at the Snake River. The river is part of the Columbia River Basin. The Blackfoot River is formed by the joining of Diamond and Lanes Creeks, in the Caribou-Targhee National Forest in Caribou County near Soda Springs, Idaho. It flows northwest through the Blackfoot Reservoir, which is used for irrigation and flood control, then west to join the Snake River in Bingham County.³

The Bear River is the largest tributary of the Great Salt Lake, draining a mountainous area and farming valleys northeast of the lake and southeast of the Snake River Plain. It flows through southwestern Wyoming, southeastern Idaho, and northern Utah, in the United States. Approximately 350 miles (560 km) long it is the longest river in North America that does not ultimately reach the sea. At Soda Springs, near the north end of the Wasatch Range, the Bear River turns abruptly south, flowing past Preston in the broad Cache Valley that extends north from Logan, Utah. ⁴

For the past century, population has been concentrated in three towns – Soda Springs (the County Seat), Grace, and Bancroft. Some development has occurred along the principal roads that cross the County. Approximately 515,955 acres are privately owned, 530,423 acres are Federally owned (Incl. Tribal), 2,145 acres are Local Government owned, and 107,875 acres are owned by the State of Idaho (as depicted on Figure 1 below). ⁵ Even with the growth of population in southeastern Idaho, Caribou County's rural landscapes remain as scenic vistas of open space and farmland, dotted with homes, livestock, and wildlife.

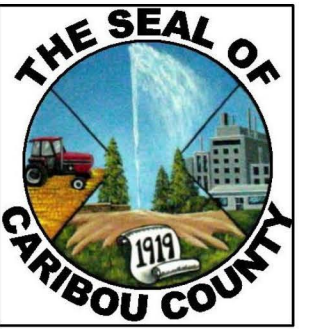
² (Encyclopedia, Portneuf River (Idaho) facts for kids n.d.)

³ (Encyclopedia, Blackfoot River (Idaho) facts for kids n.d.)

⁴ (Encyclopedia, Bear River (Great Salt Lake) facts for kids n.d.)

⁵ (Cook, Aaron, Caribou County Assessor)

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Caribou County Vicinity Map

Legend

- Roads
- Railroad
- City Limits
- ▨ Area of City Impact

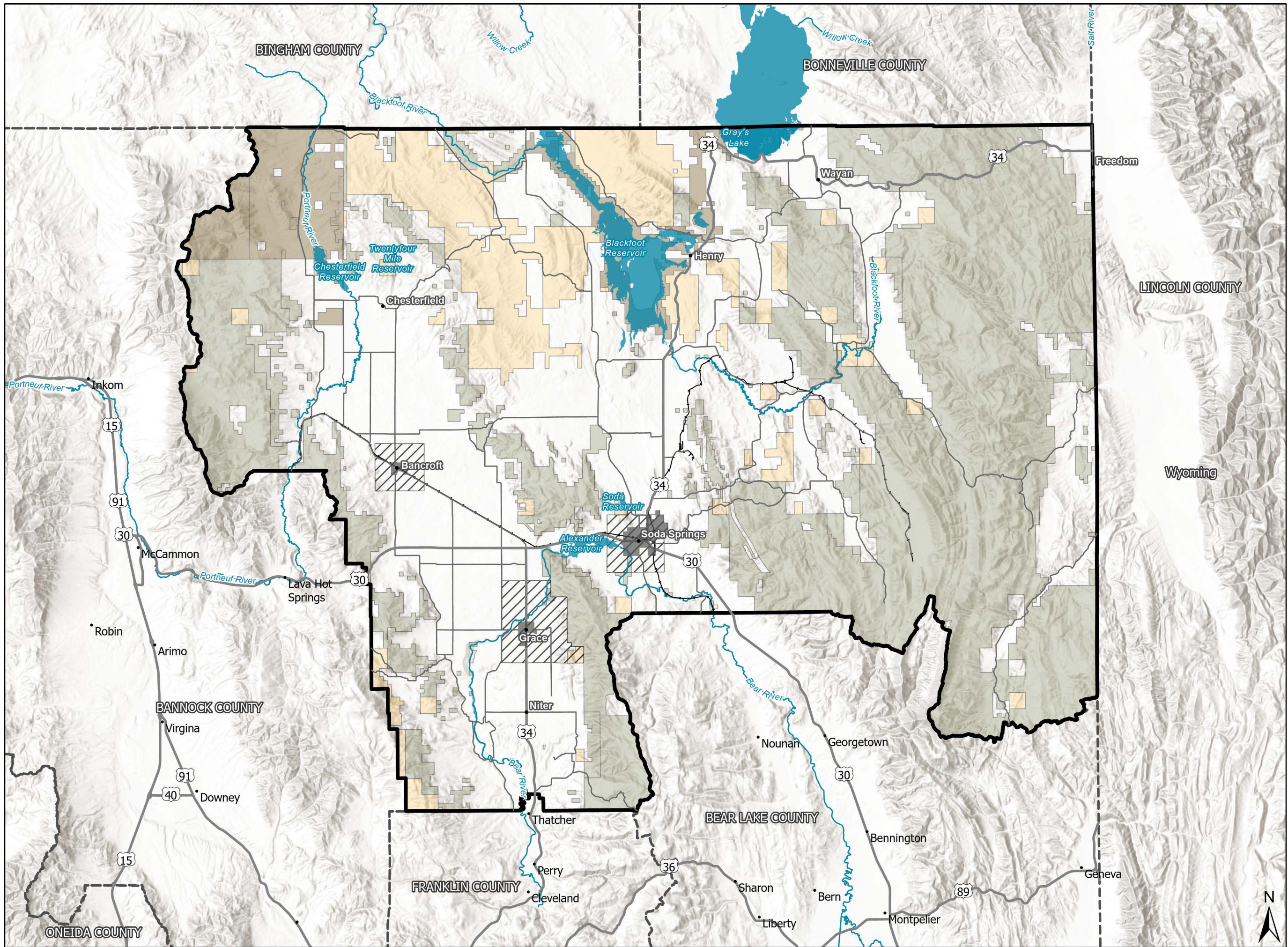
Public Lands

- Tribal Land
- Federal Land
- State Land

County Boundary

Adjacent County Boundaries

Comprehensive Plan Maps
Caribou County GIS Department
By Allyson Schwulst
Date: 03/15/2023
Data Sources: Bureau of Land Management



Chapter 1: Property Rights

Caribou County is committed to protecting private property rights and values. Idaho Code section 67-6508 states that a Comprehensive Plan should include a section on Property Rights, including “an analysis of provisions which may be necessary to ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact values or create unnecessary technical limitations on the use of property.”

Developing regulations, ordinances, and other tools necessary to implement the plan will occur following its adoption and, as stipulated in the Idaho Code, in conformance with the Comprehensive Plan. To evaluate these broad regulatory actions or administrative action on specific property, the Office of the Attorney General of the State of Idaho has prepared a Checklist or guideline to follow provided in **Appendix B** of this Plan). Caribou County is committed to referring to the checklist and otherwise protecting fundamental property rights through land use decisions.

Chapter 2: Population

Existing Conditions:

To support this Comprehensive Plan process, data from Idaho Department of Labor was collected and the population analysis based on the most current census data available (2021). Future growth projections were developed using new residential construction building permits (2012-2022) and past trends, to facilitate development of this Plan.

Table 2 New Residential Applications

New Residential Application 2012 - 2022	
Year	Applications Submitted
2012	16
2013	12
2014	8
2015	7
2016	14
2017	9
2018	15
2019	17
2020	25
2021	33
2022	49

This section summarizes the essential information for both current demographics and projections.

Caribou County is home to roughly 7,111 people (2021), which is about 235 more people from 2010.⁶ If this population growth trend continues the estimated population will be approximately 7,611 people by 2031. With the projection of growth, it appears the County will grow 4.8% over the next ten (10) years, or about 352 persons.⁷

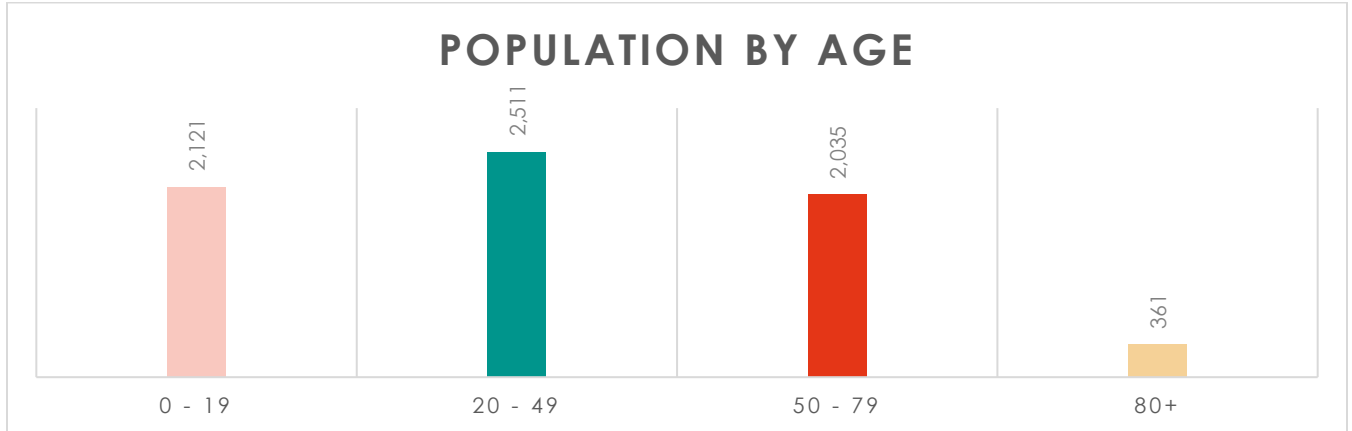
Given the changing development activity in southeast Idaho, an annual review of the number of permits issued and land use applications received, is also recommended.

⁶ (Caribou County Labor Force & Economic Profile, Idaho Department of Labor, January 2022)

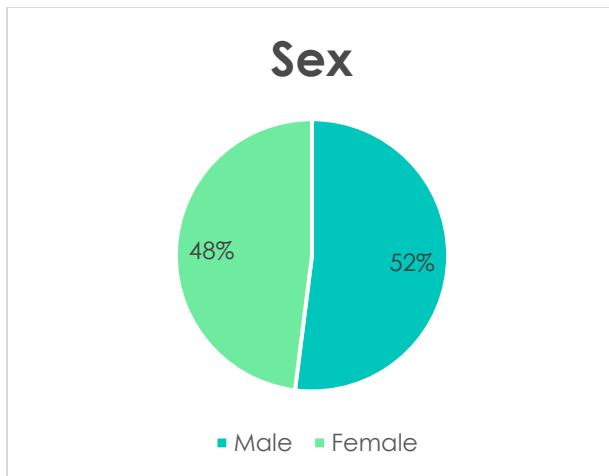
⁷ (Southeast Idaho Council of Governments, Community & Economic Development, Caribou County 10 Year Population Projections)

Table 2.1 Current Demographics

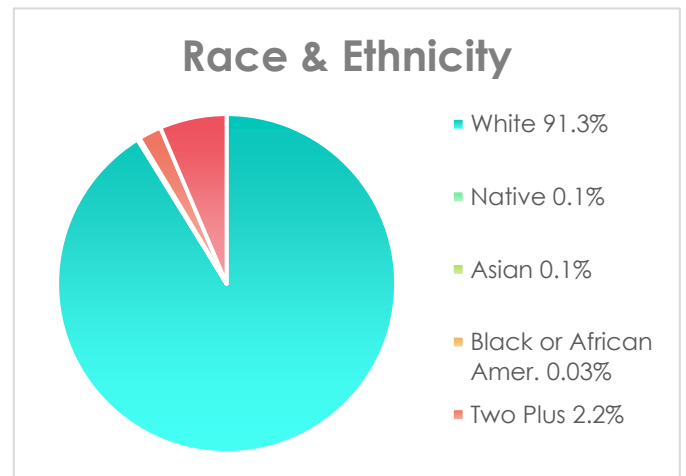
Population by age



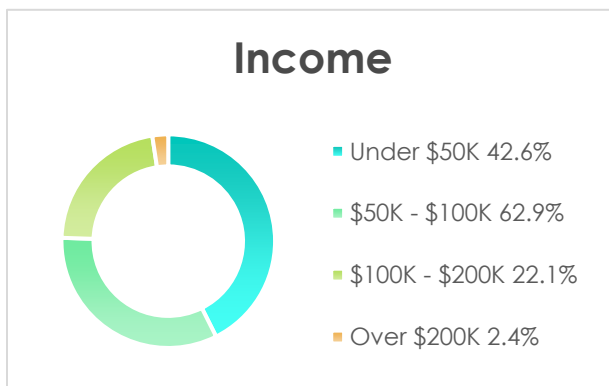
Sex



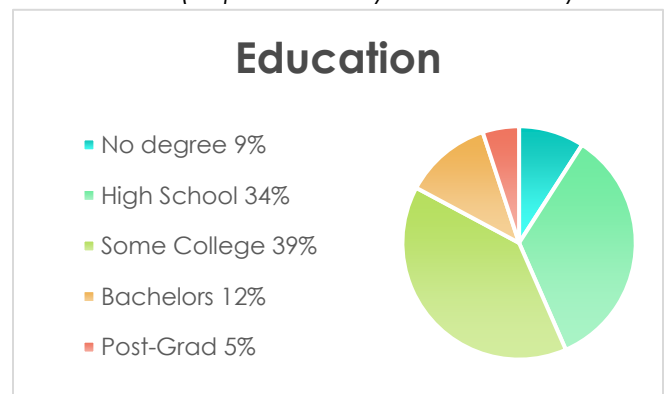
Race & Ethnicity



Income



Education (Population 25 years and over)



Chapter 3: Economic Development

"THE PEOPLE OF CARIBOU COUNTY HAVE HISTORICALLY AND TRADITIONALLY EARNED THEIR LIVELIHOOD FROM ACTIVITIES RELIANT UPON NATURAL RESOURCES. THE ECONOMY OF THE COUNTY HAS ALWAYS BEEN, AND IS TODAY, DEPENDENT UPON AGRICULTURE, MINING, MANUFACTURING, AND OTHER ACTIVITIES RELIANT UPON THE AVAILABILITY OF NATURAL RESOURCES AND REASONABLE ACCESSIBLE WATER SUPPLIES."

-CARIBOU COUNTY LAND USE PLAN 2008

Existing Conditions:

Caribou County had an annual Gross Domestic Product value of \$453,673,000 as of December 8, 2021. The county's primary economic sectors are agriculture, mining and manufacturing, and construction. Other important sectors include healthcare, education, and government.

Agriculture: Principal commodities produced by farmers and ranchers are barley, beef cattle, potatoes, wheat, milk, and wool.⁸

Mining and Manufacturing: Our modern society uses phosphorus in thousands of ways, some essential, others for our convenience and enjoyment. Bayer and Itafos are two companies within the County that does phosphate mining and phosphorus manufacturing, uses phosphorus to develop crop protection products for farmers. Silica and lime mining are also industries important to the community. There are three new mines in various stages of proposal and approval to service this industry.

Construction: There is the commercial and residential component of construction within the county. Commercial construction supports many projects for the manufacturing and mine facilities in the county. Additionally, residential construction has increased exponentially and there is a high demand for residential contractors.

Employment:

- Increase of 451 jobs in the County from 2010-2020
- Unemployment rate 1.6% as of Dec 2021† is estimated that 1,996 workers lived and worked in Caribou County in 2019.

⁸ (Census of Agriculture, United States Department of Agriculture, 2017)

- Another 1,507 workers were employed in Caribou County but lived outside, while 1,109 workers commuted to other counties for work.⁹

Table 3.1 Top Employers, 2020

Top Employers, 2020	
Employer	Employee Range
G&Z Outsourcing	250-499
J R Simplot	100-249
Caribou Memorial Hospital	100-249
N A Degerstrom	100-249
Soda Springs School District	100-249
Grace School District	100-249
Caribou County	100-249
Broulim's Foodtown	50-99
Airgas	10-49
North Gem School District	10-49

NOTE: Only employers that have given the Department permission to release employment range data are listed. Source: Idaho Department of Labor.

Key Concerns:

- Preserve and protect agriculture and mining sectors
- Manage tourism activities to provide job opportunities for residents, while reducing conflicts between users
- Support commercial activities include retail, restaurant, and entertainment within local cities
- Ensure that information and communication technology is adequate to serve all county residents and visitors

Goals, Objectives, and Implementation Strategies

ECONOMIC DEVELOPMENT GOAL: Promote balanced economic growth to provide diverse work opportunities, sustainable business development and financial stability.

⁹ (Caribou County Labor Force & Economic Profile 2022)

Objective 1: Ensure County functions, policies and services support and stimulate regional economic growth.

- Strategy 1.1: Collaborate with cities on land use decisions in keeping with Area of City Impact agreements, to ensure consistent policies on major land use areas and economic sectors.
- Strategy 1.2: Maintain serviceability of communication systems including broadband internet, telephone, and cable.
- Strategy 1.3: Participate in regional efforts with local governments, representatives from key employers and sectors to implement joint economic development strategies including retention of existing economic sectors as well as diversification and incentives.
- Strategy 1.4: Coordinate housing programs and policies with the cities and towns in Caribou County, to ensure adequate rental and owner-occupied, single, and multifamily options.
- Strategy 1.5: Support partnerships for training and mentorship programs with local industries to encourage pairing of local job opportunities with residents.

Objective 2: Support County-wide efforts to encourage and manage tourism.

- Strategy 2.1: Develop a County-wide Parks and Open Space plan to address current and future needs, and identify strategies related to parks and recreation, natural and cultural resources, open space and waterways.
- Strategy 2.2: Collaborate with local cities to establish venues and businesses for local use of agriculture commodities, such as farmer's markets and community supported agriculture programs.
- Strategy 2.3: Assess existing zoning regulations to ensure that appropriate provisions exist for lodging opportunities without disrupting current residents and farming operations.
- Strategy 2.4: Evaluate promotional programs to attract visitors including documentation and marketing of County's natural and cultural resources.

Chapter 4: Transportation & Airports

"THE COUNTY SHOULD TAKE APPROPRIATE MEASURES TO PROVIDE AN ADEQUATE, SAFE, AND EFFECTIVE TRANSPORTATION SYSTEM TO...AVOID THE DISRUPTION OF PRIME AGRICULTURAL LAND, OTHER NATURAL RESOURCES AND HISTORICAL SITES IN THE DESIGN OF NEW HIGHWAYS AND OTHER TRANSPORTATION FACILITIES."

- CARIBOU COUNTY COMPREHENSIVE PLAN 1977

Existing Conditions:

Roads:

As depicted on (Figure 2 – Road Maintenance Map), the main mode of transportation in Caribou County is the automobile. The two major roadways running through the county are U.S. Route 30 and State Route 34. Route 30 enters the county southeast of Soda Springs and then heads directly west out of Soda Springs to meet with Interstate 15 (which leads to Pocatello). State Route 34 cuts across the northeast part of the county, heads directly south to Soda Springs where it merges with U.S. Route 30, branches off U.S. 30 west of Soda Springs, and heads south again, through Grace, and into Franklin County.

There are 875 miles non-winter season-maintained roads, 470 miles of the 875 miles are maintained year-round by Caribou County Road & Bridge Department. (See Figure 2, Road maintenance map).

The County has mutual aid maintenance agreements with the Forest Service, Bonneville, Bingham and Lincoln Counties, some of those are seasonal only. Approximately 10% of the County's Road & Bridge Department budget is supplied via County taxes; the remainder of the budget is supplied via the State of Idaho and Federal funds. 70% of roadways maintained by the County are in satisfactory condition, with the remaining 30% in need of repair or improvement in some form or another. 70% of the bridges under the County's jurisdiction are in satisfactory conditions with the remaining 30% needing repaired or replaced.

Public and Commercial Transportation: The only source of public transportation in the County is through Pocatello Regional Transit, which offers transportation by appointment. There are several commercial entities that provide transportation within and out of the county, mostly in the form of shipping.

Airports: Soda Springs and Bancroft have small public airports. Grace has a private airport. None offer any scheduled, commercial service; all business is

private and charter service. Caribou County residents drive to Pocatello Regional Airport for commercial flights or to Salt Lake City for a variety of domestic and international flights.

Key Concerns:

- Address conflicting uses of County highways
- Improve winter maintenance of roads
- Provide better non-motorized options for connecting communities
- Provide biking and walking paths around and between recreation areas

Goal, Objectives, and Implementation Strategies

TRANSPORTATION GOAL: Ensure that the transportation system supports mobility of a diverse group of users and enhances the County's health, safety, and welfare.

Objective 1: Ensure roadway systems meet current and future needs.

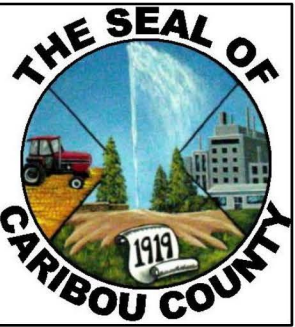
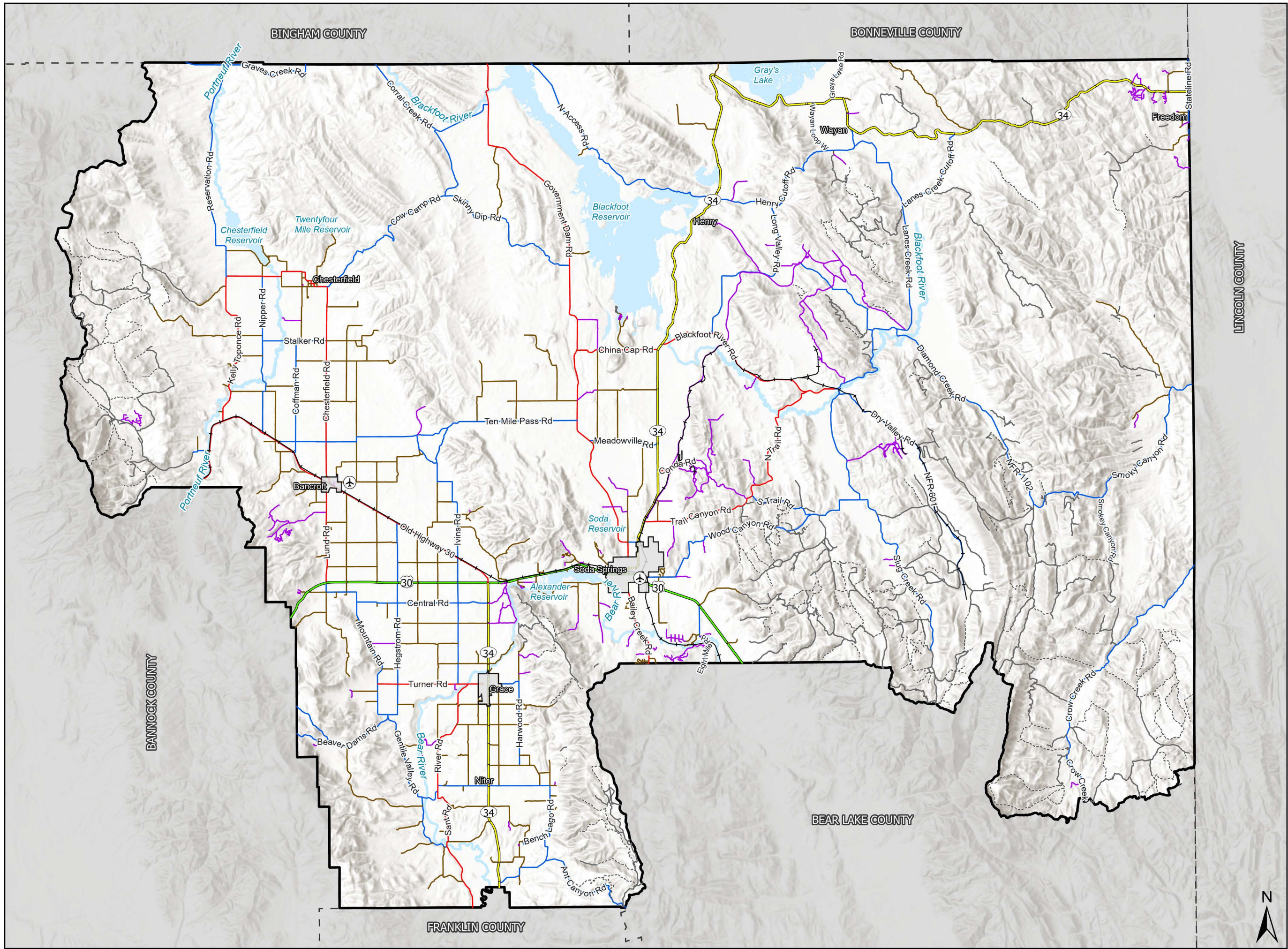
- Strategy 1.1: Design roadways to meet the safety and access needs of current and future traffic conditions.
- Strategy 1.2: Collaborate with relevant entities to improve maintenance of roadways, particularly during winter months.
- Strategy 1.3: Identify policies to address interactions between farming equipment, freight/industrial users, and commuter vehicles (established routes, regulations etc.).
- Strategy 1.4: Actively seek various types of transportation grant funding and other available sources to support roadway improvements.
- Strategy 1.5: Collaborate with railroad companies to address safety issues at County crossings.

Objective 2: Plan and construct transportation infrastructure that will increase accessibility.

- Strategy 2.1: Incorporate non-motorized options for connecting communities, including bicycle and pedestrian facilities, as part of roadway maintenance projects, development applications and capital projects whenever opportunities arise and are feasible.
- Strategy 2.2: Collaborate with neighboring jurisdictions, as well as public and private entities, to increase opportunities for varying transit options (commuter vans, Pocatello Regional Transit, airports, etc.).

- Strategy 2.3: Require developers to implement roadway improvements prior to construction.
- Strategy 2.4: Assess roadway construction policies to ensure that pedestrian amenities (Sidewalks, paths, etc.) are ADA compliant.

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Caribou County Transportation

Legend

- Airports
- Railroad
- City Limits
- Caribou County

Roads

- Major Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Local Road
- Private Road
- Forest Service Road
- Forest Service Trail

Chapter 5: Housing

"THE OBJECTIVE IN DESIGNING COMMUNITIES IN RURAL AREAS IS TO ESTABLISH RESIDENCES AROUND A MAIN SERVICE CENTER, PROVIDING EASY ACCESS TO NECESSARY GOODS AND SERVICES. AS COMMUNITIES REACH CAPACITY THROUGH INFILL AND THE NEED TO GROW OUTWARD FROM CITY CENTERS BECOMES APPARENT, RESIDENTIAL LOTS WILL IDEALLY BECOME LARGER AND LARGER AS THEY REACH OUT TOWARDS LARGE FARMS AND PUBLIC LANDS WHICH ARE SO PREVALENT IN THE COUNTY. PLANNING COMMUNITY DEVELOPMENT IN THIS MANNER PRESERVES RURAL LIVING FOR THOSE WHO CHOOSE IT AND PROVIDES A CONCENTRATION OF SERVICES FOR THOSE WANTING OR NEEDING EASIER ACCESS."

-CARIBOU COUNTY COMPREHENSIVE PLAN 1997

Housing Existing Conditions:

Caribou County and the cities within the county have been experiencing a housing shortage for some time, which was most recently confirmed in the 2018 Economic Development Plan for Soda Springs. With the COVID-19 Pandemic, there was a nationwide trend towards remote work. Workers who previously were restricted to in-person employment, now had the opportunity to work remotely and relocate to areas with more affordable housing and lower cost of living, while retaining their higher employment wages.¹⁰ With the Counties population in the year 2021 at 7,111, there are approximately 3,125 housing units (79% of those units are occupied, with 21% being vacant). The designation of these units is; 81% Single-Unit, 13% Mobile Home, and 6% Multi-Unit.¹¹

Despite this apparent high demand for housing, the market has very little to offer currently. The Caribou County planning office has gathered information from local real estate agents and found there to be a limited number of houses available for sale or rent within the County in 2022.

In the calendar year 2022, there were 49 New Residential Building Applications submitted to the County Building Department. Which on average for the past 10 years ranged from 7 to 14 New Residential Building Applications annually.

¹⁰ (Pew Research Center, COVID-19 & the Economy, COVID-19 Pandemic Continues to Reshape Work in America, Feb. 16,2022)

¹¹ (Caribou County, ID, U.S. Census Bureau (2021))

Table 3.3 New Residential Applications



Key Concerns

- Ensure that residential development does not restrict or negatively impact agricultural uses
- Encourage cooperative relationship between mining and other land uses
- Support local cities to provide and serve diverse housing and employment opportunities
- Collaborate with local cities and unincorporated towns to support appropriate land use decisions

Goals, Objectives, and Implementation Strategies

HOUSING GOAL: Balance the need for adequate housing for Caribou County residents with the need to preserve agricultural lands and industries.

Objective 1: Support opportunities to create adequate and diverse housing products for the range of needs and income levels represented in the County

- Strategy 1.1 Coordinate housing programs and policies with the cities and towns in Caribou County, to ensure adequate rental and owner-occupied, single, and multifamily options.
- Strategy 1.2: Revise Zoning Code to reflect the Future Land Use map and support plan objectives related to rural residential development within and outside of Areas of City Impact.
- Strategy 1.3: Evaluate the Zoning Code for provisions regarding recreational vehicles, tiny homes, and other alternative, affordable housing types to ensure consistency.

Chapter 6: Agriculture

"PRIME AGRICULTURAL LAND SHOULD BE PRESERVED FOR AGRICULTURAL PRODUCTION. HOUSES, INDUSTRIES, AND HIGHWAYS SHOULD NOT BE BUILT ON LAND THAT IS BEST SUITED FOR AGRICULTURAL PRODUCTION"

- CARIBOU COUNTY COMPREHENSIVE PLAN 1977.

Existing Conditions:

The United States Department of Agriculture Census states that we currently have 185,000 acres of Agricultural Land.

The four most predominant types of Agricultural Land are:¹²

- Irrigated Surface Water - 75,500 acres
- Irrigated Ground Water – 15,000 acres
- Irrigated Mixed Sources – 7,900 acres
- Non-Irrigated – 86,600 acres

The Non-Irrigated acres include:

- Dryland Agricultural
- Irrigation without a Water-Right

Caribou County is a high-altitude county with elevations ranging from 5,000 feet to 9,151 feet. The climate is characterized by long, cold winters, warm short summers, with moderate to low precipitation and humidity. The annual average rainfall in Caribou County is 17.44 inches and snowfall are 61.75 inches of snow.¹³ Most of the annual precipitation occurs in the form of snow during winter months with the least amount occurring during the months of July, August, and September.¹⁴ Soil in farming areas of the county is generally underlain by lava rock formations. Soil above the lava beds ranges from 0 to 30 feet deep. (See Figure 3 General Soils Map).

The majority of the County's agricultural land is located in the Gem Valley (north of Chesterfield to the furthest southern region of the Thatcher-Cleveland area). This is a broad rolling valley with elevations ranging from 5,000 feet to approximately 5,600 feet.

¹² (Census of Agriculture, United States Department of Agriculture, 2017)

¹³ (World Media Group, LLC, Caribou County Weather)

¹⁴ (Census of Agriculture, United States Department of Agriculture, 2017)

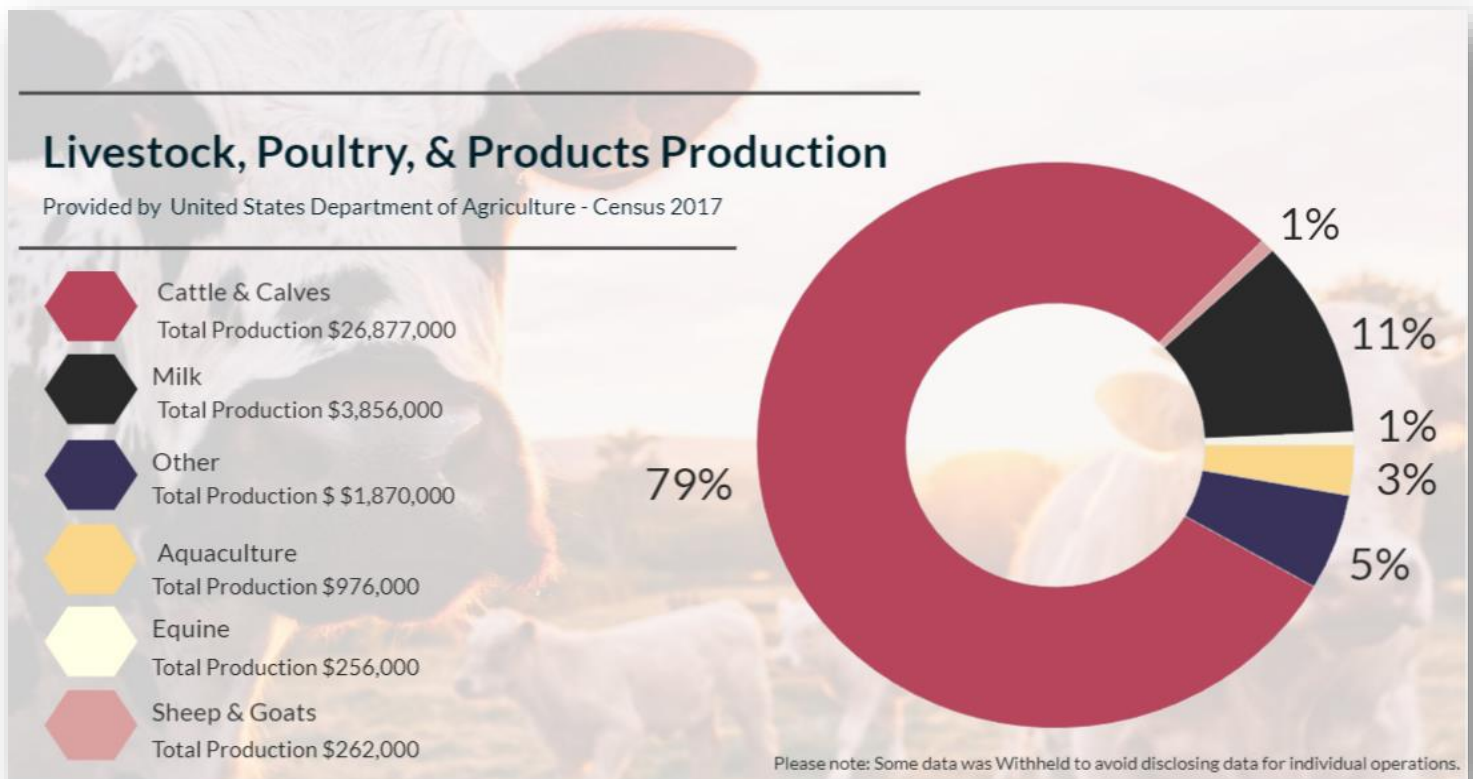
The Blackfoot Lava Field, which is located in the eastern part of Caribou County, provide an additional area for agricultural production. This valley is surrounded by high mountains and are generally utilized for summer grazing due to the unlaidd lava rock. The elevation is approximately 6,000 feet.

The 2017 Census of Agriculture Report, provided by the National Agricultural Statistics Service, shows that of the market value of agricultural products sold from Caribou County, 62% of sales were from crops, totaling \$56,207,000 and 38% of sales were from livestock, poultry and products totaling \$34,113,000. This accounts for approximately 20% of the County’s entire Gross Domestic Product.

Table 4.1 Crop Production



Table 4.2 Livestock, Poultry, & Products Production



Caribou County's community and culture is greatly centered around agricultural and a rural way-of-life. From 2010-2020, Caribou County consistently had 11.7% of workers in the County employed in the agricultural industry. In 2017, there were 1,411 farms in Caribou County representing a range of sizes. Agriculture is a core element to the way of life in Caribou County and contributes significantly to the Gross Domestic Product of the County.

As of 2017 there are 411 active farms. These farms provide a wide range of crops and livestock. The information listed below was provided to the County by the Department of Agriculture. The data below shows the variety of farm sizes within the County. ¹⁵

- 17% of Farm Land is irrigated or 61,146 Acres
- 28% of Farms are 49 acres or smaller
- 34% of Farms are 50-499 acres
- 38% of Farms are over 500 acres

¹⁵ (Census of Agriculture, United States Department of Agriculture, 2017)

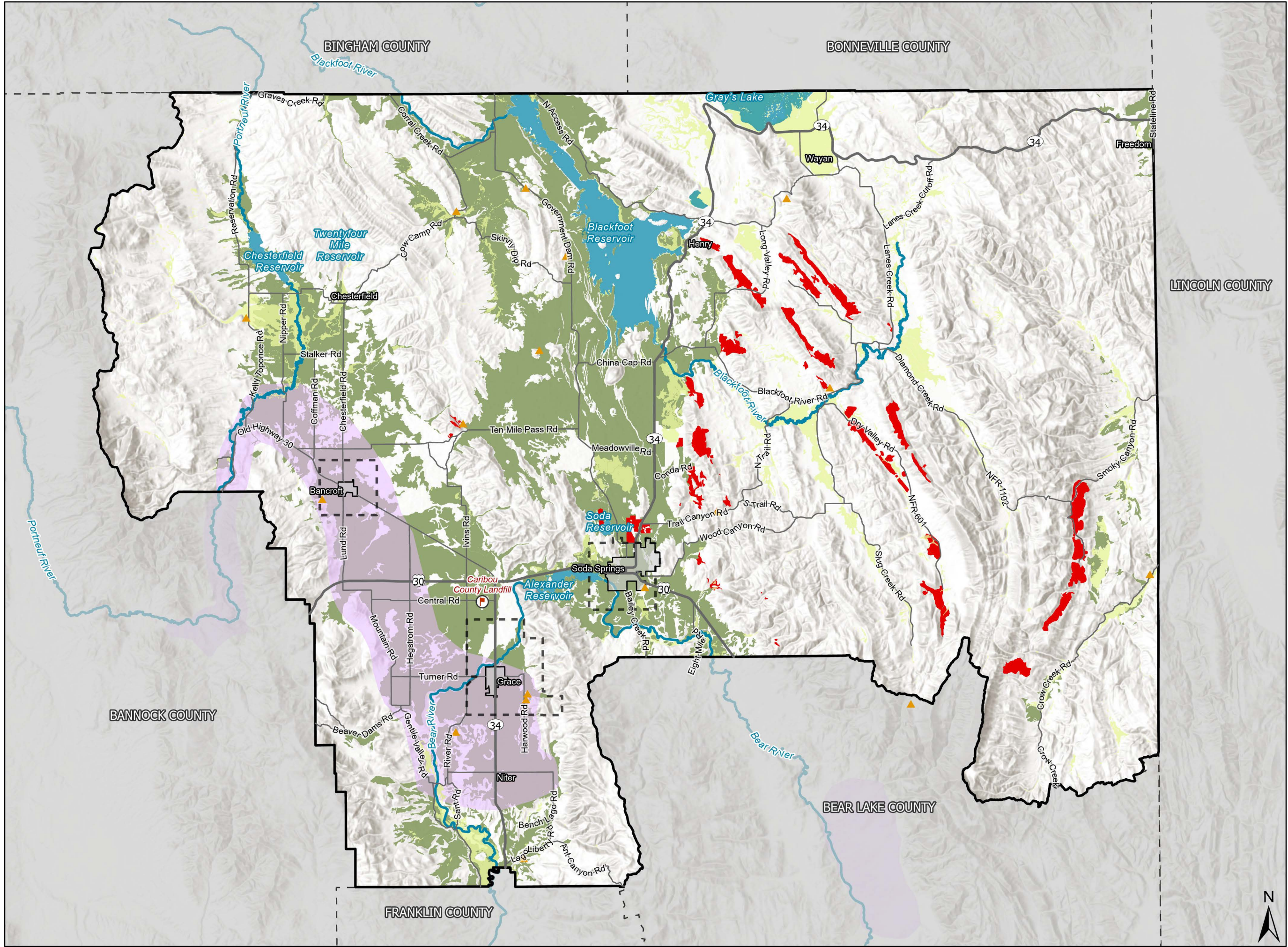
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Caribou County Natural Resources

- Legend
- Landfill
 - County Gravel Pits
 - Area of City Impact
 - City Limits
 - Wetlands
 - Nitrate Priority Areas
 - Farmland & Grazing Areas
 - Mined Land
 - County Boundary
 - Adjacent County Boundaries

Comprehensive Plan Maps
Caribou County GIS Department
By Allyson Schwulst
Date: 03/15/2023
Data Sources: IDWR, NRCS, and IDEQ



Key Concerns

- Ensure that agricultural lands are protected from encroachment by smaller residential lots.
- Consider impacts to groundwater and water quality with development that is not on city services.
- Address transportation impacts for farming equipment and operations.
- Preserve rural landscapes, including farmsteads and barns.

Goals, Objectives, and Implementation Strategies

AGRICULTURE GOAL: *Preserve and maintain a viable and diverse agricultural industry within the county.*

Objective 1: Maintain large parcel sizes for agricultural purposes in keeping with current development patterns.

- Strategy 1.1: Implement the Future Land Use Map by amending the zoning ordinance and map where needed.
- Strategy 1.2: Review design and development standards to ensure that there are adequate yard requirements between developable parcels.
- Strategy 1.3: Initiate efforts to identify incentives to ensure conservation of large acreages (such as conservation easements, working land trusts, and land banks).
- Strategy 1.4: Support educational and economic development initiatives so new and existing farmers can continue to innovate and improve their operations.
- Strategy 1.5: Consider a code amendment to create an additional agricultural district to accommodate large lot sizes.

Objective 2: Avoid the conversion of agricultural lands to residential or nonagricultural commercial uses.

- Strategy 2.1: Implement the Future Land Use Map by amending the zoning ordinance and map where needed.
- Strategy 2.2: Explore the use of a Transfer of Development Rights program as a tool to preserve agricultural or areas of environmental concern by transferring development rights to areas more suitable for residential development.

- Strategy 2.3: Consider provisions for rural residential Planned Unit Developments (PUDs) that do not reduce the permitted density but allow for smaller lots to be clustered within the developable area, while maintaining large areas for agricultural uses and designing the smaller acreages to meet physical site characteristics (such as topography, soils, water, vegetation, surrounding properties, building location, site improvements, water and waste disposal systems).

Objective 3: Allow farmers to manage their operations in an efficient, economic manner with minimal conflict with nonagricultural uses.

- Strategy 3.1: Explore zoning provisions to facilitate agricultural production by allowing agriculture related support uses, such as processing, storage, packaging, and agricultural support services, to be conveniently located to agricultural operations.
- Strategy 3.2: Support efficient management of local agricultural production activities by permitting development of adequate amounts of farm worker and farm family housing in agricultural areas.
- Strategy 3.3: Limit the number of small lots in any one area to avoid the potential conflicts associated with residential intrusion on agricultural operations.
- Strategy 3.4: Consider County Heritage Farm program, to honor and celebrate historic farms.
- Strategy 3.5: Collaborate with local cities to establish venues and businesses for local use of agriculture commodities, such as farmer's markets and community supported agriculture programs.
- Strategy 3.6: Support educational and economic development initiatives so new and existing farmers can continue to innovate and improve their operations.

Chapter 7: Natural Resources

"NATURAL RESOURCES ARE THE FOUNDATION ON WHICH ECONOMIC ACTIVITY RESTS IN CARIBOU COUNTY. THE IMPORTANCE OF UNDERSTANDING AN AREA'S ENVIRONMENT AND RESPECTING THE LIMITATIONS IT IMPOSES IS DIFFICULT TO OVERSTATE."

-CARIBOU COUNTY COMPREHENSIVE PLAN 1997

Existing Conditions:

The County is rich with natural resources such as forests, wildlife, phosphate, lime, riparian area, sagebrush hills, vast rivers, reservoirs, historical farms, rural landscapes, open spaces, and many other natural resources. These natural resources are managed by a U.S. Forest Service, Bureau of Land Management, canal companies, power companies, and other local entities.

Our County has three major reservoirs within our borders.

- Alexander Reservoir lies adjacent to Soda Springs along Highway 30 and is about 4.5 miles in length and 1 mile wide. It is a scenic fishing area, with two boat access ramps. PacifiCorp manages the water and the majority of the land surrounding the Reservoir.
- Blackfoot Reservoir used to irrigate lands on the Fort Hall Indian Reservation and other lands in the vicinity. It covers 18,000 surface acres when full, the second largest reservoir in southeastern Idaho. Bureau of Indian Affairs manages the water and the majority of the land surrounding the Reservoir.
- Chesterfield Reservoir is located north of Bancroft, near the Chesterfield Historic Town Site. It is roughly 5 miles long and spans at it widest near 1 mile and offers fishing, non-motorized boating, and camping. Downey Canal Company manages the Reservoir.

The Bureau of Land Management (BLM) has several locations within Caribou County they manage. Some of these areas include:¹⁶

- Petticoat Peak Wilderness Study Area encompasses 11,000 acres of public lands within the Fish Creek Mountain Range.
- California National Historic Trail
- Caribou National Forest
- Sheep Rock Interpretive Site

¹⁶ Bureau of Land Management "blm.gov"

The Grays Lake National Wildlife Refuge is located about 30 miles north of Soda Springs and is managed by the U.S. Fish and Wildlife Service (USFWS). The large expansive wetland habitats within this montane marsh attract numerous bird species, including waterfowl, shorebirds, and wading birds, including the largest breeding concentration of Sandhill cranes in North America. The USFWS has documented almost 250 species of birds on the Refuge, of which approximately 100 species known to nest within its boundaries. The Refuge provides opportunities for wildlife-dependent recreation including wildlife observation and photography.¹⁷

Potential hazards in Caribou County may result from seismic activity, such as landslides or mudslides, avalanche, and flooding related winter conditions. The threat of wildfire is also a potential hazard, as Caribou County is home to elk, mule, deer, moose, bear, and wolves.¹⁸

Key Concerns

- Conserve our fields, forests, sagebrush hills, riparian areas, and wildlife.
- Public access to natural resource areas.
- Conservation of open space, rural landscapes, cultural resources including historic farms
- Address water concerns (quality, safety, and availability)

Goals, Objectives, and Implementation Strategies

NATURAL RESOURCES/HAZARDOUS/SPECIAL AREAS GOAL: *Conserve the County's natural and cultural resources (fields, forests, sagebrush hills, riparian areas, wildlife).*

Objective 1: Ensure citizens are informed and engaged about decisions related to natural and cultural resources.

- Strategy 1.1: Ensure that new development, with a potential to impact the natural environment and resources of the County, provide required public noticing prior to integration into the County.
- Strategy 1.2: Collaborate with soil conservation districts, Idaho Department of Agriculture, U.S. Department of Agriculture (USDA) and Extension Services to educate the public regarding Best Management Practices.

¹⁷ U.S. Fish & Wildlife Services "Grays Lake National Wildlife Refuge"

¹⁸ (Service, Forest. 2022, Soda Springs Wildlife Viewing)

- Strategy 1.3: Coordinate with Idaho Fish and Game (IDFG) and other appropriate agencies and organizations to manage hunting and fishing activities, to protect wildlife migration corridors and habitat.
- Strategy 1.4: Explore Certified Local Government (with Idaho State Historic Preservation Office) to enable establishment of a local preservation commission.

Objective 2: Support programs to ensure water quality, availability, and safety.

- Strategy 2.1: Implement measures to assist in preventing and minimizing potential contamination to surface waters from septic systems.
- Strategy 2.2: Add zoning provision requiring developers/builders to provide improvements to assist in the protection of surface waters as a condition of development within applicable areas.
- Strategy 2.3: Preserve major surface waters by establishing and maintaining stabilized access points for waterways within the County.
- Strategy 2.4 Collaborate with Idaho Department of Environment Quality (IDEQ) on all developments in the county to ensure best practices will be utilized.

Objective 3: Protect County residents from both natural and human-induced hazards.

- Strategy 3.1: Identify potential County-wide hazards, collaborate to prepare appropriate plans that identify methods to prepare, respond and recover.
- Strategy 3.2: Collaborate with federal and state agencies to protect and preserve environmentally sensitive areas.
- Strategy 3.3: Ensure that appropriate measures are implemented for development in areas with canals, steep slopes, high wildfire potential, and air quality concerns.

Chapter 8: Recreation

"THE COUNTY APPEALS BASICALLY TO THE SPORTSMAN AND NOT TO THE SCENIC TRAVELER. BIG GAME HUNTING AREAS ATTRACT PEOPLE FROM NEIGHBORING IDAHO COUNTIES. THE PORTNEUF AND BLACKFOOT RESERVOIRS ARE NOTED FOR THE CANADIAN GOOSE HUNTING, AND THE RIVERS ALSO OFFER EXCELLENT CAMPING AND FISHING. CARIBOU COUNTY'S RELATIVE REMOTENESS HAS ENABLED IT TO MAINTAIN GOOD HUNTING AND FISHING IN THE PAST, ALTHOUGH THE AREA IS SUBJECT TO INCREASING USE."

CARIBOU COUNTY COMPREHENSIVE PLAN 1977

Existing Conditions:

Caribou County has many attractions including a wide range of historical sites, beautiful landscapes, waterways, trails, and so much more.

An icon of American history, the Oregon Trail spans more than 2,000 miles and crosses six states including Idaho. The Trail makes its way from the state line of Wyoming and Idaho passing through Caribou County. The Pioneer Historic Byway has marked 15 locations within our County. These locations are: ¹⁹

- Niter Ice Cave
- Black Canyon Gorge
- Last Chance Canal
- Sheep Rock-Oregon Trail
- Chesterfield Townsite
- Geyser Park and Visitor Center
- Formation Springs Preserve
- Hooper Springs
- China Hat Geological Site
- Henry-Chester's County Store
- Grays Lake National Wildlife Refuge
- Lander Trail
- Cariboo Mountain
- Tincup Canyon

Our Caribou-Targhee National Forest is managed cooperatively by the U.S. Forest Service (USFS) and the BLM, with trails, campsites, waterways for the public to utilize throughout the year Campgrounds include: Diamond Creek, Gravel Creek, Mill Canyon, Pine Bar, Tincup, and the Blackfoot Reservoir. There

¹⁹ Pioneer Historic Byway <https://idahohighcountry.org/cat/pioneer-historic-byway/>

are many other private campgrounds in Caribou County. Table Depicts the many activities that caribou County visitors enjoy year-round

Table 8 - Year-Round Activities

Summer Activities	
Fishing	Hunting
Horse Riding	Nature Viewing
Picnicking	Rock & Minerals
Scenic Driving	UTV/ATV
Water Sports	Hiking Day/Overnight
Winter Activities	
Snowmobiling	Snow Biking
Cross Country Skiing	Snowshoeing
Ice Fishing	Sledding

The County owns and maintains two recreational parks, the Oregon Trail Marina on the Alexander Reservoir and the Sucker Trap Campground located on Blackfoot River Road.

Key Concerns

- Conserve our fields, forests, sagebrush hills, riparian areas, and wildlife
- Public access to public lands natural resource areas
- Conservation of cultural resources including historic farms
- Better maintenance of County Parks

Goals, Objectives, and Implementation Strategies

RECREATION GOAL: Support the development of new public parks and trails, facilities, amenities and activities, as well as the enhancement of existing recreational areas and activities.

Objective 1: Promote a sustainable county-wide parks and recreation, open space, and waterways system.

- Strategy 1.1: Develop a County-wide Parks and Open Space plan to address current and future needs, and identify strategies related to parks and recreation, natural and cultural resources, open space, and waterways.

- Strategy 1.2: Explore formation of a Recreation District to fund recommendations of the Parks and Open Space plan and provide ongoing recreation management.
- Strategy 1.3: Provide incentives to encourage landowners and/or developers to dedicate public easements or right-of-way, expand existing parks and open space opportunities and create new connections for trails and pathways.
- Strategy 1.4: Support new programs for County youth, such as agricultural education, in collaboration with other community groups and local schools.
- Strategy 1.5: Actively seek various types of grant funding and other available sources to support recreation and conservation programs

Objective 2: Ensure public land access and opportunities to recreate year-round.

- Strategy 2.1: Collaborate with Federal and State agencies (IDFG, BLM, US Fish & Wildlife Service) and Tribes to coordinate public recreational use activities, as well as opportunities for enhanced habitat and wildlife preservation.
- Strategy 2.2: As part of County-wide parks and open space planning, identify recreational opportunities (trails, picnic areas etc.) and programs (winter sports activities, nature hikes, etc.) that enhance use of public lands.
- Strategy 2.3: Collaborate with recreational users to determine appropriate regulations for trail use (motorized v. non-motorized, size of ATVs, etc.).

Objective 3: Protect County waterways for habitat and wildlife preservation and as crucial recreational areas.

- Strategy 3.1: Collaborate with appropriate agencies to identify opportunities for enhanced habitat and wildlife preservation and recreational opportunities.
- Strategy 3.2: As part of County-wide parks and open space planning, assess potential to improve access to county reservoirs, provide appropriate regulations regarding RV, camping and boat usage and address public concerns.

Chapter 9: Land Use

Existing Conditions:

Caribou County is responsible for planning outside of the incorporated cities of Bancroft, Grace, and the Soda Springs Area of City Impact (City of Soda Springs comprehensive plan applies within their city and impact area). The County has Area of Impact Agreements in effect with all three cities, these agreements specify how the area of impacts are governed and what zone designations are in effect on maps and in narrative. The impact areas include lands surrounding each urban area to allow for future growth and service by that city as services become available. In the area of impact, all applications are submitted to the County Planning and Zoning for approval. Before the application is approved, the County shares the application with the affected City for their comments.

The County's Future Land Use Map (FLUM) as provided in Figure 4, depicts a series of designations or types, based on the current and intended future use of land. The FLUM is the foundation for development regulations, such as zoning, as well as further planning efforts. The following provides a brief description of the land use designations depicted on the FLUM:

Special Lands: Located beyond irrigated agricultural areas and include forests, rangelands owned and managed in large part by Federal, State, and Tribal entities. These areas would permit a wide range of agricultural and natural resource pursuits, and other compatible uses.

Agriculture: Intended for areas where farming, grazing and agricultural support specific uses are best suited in the County. These areas would focus on retention of agricultural use. Single family residences along with a wide range of agricultural pursuits would be principally permitted, while more intense agricultural uses would be considered under a special permit.

Residential: Allows for low-density and high-density residential zoning districts with varying housing densities. This designation is applied to existing subdivisions within the County, not near larger communities. The application of this to existing subdivisions, however, does not support the expansion of subdivisions around these areas when another FLUM designation has been applied to the surrounding area or when such designations are not within a city area of impact. Some commercial uses may be appropriate in these residential areas and considerations for zone

amendments for such uses should be determined on a case-by-case basis.

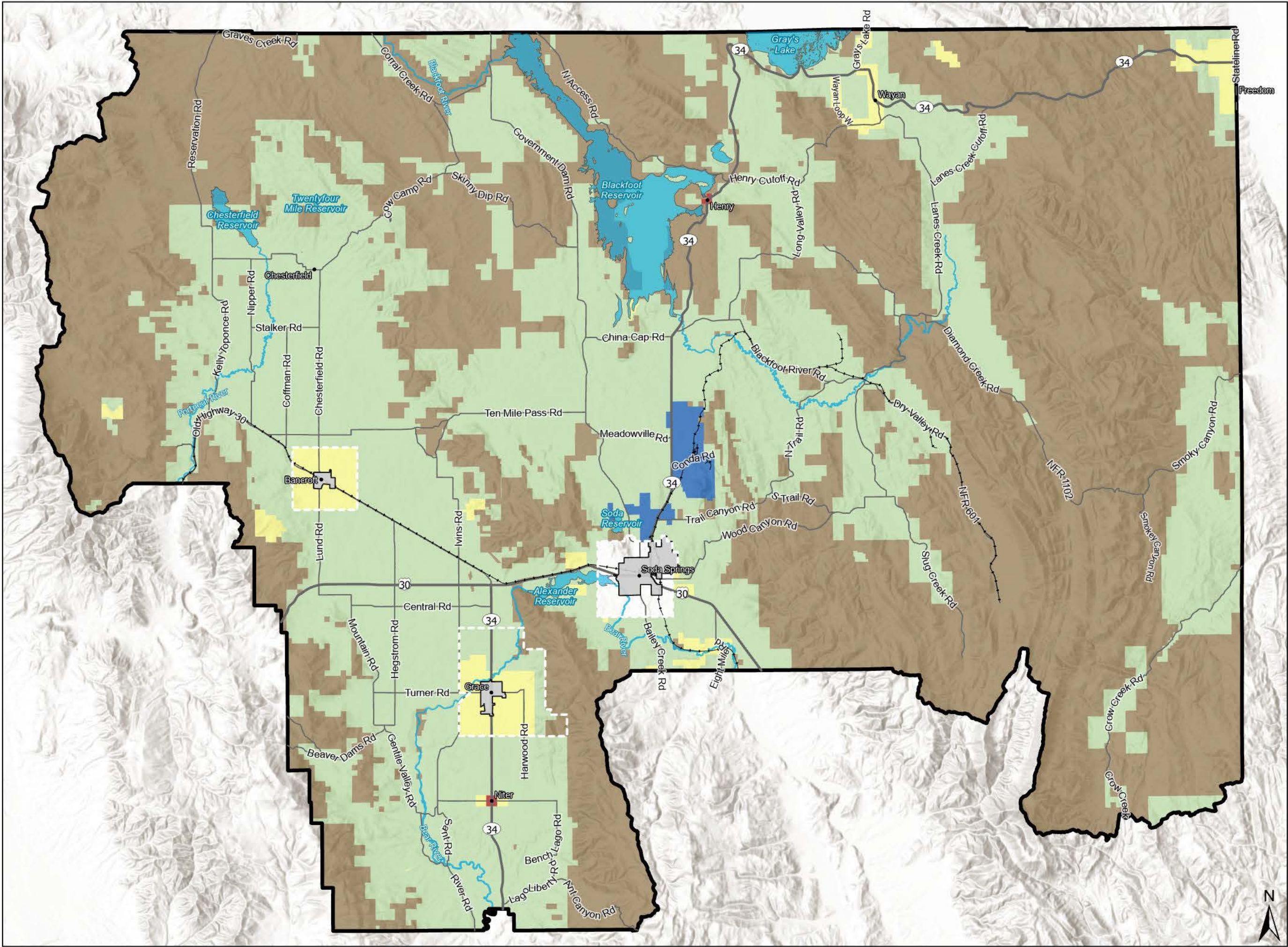
Commercial: Applies to areas where commercial uses can support the economy in the County and have transportation access and proximity to support the local communities. This includes retail stores and services and is primarily situated in and around existing communities and within the Area of Impacts.

Industrial: Includes light and heavy industrial uses as defined in the zoning code, to address a variety of manufacturing, processing, and storage uses, including existing industrial operations. This designation is intended to avoid conflict with residential uses.

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Caribou County Future Land Use



Legend

- Railroad
- City Limits
- County Boundary
- Future Land Use**
 - Agriculture
 - Commercial
 - Industrial
 - Residential
 - Natural Resources
- Area of City Impact*

*Disclaimer: The Future Land Use Map only applies to the cities of Bancroft and Grace, but excludes Soda Springs Area of Impact.

Key Concerns

- Ensure that residential development does not restrict or negatively impact agricultural uses.
- Encourage cooperative relationship between mining and other land uses.
- Support local cities to provide and serve diverse housing and employment opportunities.
- Collaborate with local cities and unincorporated towns to support appropriate land use decisions.
- Preserve and enhance open space, rural landscape, and recreational areas.

Goals, Objectives, and Implementation Strategies

LAND USE GOAL: Balance new growth and development with maintaining a rural lifestyle

Objective 1: Enhance the County's rural environment and retain diverse agricultural uses and resource extraction industries

- Strategy 1.1: Implement the Future Land Use Map (FLUM) by amending the zoning ordinance and map where needed.
- Strategy 1.2: Evaluate the Zoning Code to reduce fragmentation of important agricultural lands and to direct residential development to Areas of City Impact
- Strategy 1.3: Update the Zoning Code and Map to implement the FLUM allowing appropriate land uses outside of the Areas of City Impact.
- Strategy 1.4: Review design and development standards to ensure that there are adequate yard requirements between developable parcels.
- Strategy 1.5: Collaborate with Tribes and public land agencies on issues and concerns related to tribal and public lands.

Objective 2: Collaborate with cities to encourage industrial and commercial uses and residential subdivisions inside the Areas of City Impact.

- Strategy 2.1: Update the Zoning Code to ensure a hierarchy of residential lot sizes, with the smaller lots and subdivisions permitted within Areas of City Impact.
- Strategy 2.2: Provide subdivision standards that allow for the future platting of larger lot subdivisions (within Areas of City Impact) to accommodate city sewer and water, as city limits expand.

- Strategy 2.3: Monitor growth and extension of urban services within Areas of City Impact to ensure that boundaries are appropriate.
- Strategy 2.4: Collaborate with economic development efforts to identify and support industrial parks and other large employment centers.

Objective 3: Evaluate County regulations and policies to ensure fair and equitable provisions

- Strategy 3.1 Enforce all zoning ordinances particularly those related to property maintenance, health, and safety.
- Strategy 3.2: Ensure that all Areas of City Impact agreements are current by establishing regular coordination meetings with City Councils and County Commissioners.
- Strategy 3.3: Evaluate the Zoning Code for consistent provisions regarding recreational vehicles and other alternative lodging types, including short term rentals.

Chapter 10: Public Services

Maintaining and improving public services are of paramount importance to County residents and each of the incorporated area community and will become even more important as demand for services increase.

Existing Conditions:

10.1: Emergency Response Services

Fire: The Caribou County Fire Station is located in Soda Springs and covers all unincorporated areas of Caribou County. In order to better cover the unincorporated areas, the County has established Mutual Aid Agreements with the Fire Departments of Bancroft, Grace, and Soda Springs. The Bailey Creek Fire District provides services for the Bailey Creek Subdivision. Freedom area is provided fire services through the Freedom Fire District, which contracts with the city of Thayne, Wyoming to provide this service.

The County Fire Department has thirteen (13) volunteer fire fighters, two (2) engines for structural fires, seven (7) wildland response vehicles and two (2) water transport apparatuses which respectively hold 2,000 and 4,000 gallons of water. The average age of the equipment is 30 years old. Average age of personal protective equipment is 15 years old.

Emergency Medical Services (EMS): There are three ambulance stations in the County located in Bancroft, Grace, and Soda Springs. These three stations provide EMS for the entirety of the County. There is a mutual aid agreement with Star Valley EMS to administer services to the Crow Creek, Auburn and Freedom areas of the County.

The County has six response ambulances and one rescue truck which includes an extrication unit. There are thirty-two (32) volunteer EMTs. The average age of the ambulance is ten (10) years and they are replaced through the State of Idaho's grant program. These emergency services are provided by trained and certified citizen volunteers in the County.

There is a lack of volunteers to meet the demands of these emergency services within the County. Presently these volunteer positions have been at half-staff for 14 years. The average age of the volunteers in Caribou County is sixty-four (64) years old. If the County is unable to maintain adequate volunteers the County may be forced to higher employed responders, which will result in a significant

increase in the tax levy rate to provide these services, potentially a 3,000% increase.

Due to not having rural stations results in higher International Organization for Standards (ISO) ratings, as a result most of the County has an ISO rating of ten (10), which directly affect the insurance rates for residents. This further results in longer response times for fires. Caribou County is presently only one of two counties in the State of Idaho which do not have emergency district to provide an avenue of tax revenue to pay for the services. Currently these services are paid for through the County's general fund which supports many of the County's departments, as a result, these funds are greatly limited and budgeted very strictly. This causes the budget for fire and EMS services to be notably lower than those of surrounding counties that provide comparable services as those counties have emergency response districts in order to budget for the required costs. As result of this budget restriction, the County is unable to provide National Fire Protection Association (NFPA) rated equipment to the firefighters. In addition, the EMS services are unable to provide higher level of services as it cannot afford the required upgraded equipment.

Law Enforcement: The Caribou County Sheriff's Office has primary law enforcement responsibilities within Caribou County. This includes approximately 1800 square miles of land mass and thirty-five (35) square miles of water ways. This area also includes three incorporated cities, two that do not have any organized law enforcement and one that does (Soda Springs). A portion of the Fort Hall Indian Reservation is located in the County as well as several Bureau of Indian Affairs properties that are separate from the reservation. The Sheriff's Office provides service to non-tribal members on those properties and assists the Tribal Government upon their request. Due to the size and geographical features of the County, it sometimes requires a deputy to travel over eighty (80) miles or 1 hour and 45 minutes to respond for calls of service (depending on road conditions). The Sheriff's Office provides 24-hour law enforcement patrol coverage, and occasionally receives assistance from the Soda Springs Police Department upon request.

Support from State law enforcement includes a State Police Trooper assigned (with responsibilities in other counties and is available only when on duty or in the area). The Department of Fish and Game also has assigned a Conservation Officer (who is a certified law enforcement officer) to Caribou County and will assist upon request.

The Sheriff's Office has a mutual aid agreement with all of our surrounding counties and several others through the Tri-County Sheriff's organization (a

group of 17 south east Idaho Sheriff's). The Sheriff's field operations division consists of seven patrol deputies and one detective. In addition, there is one reserve deputy who is capable of assisting on a volunteer basis. When up to full staff, there are one to two deputies working at any given time.

In addition to regular patrol duties, six deputies are certified Marine (water patrol) Deputies, with the majority of them dive certified for water rescue and recovery activities. This allows for law enforcement coverage on the three reservoirs and various rivers within the County. The Sheriff's Office also contracts with the BLM and the USFS to provide law enforcement coverage. The Sheriff is also a certified law enforcement officer and assists in patrolling and handling calls.

Other programs of the Caribou County Sheriff include:

- **Emergency Communications (911):** operates the "Public Safety Answering Point" (PSAP), a law enforcement dispatch and communication center. staffed 24-hours to answer all incoming EMS and law enforcement non-emergency and 911 calls. PSAP covers the entire County and also receives calls and dispatches for the City of Soda Springs Police, and occasionally other counties as needed. Caribou County Sheriff also acts as a server hub for Bear Lake and Oneida Counties PSAP centers.
- **Detention Facility:** operates a 49-bed detention facility, as required by Idaho State law. Certified annually by the Idaho Sheriff's Association and is federally certified as being PREA (Prison Rape Elimination Act) compliant, there are eleven detention deputies assigned to the facility. They are required to accept all arrested individuals presented to them by law enforcement agencies. The Sheriff also contracts with the Bear Lake and Oneida Counties Sheriff's to house their inmates. Low risk inmates from the Idaho Department of Corrections may also be housed at this facility
- **Search and Rescue:** oversees a volunteer search and rescue organization made up of community volunteers with various applicable skills and resources.

10.2: Local Services

Caribou County. The County serves the public through the following departments: Assessor, Building, Planning and Zoning, County Clerk, County Treasurer, Emergency Services, GIS, Magistrate and District Court, Road and Bridge, Sheriff, Solid Waste, and the Weed Department.

Communication. Communication systems may be limited in certain areas, due to the rural nature of the county. Century Link and Silver Star Communication are the main internet providers. Verizon and ATT&T are the most utilized cell phone services.

Historical Society. The Caribou Historical Society, located in Soda Springs, Idaho, is a local organization dedicated to studying and preserving local history.

Hospital & Medical Services. Caribou Medical Services offers a variety of services and is located in Soda Springs, Idaho. These services include; ER, Surgical Services, Inpatient Care, Clinical Laboratory, Diagnostic Imaging, Obstetrics, Outpatient Services, Anesthesia, Chemotherapy, Wound Care, Sleep Studies, OB/GYN, Primary Care, Orthopedics, Sports Medicine, Radiology, Podiatry, Urology, Dermatology, and Centrum Hearing.

Public Library. A Public Library is located in Soda Springs, Idaho.

Postal Services. There are three U.S. post offices (Bancroft, Grace, and Soda Springs).

Senior Center: The Caribou County Senior Center is located in Soda Springs offering home-cooked meals, served Wednesday and Fridays at noon to the general public. This center has a thrift store and activities planned throughout the week for all ages.

Sewer Systems. The cities Bancroft, Grace, and Soda Springs each have their own community systems that are maintained by the city. Certain subdivisions that lie outside City Limits have their own community systems. Individuals who reside outside city limits or those subdivisions typically use individual septic systems.

Solid Waste Facilities. Caribou County has a solid waste transfer facility, located in Grace, Idaho. This facility provides an effective way to dispose of waste material. This facility is open to the public and accepts materials such as; construction and demolition, asphalt, concrete, food waste, tires (truck, tractor, auto), etc.

Southeastern Idaho Public Health District. The District has a main office in Pocatello and a local branch in Soda Springs. They provided clinical services, community and environmental health, Women Infant Children (WIC), and administration for eight (8) counties, and approximately 176,000 people.

Voting. There are currently nine (9) Voting Precincts within Caribou County. Bancroft, Grace 1, Grace 2, Soda Springs 1, Soda Springs 2, Soda Springs 3, Wayan, and Freedom.

Water: The cities Bancroft, Grace, and Soda Springs each have their own community systems that are maintained by the city. Certain subdivisions that lie outside City Limits have their own community systems. Individuals who reside outside city limits or those subdivisions typically use individual wells.

10.3: Schools

There are three school districts in Caribou County: North Gem School District #149, Grace School District #148, and Soda Springs District #150. All school listed in Table 5 have a school bus programs in place.

Table 5 – Caribou County Schools

District/Provider	School	Location
North Gem District #149 (K-12 Campus)		
	North Gem Elementary, Middle, and High School	360 South Main Street, Bancroft
Grace School District #148		
	Black Canyon Elementary	605 South 4 th West, Grace
	Jr./Sr. High School	704 South Main, Grace
Soda Springs School District #150		
	Thirkill Elementary	60 East 4 th South, Soda Springs
	Tigert Middle School	250 East 2 nd South, Soda Springs
	Soda Springs High School	300 East 1 st North, Soda Springs

Caribou County is served by a wide variety of post-secondary institutions, located outside of the County. These institutions are within a within a two-hour drive of Soda Springs and include Idaho State University (Pocatello), ITEC (Idaho Falls), Brigham Young University-Idaho (Rexburg), Utah State University (Logan, UT) and Weber State (Ogden, UT).

Although the school districts have experienced enrollment decline, the growth projections associated with the Plan indicate population increases across the County through 2031. Public schools provide vital support to families; with

Caribou County's poverty rate of 7.7%, future investment in schools may be considered.

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Caribou County Public Facilities

Legend

- Points of Interest
- City Limits
- Area of City Impact
- Wildlife Management Areas
- Public Lands

School Districts (SD)

- Grace Joint SD #148
- North Gem SD #149
- Soda Springs Joint SD #150
- Marsh Valley Joint SD #21

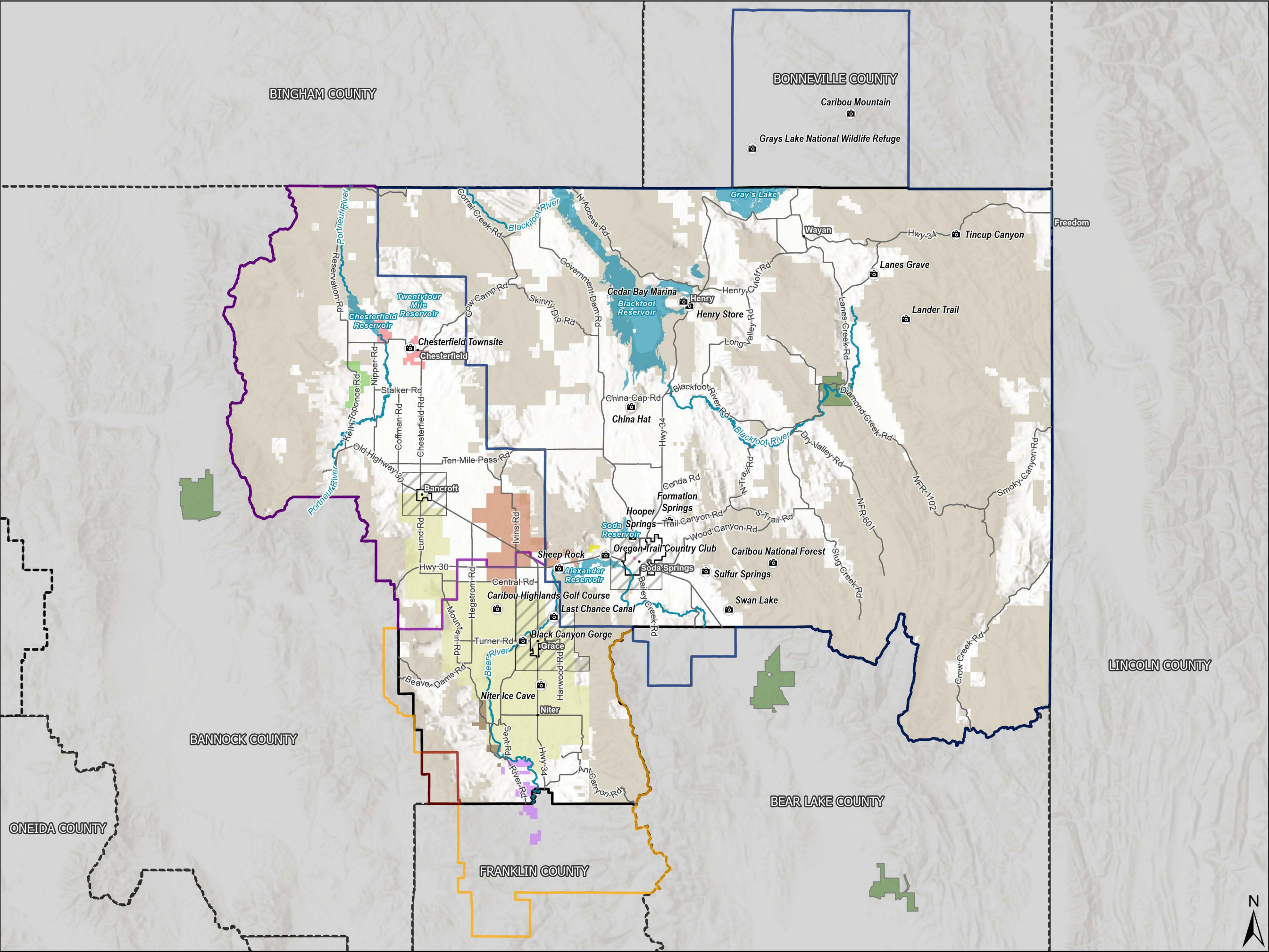
Irrigation Organizations

- Chesterfield Canal & Reservoir Co
- Farmers Land & Irrigation Corp
- Gentile Valley Irrigation Co Ltd
- Last Chance Canal Co Ltd
- Natural Mineral Water Co
- Thatcher Irrigation Co
- Toponce Canal Co Ltd
- Valleyview Subdivision Water Assn

- County Boundary
- Adjacent County Boundaries

Comprehensive Plan Maps

Caribou County GIS Department
By Allyson Schwulst
Date: 03/15/2023
Data Sources: Bureau of Land Management,
IDWR, and Idaho Fish and Game



Key Concerns

- Outdated education facilities.
- Address outdated schools
- Providing consolidation for high school students in Caribou County.

Goals, Objectives, and Implementation Strategies

PUBLIC SERVICES, FACILITIES, UTILITIES, SCHOOLS GOAL: Provide efficient and reliable services and facilities, in collaboration with other public entities, to support county residents and visitors.

Objective 1: Support public services to meet the needs of a growing population.

- Strategy 1.1: Evaluate impact of population growth on landfill, potential recycling programs and other appropriate measures to address capacity and environmental considerations.
- Strategy 1.2: Maintain serviceability of communication systems including broadband internet, telephone, and cable.
- Strategy 1.3: Ensure National Interest Electric Transmission Corridors (NIETC), as well as power and gas transmission corridors, are considered in land use planning decisions, and minimize the adverse impacts of transmission corridors in the County.
- Strategy 1.4: Encourage best practices for accessibility in public buildings and County facilities.

Objective 2: Coordinate with public utility and service districts, as well as emergency services (i.e., sheriff, fire/ambulance districts, police) for future growth to enhance access and safety.

- Strategy 2.1: Evaluate public safety (police, fire/EMT) service to remote areas of the County and assess levels of service for areas experiencing population growths.
- Strategy 2.2: Engage and invest in planning and maintenance of emergency preparedness and disaster response systems.
- Strategy 2.3: Collaborate with cities and special districts to consider efficiencies in consolidating services and jurisdictions.
- Strategy 2.4: Facilitate public and private partnerships, to address safety concerns related to canals, wildfire, and other natural resource related issues

- Strategy 2.5: Add zoning provision to require adequate emergency vehicle access to new developments.

Objective 3: Support the needs of County's youth through collaboration with school districts.

- Strategy 3.1: Coordinate with the school districts on population projections and potential land expansion needs, and the potential for school district consolidation.
- Strategy 3.2: Analyze the needs of districts' students for safe routes to school, in coordination with County cities and school districts, to examine and support opportunities for expansion of bicycle and pedestrian paths that support students school access
- Strategy 3.3: Encourage best practices for accessibility in public schools.

Chapter 11: Implementation

Implementation is an important part of our County's Comprehensive Plan. After evaluating each Goal, Objective, and Strategy the Planning and Zoning Department identified what item was a low, medium, or high priority.

In order to complete these objectives and strategies the County Planning and Zoning Department needs assistance from other entities. These entities include; other County departments, local cities, developers, Idaho Department of Fish & Game, Idaho Department of Environmental Quality, U.S. Fish & Game, local tribes, State and Federal government, power & gas companies, local emergency services, and school districts.

Goal	Objective	Strategies	Priority	County Partners
3.1 Economic Development	Objective 1: Ensure County functions, policies and services support and stimulate regional economic growth.	<ul style="list-style-type: none"> Collaborate with cities on land use decisions in keeping with Area of City Impact agreements, to ensure consistent policies on major land use areas and economic sectors. Maintain serviceability of communication systems including broadband internet, telephone, and cable. Participate in regional efforts with local governments, representatives from key employers and sectors to implement joint economic development strategies including retention of existing economic sectors as well as diversification and incentives. Coordinate housing programs and policies with the cities and towns in Caribou County, to ensure adequate rental and owner-occupied, single, and multifamily options. 	<ul style="list-style-type: none"> Medium (5-10 years) 	<ul style="list-style-type: none"> Planning Staff P&Z County Commissioners Cities

		<ul style="list-style-type: none"> • Support partnerships for training and mentorship programs with local industries to encourage pairing of local job opportunities with residents. 		
3.1 Economic Development	Objective 2: Support County-wide efforts to encourage and manage tourism.	<ul style="list-style-type: none"> • Develop a County-wide Parks and Open Space plan to address current and future needs, and identify strategies related to parks and recreation, natural and cultural resources, open space and waterways. • Collaborate with local cities to establish venues and businesses for local use of agriculture commodities, such as farmer's markets and community supported agriculture programs. • Assess existing zoning regulations to ensure that appropriate provisions exist for lodging opportunities without disrupting current residents and farming operations. • Evaluate promotional programs to attract visitors including documentation and marketing of County's natural and cultural resources. 	<ul style="list-style-type: none"> • Low (10-20 years) 	<ul style="list-style-type: none"> • Planning Staff • P&Z • County Commissioners • Cities
3.2 Transportation	Objective 1: Ensure roadway systems meet current and future needs.	<ul style="list-style-type: none"> • Design roadways to meet the safety and access needs of current and future traffic conditions. • Collaborate with relevant entities to improve maintenance of roadways, particularly during winter months. • Identify policies to address interactions between farming equipment, freight/industrial users, and commuter vehicles (established routes, regulations etc.). • Actively seek various types of transportation grant funding and other available sources to support roadway improvements. • Collaborate with railroad companies to address safety issues at County crossings. 	<ul style="list-style-type: none"> • High (0-5 years) 	<ul style="list-style-type: none"> • Planning Staff • P&Z • Road & Bridge • County Commissioners • Rail Road
3.2 Transportation	Objective 2: Plan and construct	<ul style="list-style-type: none"> • Incorporate non-motorized options for connecting communities, including bicycle and pedestrian facilities, as part of roadway 	<ul style="list-style-type: none"> • Low (10-20 years) 	<ul style="list-style-type: none"> • Planning Staff • P&Z • Road & Bridge

	transportation infrastructure that will increase accessibility.	<p>maintenance projects, development applications and capital projects whenever opportunities arise and are feasible.</p> <ul style="list-style-type: none"> • Collaborate with neighboring jurisdictions, as well as public and private entities, to increase opportunities for varying transit options (commuter vans, Pocatello Regional Transit, airports, etc.). • Require developers to implement roadway improvements prior to construction. • Assess roadway construction policies to ensure that pedestrian amenities (sidewalks, paths, etc.) are ADA compliant. 		<ul style="list-style-type: none"> • County Commissioners • Developers
3.3 House & Growth	Objective 1: Support opportunities to create adequate and diverse housing products for the range of needs and income levels represented in the County	<ul style="list-style-type: none"> • Coordinate housing programs and policies with the cities and towns in Caribou County, to ensure adequate rental and owner-occupied, single, and multifamily options. • Revise Zoning Code to reflect the Future Land Use map and support plan objectives related to rural residential development within and outside of Areas of City Impact. • Evaluate the Zoning Code for provisions regarding recreational vehicles, tiny homes, and other alternative, affordable housing types to ensure consistency. 	<ul style="list-style-type: none"> • Medium (5-10 years) 	<ul style="list-style-type: none"> • Planning Staff • P&Z • County Commissioners • Cities
4.1 Agriculture	Objective 1: Maintain large parcel sizes for agricultural purposes in keeping with current development patterns.	<ul style="list-style-type: none"> • Implement the Future Land Use Map by amending the zoning ordinance and map where needed. • Review design and development standards to ensure that there are adequate yard requirements between developable parcels. • Initiate efforts to identify incentives to ensure conservation of large acreages (such as conservation easements, working land trusts, and land banks). 	<ul style="list-style-type: none"> • High (0-5 years) 	<ul style="list-style-type: none"> • Planning Staff • P&Z • County Commissioners

		<ul style="list-style-type: none"> • Support educational and economic development initiatives so new and existing farmers can continue to innovate and improve their operations. • Consider a code amendment to create an additional agricultural district to accommodate large lot sizes. 		
4.1 Agriculture	Objective 2: Avoid the conversion of agricultural lands to residential or nonagricultural commercial uses.	<ul style="list-style-type: none"> • Implement the Future Land Use Map by amending the zoning ordinance and map where needed. • Explore the use of a Transfer of Development Rights program as a tool to preserve agricultural or areas of environmental concern by transferring development rights to areas more suitable for residential development. • Consider provisions for rural residential Planned Unit Developments (PUDs) that do not reduce the permitted density but allow for smaller lots to be clustered within the developable area, while maintaining large areas for agricultural uses and designing the smaller acreages to meet physical site characteristics (such as topography, soils, water, vegetation, surrounding properties, building location, site improvements, water and waste disposal systems). 	<ul style="list-style-type: none"> • Medium (5-10 years) 	<ul style="list-style-type: none"> • Planning Staff • P&Z • County Commissioners
4.1 Agriculture	Objective 3: Allow farmers to manage their operations in an efficient, economic manner with minimal conflict with nonagricultural uses.	<ul style="list-style-type: none"> • Explore zoning provisions to facilitate agricultural production by allowing agriculture related support uses, such as processing, storage, packaging, and agricultural support services, to be conveniently located to agricultural operations. • Support efficient management of local agricultural production activities by permitting development of adequate amounts of farm worker and farm family housing in agricultural areas. 	<ul style="list-style-type: none"> • High (0-5 years) 	<ul style="list-style-type: none"> • Planning Staff • P&Z • County Commissioners • Cities

		<ul style="list-style-type: none"> • Limit the number of small lots in any one area to avoid the potential conflicts associated with residential intrusion on agricultural operations. • Consider County Heritage Farm program, to honor and celebrate historic farms. • Collaborate with local cities to establish venues and businesses for local use of agriculture commodities, such as farmer's markets and community supported agriculture programs. • Support educational and economic development initiatives so new and existing farmers can continue to innovate and improve their operations. 		
4.2 Natural Resources/Special Lands:	Objective 1: Ensure citizens are informed and engaged about decisions related to natural and cultural resources.	<ul style="list-style-type: none"> • Ensure that new development, with a potential to impact the natural environment and resources of the County, provide required public noticing prior to integration into the County. • Collaborate with soil conservation districts, Idaho Department of Agriculture, U.S. Department of Agriculture (USDA) and Extension Services to educate the public regarding Best Management Practices. • Coordinate with Idaho Fish and Game (IDFG) and other appropriate agencies and organizations to manage hunting and fishing activities, to protect wildlife migration corridors and habitat. • Explore Certified Local Government (with Idaho State Historic Preservation Office) to enable establishment of a local preservation commission. 	<ul style="list-style-type: none"> • Low (10-20 years) 	<ul style="list-style-type: none"> • Planning Staff • P&Z • County Commissioners • USDA • IDFG
4.2 Natural Resources/Special Lands:	Objective 2: Support programs to ensure water quality, availability, and safety.	<ul style="list-style-type: none"> • Implement measures to assist in preventing and minimizing potential contamination to surface waters from septic systems. • Add zoning provision requiring developers/builders to provide improvements to assist in the protection of surface waters as a 	<ul style="list-style-type: none"> • High (0-5 years) 	<ul style="list-style-type: none"> • Planning Staff • P&Z • County Commissioners • IDEQ

		<p>condition of development within applicable areas.</p> <ul style="list-style-type: none"> • Preserve major surface waters by establishing and maintaining stabilized access points for waterways within the County. • Collaborate with Idaho Department of Environment Quality (IDEQ) on all developments in the county to ensure best practices will be utilized. 		
4.2 Natural Resources/Special Lands:	Objective 3: Protect County residents from both natural and human-induced hazards.	<ul style="list-style-type: none"> • Identify potential County-wide hazards, collaborate to prepare appropriate plans that identify methods to prepare, respond and recover. • Collaborate with federal and state agencies to protect and preserve environmentally sensitive areas. • Ensure that appropriate measures are implemented for development in areas with canals, steep slopes, high wildfire potential, and air quality concerns. 	<ul style="list-style-type: none"> • Low (10-20 years) 	
4.2 Recreation:	Objective 1: Promote a sustainable county-wide parks and recreation, open space, and waterways system.	<ul style="list-style-type: none"> • Develop a County-wide Parks and Open Space plan to address current and future needs, and identify strategies related to parks and recreation, natural and cultural resources, open space, and waterways. • Explore formation of a Recreation District to fund recommendations of the Parks and Open Space plan and provide ongoing recreation management. • Provide incentives to encourage landowners and/or developers to dedicate public easements or right-of-way, expand existing parks and open space opportunities and create new connections for trails and pathways. 	<ul style="list-style-type: none"> • Low (10-20 years) 	<ul style="list-style-type: none"> • Planning Staff • P&Z • County Commissioners

		<ul style="list-style-type: none"> • Support new programs for County youth, such as agricultural education, in collaboration with other community groups and local schools. • Actively seek various types of grant funding and other available sources to support recreation and conservation programs. 		
4.2 Recreation:	Objective 2: Ensure public land access and opportunities to recreate year-round.	<ul style="list-style-type: none"> • Collaborate with Federal and State agencies (IDFG, BLM, US Fish & Wildlife Service) and Tribes to coordinate public recreational use activities, as well as opportunities for enhanced habitat and wildlife preservation. • As part of County-wide parks and open space planning, identify recreational opportunities (trails, picnic areas etc.) and programs (winter sports activities, nature hikes etc.) that enhance use of public lands. • Collaborate with recreational users to determine appropriate regulations for trail use (motorized v. non-motorized, size of ATVs etc.). 	<ul style="list-style-type: none"> • Low (10-20 years) 	<ul style="list-style-type: none"> • Planning Staff • P&Z • County Commissioners • IDFG • BLM • US Fish & Wildlife • Citizens
4.2 Recreation:	Objective 3: Protect County waterways for habitat and wildlife preservation and as crucial recreational areas.	<ul style="list-style-type: none"> • Collaborate with appropriate agencies to identify opportunities for enhanced habitat and wildlife preservation and recreational opportunities. • As part of County-wide parks and open space planning, assess potential to improve access to county reservoirs, provide appropriate regulations regarding RV, camping and boat usage and address public concerns. 	<ul style="list-style-type: none"> • Low (10-20 years) 	<ul style="list-style-type: none"> • Planning Staff • P&Z • County Commissioners • US Fish & Wildlife
4.3 Land Use:	Objective 1: Enhance the County's rural environment and retain diverse agricultural uses and	<ul style="list-style-type: none"> • Implement the Future Land Use Map (FLUM) by amending the zoning ordinance and map where needed. • Evaluate the Zoning Code to reduce fragmentation of important agricultural lands and to direct residential development to Areas of City Impact 	<ul style="list-style-type: none"> • High (0-5 years) 	<ul style="list-style-type: none"> • Planning Staff • P&Z • County Commissioners • Tribes • Public Lands

	resource extraction industries	<ul style="list-style-type: none"> • Update the Zoning Code and Map to implement the FLUM allowing appropriate land uses outside of the Areas of City Impact. • Review design and development standards to ensure that there are adequate yard requirements between developable parcels. • Collaborate with Tribes and public land agencies on issues and concerns related to tribal and public lands. 		
4.3 Land Use:	Objective 2: Collaborate with cities to encourage industrial and commercial uses and residential subdivisions inside the Areas of City Impact.	<ul style="list-style-type: none"> • Update the Zoning Code to ensure a hierarchy of residential lot sizes, with the smaller lots and subdivisions permitted within Areas of City Impact. • Provide subdivision standards that allow for the future platting of larger lot subdivisions (within Areas of City Impact) to accommodate city sewer and water, as city limits expand. • Monitor growth and extension of urban services within Areas of City Impact to ensure that boundaries are appropriate. • Collaborate with economic development efforts to identify and support industrial parks and other large employment centers. 	<ul style="list-style-type: none"> • High (0-5 years) 	<ul style="list-style-type: none"> • Planning Staff • P&Z • County Commissioners • Planning Staff • P&Z • County Commissioners • Cities
4.3 Land Use:	Objective 3: Evaluate County regulations and policies to ensure fair and equitable provisions	<ul style="list-style-type: none"> • Enforce all zoning ordinances particularly those related to property maintenance, health, and safety. • Ensure that all Areas of City Impact agreements are current by establishing regular coordination meetings with City Councils and County Commissioners. • Evaluate the Zoning Code for consistent provisions regarding recreational vehicles and other alternative lodging types, including short term rentals. 	<ul style="list-style-type: none"> • High (0-5 years) 	<ul style="list-style-type: none"> • Planning Staff • P&Z • County Commissioners • Cities

5 Public Services, Facilities, Utilities, & Schools:	Objective 1: Support public services to meet the needs of a growing population.	<ul style="list-style-type: none"> • Evaluate impact of population growth on landfill, potential recycling programs and other appropriate measures to address capacity and environmental considerations. • Maintain serviceability of communication systems including broadband internet, telephone, and cable. • Ensure National Interest Electric Transmission Corridors (NIETC), as well as power and gas transmission corridors, are considered in land use planning decisions, and minimize the adverse impacts of transmission corridors in the County. • Encourage best practices for accessibility in public buildings and County facilities. 	<ul style="list-style-type: none"> • Low (10-20 years) 	<ul style="list-style-type: none"> • Planning Staff • P&Z • County Commissioners • NIETC
5 Public Services, Facilities, Utilities, & Schools:	Objective 2: Coordinate with public utility and service districts, as well as emergency services (i.e., sheriff, fire/ambulance districts, police) for future growth to enhance access and safety.	<ul style="list-style-type: none"> • Evaluate public safety (police, fire/EMT) service to remote areas of the County and assess levels of service for areas experiencing population growths. • Engage and invest in planning and maintenance of emergency preparedness and disaster response systems. • Collaborate with cities and special districts to consider efficiencies in consolidating services and jurisdictions. • Facilitate public and private partnerships, to address safety concerns related to canals, wildfire, and other natural resource related issues. • Add zoning provision to require adequate emergency vehicle access to new developments. 	<ul style="list-style-type: none"> • Low (10-20 years) 	<ul style="list-style-type: none"> • Planning Staff • P&Z • County Commissioners • EMS (Police, Fire, & EMT) • Cities
5 Public Services, Facilities, Utilities, & Schools:	Objective 3: Support the needs of County's youth through collaboration	<ul style="list-style-type: none"> • Coordinate with the school districts on population projections and potential land expansion needs, and the potential for school district consolidation. • Analyze the needs of districts' students for safe routes to school, in coordination with County cities and school districts, to examine and support 	<ul style="list-style-type: none"> • Low (10-20 years) 	<ul style="list-style-type: none"> • Planning Staff • P&Z • County Commissioners • School Districts

	with school districts.	<p>opportunities for expansion of bicycle and pedestrian paths that support students school access</p> <ul style="list-style-type: none"> • Encourage best practices for accessibility in public schools. 		
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APPENDIX A

Public Involvement Summary



Caribou County

2023 -2043 Comprehensive Plan



Caribou County Comprehensive Plan

Public Involvement Summary

Caribou County Comprehensive Plan

PUBLIC INVOLVEMENT SUMMARY

TABLE OF CONTENTS

Public Meeting Summary	3
Appendix A (Community Advisory Committee Notes).....	6
Appendix B (Public Event Materials)	41
Appendix C (Public Event Feedback)	46
Appendix D (Tax Mailers)	50
Appendix E (Survey Results)	55

INTRODUCTION

The public involvement process is characterized by communication with stakeholders that is early, continuous, meaningful, and inclusive throughout the life of the planning process. This Public Involvement Summary details how the County conducted public outreach and solicited public feedback on its comprehensive plan update.

These public involvement efforts provided public awareness, education and involvement, and reflected good stewardship from Caribou County to its community. Feedback from the public helped the planning team develop a comprehensive plan that not only addressed the character and future growth of the county, but also buy-in from the community.

PUBLIC INVOLVEMENT GOALS AND OBJECTIVES

The goal of public outreach process is to inform, educate, and solicit input regarding the update to the Caribou County Comprehensive Plan. In addition to public education efforts, Andrea Gumm from The Langdon Group (TLG), a subsidiary of J-U-B Engineers, facilitated stakeholder communication with the County to ensure input and concerns were addressed in a timely manner. JoAnna Ashley, Planning and Zoning Administrator, was the principal point of contact from Caribou County.

Key objectives of the public outreach process included:

- ✓ Providing complete, accurate and timely information regarding the planning process.
- ✓ Facilitating fair and constructive communication between the public and the County.
- ✓ Offering meaningful and accessible opportunities for participation preparing the Plan.
- ✓ Ensuring all feedback is reflected in the Plan, through appropriate modifications and as a summary of the public outreach process.

COMMUNITY ADVISORY COMMITTEE (CAC) MEETINGS

A Community Advisory Committee (CAC) was organized by the County to help facilitate information and input for the comprehensive plan update.

The first CAC meeting (November 8, 2021) introduced the CAC members to the planning process. TLG facilitated the meeting, reviewed issues previously collected, and introduced some of the initial data collection. In-person attendance included Andrea Gumm, Deputy Project Manager, and virtual attendance (Zoom or Teams) included Sheri Freemuth, AICP, J-U-B's Senior Planner and Project Manager. This hybrid approach allowed CAC members to choose the participation method which they were most comfortable. We committed to preparing agendas prior to all CAC meetings and notes to document meeting outcomes.

A second CAC meeting (January 31, 2022) was held to review and discuss Goals, Objectives, and Strategies for each of the key plan elements, and to plan for a Public Outreach event to ensure maximum participation and effectiveness. Andrea facilitated the meeting in person and Sheri attended virtually, along with one CAC member who participated online.

A third and final CAC meeting (June 22, 2022) took place regarding the plan element content, including the FLUM, encouraging dialogue around proposed land development patterns, future growth, and community impacts. The CAC also provided guidance regarding materials presented at Summer 2022 Public Outreach events.

Copies of meeting minutes for all CAC meetings are included in Appendix A.

PUBLIC EVENTS

TLG coordinated and facilitated an in-person public event on April 13, 2022, at Tigert Middle School in Soda Springs, Idaho. The event showcased information on the planning process, an issues map for commenting, and an interactive activity to solicit feedback on Goals, Objectives and Strategies' for the plan. Approximately 50 community members attended the meeting. This event was advertised via press release/article in the Caribou County Sun, flyers hung up around town in key locations, social media/webpage posts and utility mailing notices. The County assisted in the logistics/set up of the event and online advertising. TLG developed all meeting and promotional materials with coordination with the County, and both Sheri and Andrea attended the event in-person.



Copies of event display boards and sign in sheet is included in Appendix B.

County staff conducted similar meetings in Grace, Bancroft and Wayan in the following month. ***Feedback from those events is included in Appendix C.***

Caribou County staff also obtained a booth for the 4th of July event in Soda Springs, Pioneer Day Celebration in Bancroft, and County Fair in Grace. The booths included the Draft FLUM, as well as handouts and comment cards.

The final phase of the planning process is scheduled to be presented as the final version of the updated Comprehensive Plan at public hearings before the Planning and Zoning Commission and the Board of Caribou County Commissioners. The County will lead the public hearing phase.

COUNTY-WIDE MAILER & SURVEY

TLG developed a mailer to include in both semi-annual tax assessments to inform all property owners of the process and to encourage their participation. The first mailer (November 2021) described the purpose and use of Comprehensive Plans, the project timeline, and how to join the interested parties list. A link to a community survey regarding input needed for the updated plan, was also provided; TLG and the county worked in coordination to develop survey questions. The second mailer (June 2022) provided project updates, presented the summer public event details and other ways to engage in the process.

Copies of mailers are included in Appendix D.

Survey results are included in Appendix E.

WEBPAGE & SOCIAL MEDIA SUPPORT

The county initiated and hosted a webpage with information on the planning process, outreach opportunities, and contact information for the public if they would like to give input or ask questions. Throughout the planning process TLG provided the county with updated information for the county's planning webpage. The county managed all content, design and updates to the website

TEAM COORDINATION & COMMUNICATION

Throughout the planning process, Sheri and Andrea attended team meetings (prepared agendas, provided facilitation and meeting notes) and participated in other conference calls as needed. TLG reported on public involvement activities, upcoming tasks and any immediate stakeholder needs and issues. TLG and J-U-B also coordinated with the county and project team outside of team meetings, as needed.

KEY CONTACTS

CARIBOU COUNTY

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THE
LANGDON
GROUP
a J-U-B Company



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COMMUNITY ADVISORY COMMITTEE (CAC) MEETING #1 NOTES

NOVEMBER 8, 2021 6:30 – 7:30 P.M.

County Courthouse – downstairs conference room/with virtual option

JoAnna Ashley, Caribou County Planning and Zoning Administrator, welcomed attendees in person and on-line. She provided a short background on the need for a comprehensive plan and introduced J-U-B planning consultants, Andrea Gumm from Pocatello attending in person and Sheri Freemuth from Boise attending via Zoom.

Andrea thanked JoAnna and also welcomed the group. She drew their attention to the printed meeting agenda and attachments (tax mailer and public involvement plan)

The objectives for this first of three meetings with the CAC are to:

- Understand the purpose and impact of the Comprehensive Plan Update for Caribou County.
- Clarify roles and responsibilities of CAC members and planning team.
- Gather input in the formation of goals for Caribou County.

1 Introductions

- a Caribou County – JoAnna Ashley
- b J-U-B Engineers – Andrea Gumm, Sheri Freemuth
- c CAC members –
 - Rod Worthington
 - Grant Roper
 - Chad Gentry
 - Mark Kirby
 - Ron Myers
 - Larry Simmons
 - Jordan Stoddard
 - Aaron Ozburn
 - Bonnie and Corey Pantuso
 - Linda Hubbard
 - Wes Lundt
 - Alan Skinner
 - Chris Leatherman
 - Bryce Griffiths

2 Plan Process – Sheri Freemuth

- a Goal of the Comprehensive Plan Update process is to create a functional and accessible document that complies with the State of Idaho Local Land Use Planning Act (Section 67-6508), serves current and future residents, and guides Caribou County's decision makers and professional staff
- b Phases, Tasks & Milestones
 - i. **Phase I: Plan Initiation** *September – December 2021*
 - Public Involvement Plan

- County Wide mailer with survey link
- CAC meeting #1 (process, issues, focus areas)
- Existing Conditions and Data Collection
- ii. **Phase II: Plan Analysis** *January - April 2022*
 - CAC Meeting #2 (goals, objectives, strategies; prep for public outreach event)
 - Public Outreach Event – (process, analysis, issues, goals, objectives)
 - Prepare preliminary plan elements: population, land use, agriculture, economic development, natural resources/hazardous areas.
- iii. **Phase III: Plan Preparation** *May - December 2022*
 - County Wide Mailer
 - CAC Meeting #3 (review materials for 3 local, public events in July)
 - Draft FLUM and Draft Goals, Objectives, and Strategies
 - Draft Plan to reflect public comments
- iv. **Phase IV: Plan Adoption** *October – December 2022*

3 Project Responsibilities/Planning Team & CAC Roles

- a **Planning Team:** Sheri explained that J-U-B would be working directly with JoAnna over the life of the project, however as needed support from a small team from the County may be necessary. JoAnna said Jacob Farnes, IT/GIS Director, Wendy Pelayo Planning and Zoning Commission Chairwoman, and Marty McCullough County, Commissioner would be meeting with J-U-B every other month to ensure the project is on track. They have had one meeting to discuss project kickoff including formation of the CAC, the details of the public involvement plan, and the content of the mailer.
- b **Expectations for CAC members during and between meetings:** Andrea explained that the CAC is really the eyes and ears of the planning process, and we will be looking to the CAC to bring a local perspective to this important work. There are just two more meetings of this Committee, but there will be some homework between meetings. It will also be important that the CAC helps publicize our upcoming public outreach events as well as attend those events.
- c **Importance of CAC input and role in the Comprehensive Plan Process:** Andrea explained that we need the CAC's perspective before and after our efforts to reach out the public. The CAC's can assist in encouraging folks to participate, and we will need the CAC's support in reaching consensus on some issues. A CAC member asked whether everyone understood what a comprehensive plan is? A participant answered that it is a guide for the future that the County tries to use for decision making. JoAnna clarified that compliance with the Comprehensive Plan is a finding for land use decision. Sheri stated that State Code requires that zoning regulations are in accordance with the Comprehensive Plan.

4 Issues and Concerns - All

- a **Issues Activity** – The CAC was asked to put stickers on flip charts* to indicate level of concern by topic. The topic areas loosely represent the key components of Idaho Code for Comprehensive Plan elements:

- b **Deeper Dive** – The CAC was then asked to add notes regarding specific issues and concerns for each topic areas.

**A virtual form of these activities was provided for the two on-line participants.*

DISCUSSION: A participant asked why Private Property Rights was not on a topic area. JoAnna explained that there will be a Private Property Rights element at the beginning of the plan (with the Attorney General’s checklist as an appendix) as it applies to all elements.

Another participant asked whether Transportation/Airports meant that airports would be the focus of the transportation element? JoAnna clarified that they are two separate elements that were grouped together for the purpose of the activity. Transportation will include mainly a discussion of roads, but rail lines and airports will be discussed.

JoAnna also read the State Code sections relative to other elements including Natural Resources, as well as Special Areas and Sites. She indicated that as the plan is developed some components would likely be grouped together and some components may not apply.

Images of the scoring sheets and recording of the Zoom attendant survey can be viewed at these links:

["CAC Meeting 1 11-8-21 Scoring Results.pdf"](#)

["CAC Meeting 1 11-8-21 Scoring Results from Zoom Attendants.pdf"](#)

5 **Next Steps – Andrea Gumm**

a **Questions and Comments?**

A CAC member asked about the timeline for when the group would see and work on the Future Land Use Map (FLUM). JoAnna explained that we will start with the zoning map and the GIS team will begin to assemble a working land use map. The CAC will review it this spring in advance of any public meeting to ensure we are on the right track.

The group agreed that a text from JoAnna would be helpful for meeting reminders and other important information. Some of the participants found their invitation email in their spam folders.

b **Action items:**

- Provide feedback to JoAnna on survey questions by COB 11/9/2021
- Watch for mailer and complete survey

c **Schedule for Future CAC Meetings and Emails**

- CAC #1 – 11/8/21
 - a. CAC homework: encourage survey respondents
- CAC #2 - Jan – Apr 22 (GOS; prep for public event)
 - a. Public Event #1 – Jan – Apr 22
 - b. CAC homework: review public event meeting notes/results
- CAC #3 – May – June (review Pre-Draft FLUM)
 - a. CAC homework: encourage attendance review of Draft FLUM/GOS
 - b. Public Events #2, #3 and #4 (July)

- c. CAC homework: review results of July public outreach
- d. Public Hearings Oct/Dec (CAC attends!)

Discussion pertaining to property owner rights:

Protection of individual property rights is important to Caribou County's residents, as is encouraging quality development that protects and respects private property rights.

Evaluation of new ordinance proposals and development reviews subsequent to the adoption of this plan ensure that land use policies, restrictions, conditions and fees do not violate private property rights. In accordance with the attorney general's checklist criteria, Caribou County will ask the following questions prior to any land use action:

1. Does the regulation or action result in the permanent or temporary physical occupation of the property?
2. Does the regulation or action require a property owner to dedicate a portion of
3. property or grant an easement?
4. Does the regulation deprive the owner of all economically viable uses of the property?
5. Does the regulation have a significant impact on the landowner's economic interest?
6. Does the regulation deny a fundamental attribute of ownership?
7. Does the regulation serve the same purpose that would be served by directly prohibiting the use or action; and does the condition imposed substantially advance that purpose?

CARIBOU COUNTY COMPREHENSIVE PLAN

COMMUNITY ADVISORY COMMITTEE (CAC): MEETING #2

MEETING MINUTES

CAC Meeting #2 objectives:

- Share feedback on public survey.
- Identify Goals/Objectives/Strategies.
- Discuss upcoming Public Outreach Event.

1 Attendees

- a Caribou County
 - a. JoAnna Ashley
- b J-U-B Engineers
 - a. Andrea Gumm
 - b. Sheri Freemuth
- c CAC members
 - a. Linda Hubbard
 - b. Rod Worthington
 - c. Chad Gentry
 - d. Alan Skinner
 - e. West Lunt
 - f. Ron Meyers
 - g. Chris Leatherman
 - h. Bryce Griffiths
 - i. Larry Simmons
 - j. Aaron Ozburn
 - k. Bonnie and Corey Pantuso
 - l. Nolan Koller
 - m. Blaire Rindlisbaker

2 Survey Results Overview – JoAnna Ashley

See attached report for an overview of the public survey.

3 Goals/Objectives/Strategies Exercise – Sheri Freemuth, Andrea Gumm

Sheri reviewed the purpose of Goals, Objectives and Strategies to the comprehensive plan process. The group reviewed a list of challenges (generated from the public survey and first CAC meeting) and added to/refined the list. The challenges were sorted by plan element. The group then worked through the initial stages of identifying goals and objectives by plan element.

See attached PowerPoint slides for the list of challenges by plan element.

4 Public Outreach Event – Andrea Gumm

The CAC discussed the timing, advertising and activities for the public outreach event. The group came to consensus on April 13 or 27 depending on venue availability (middle school commons – 4:30-7:30 p.m.) The CAC expressed interest in ensuring the event is advertised in a variety of ways to reach those outside city limits, as well as providing the event information to surrounding counties and electronically in case people cannot attend. JoAnna plans to promote the meeting around the County, as well as neighboring jurisdictions, in person, by email and on the website. JoAnna will also follow up with presentations within various towns in the County, in

late April and May, using the materials prepared for the Soda Springs event. The presentation materials will also be hosted on the website for those unable to attend meetings in person.

The public outreach event will provide the following information to the public:

- a. Comprehensive Plan Basics
- b. Existing conditions (charts, maps)
- c. Initial Goals/Objectives/Strategies
 - i. Solicit feedback from participants on goals/objectives/strategies
- d. Map of county
 - i. Solicit geographic-based comments from participants
- e. Process/Timeline
- f. Future opportunities to provide feedback

5 Next Steps – *Andrea Gumm*

Andrea asked participants to watch for information on the public outreach event and distribute the information to their networks.

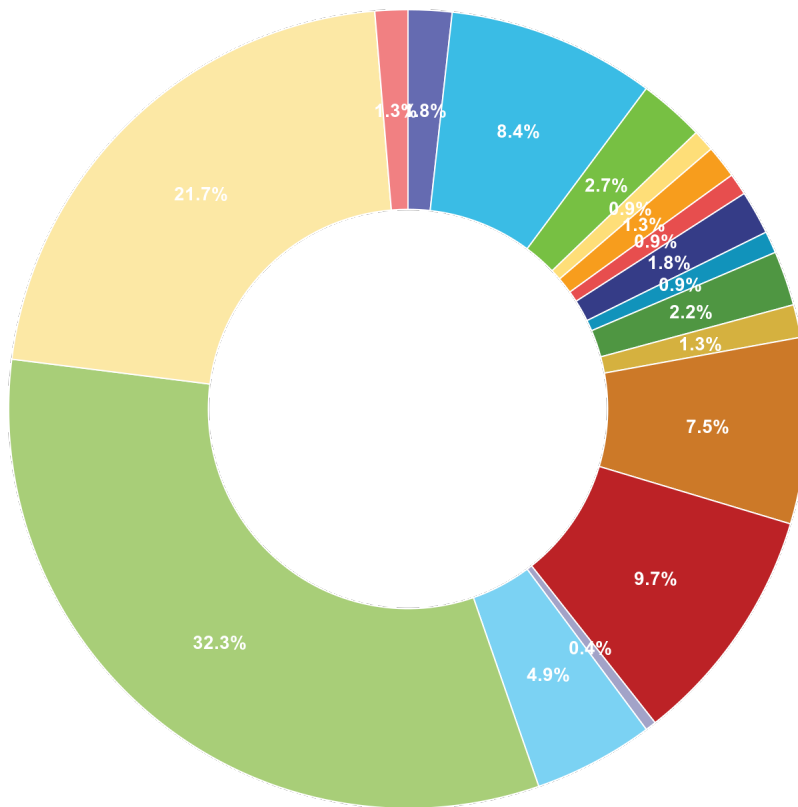
The CAC will meet again in May/June to review feedback from the public outreach event and review a pre-draft of the FLUM.



Caribou County Comprehensive Plan

Welcome to the Caribou County Comprehensive Plan Survey! Your answers are anonymous so please feel free to share your genuine opinions regarding the questions. We appreciate your participation!

Q1 What area of the County do you live?*

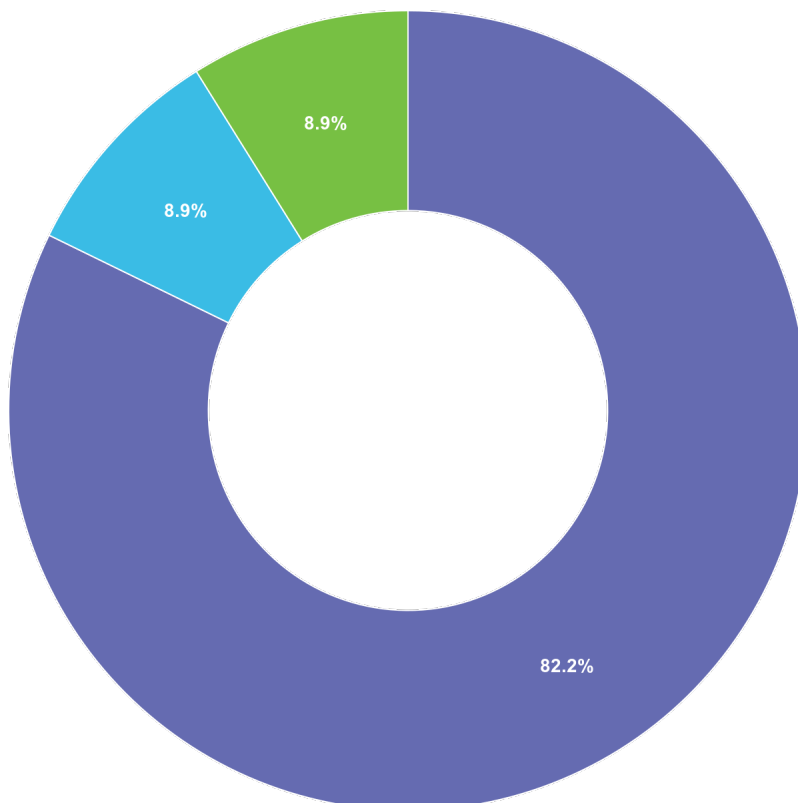


Answered: 226 Unanswered: 0




Choice	Total
I don't live in the County but would like to move here	4
I don't live in the County but have land/assets within the County	19
I don't live in the County but am employed by an entity in the County	6
Auburn	2
Bancroft - In City Limits	3
Blackfoot Harbor/Dike Area	2
Bancroft - Outside City Limits	4
Central/Lund	2
Chesterfield	5
Freedom	3

Choice	Total
Grace - In City Limits	17
Grace - Outside City Limits	22
Henry	1
Niter	11
Soda Springs - In City Limits	73
Soda Springs - Outside City Limits	49
Thatcher	0
Wayan	3

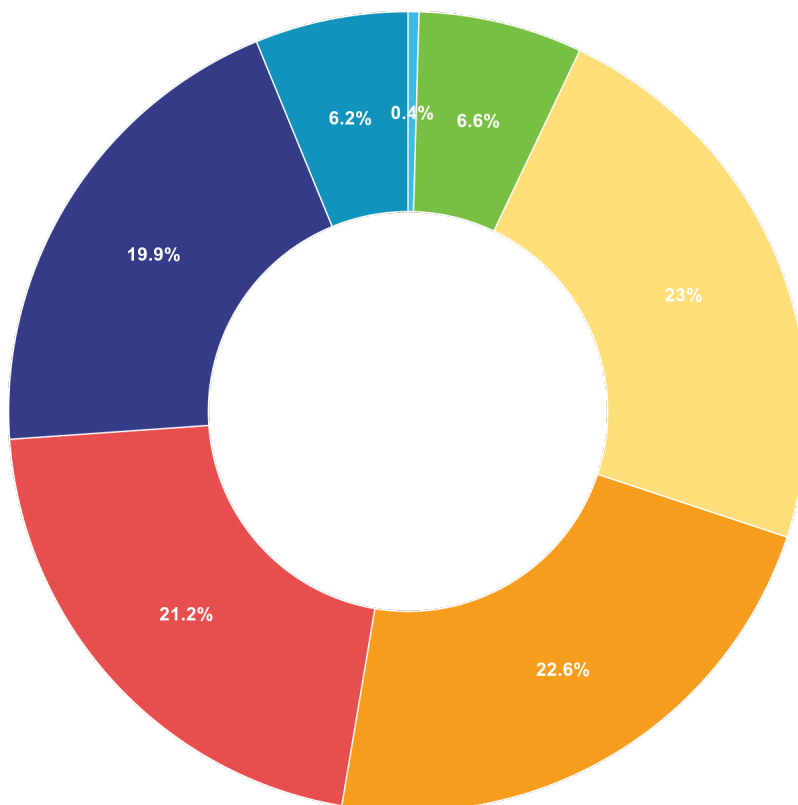
Q2 Which most closely describes your residency in the County?



Answered: 225 Unanswered: 1

Choice	Total
 Permanent (year-round)	185
 Part-time	20
 Not a resident, but a property owner	20

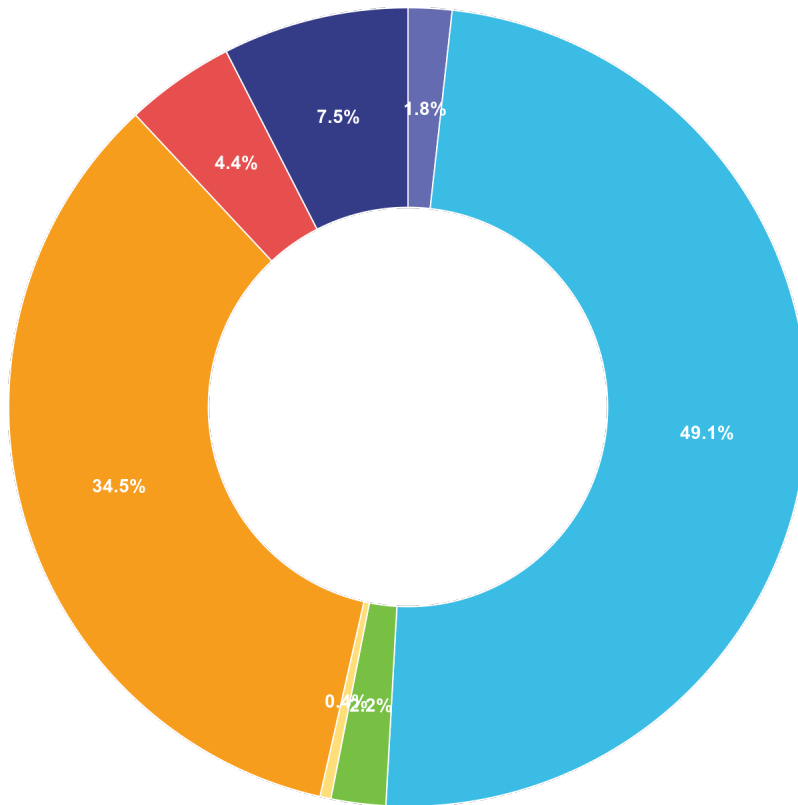
Q3 What is your age?



Answered: 226 Unanswered: 0

Choice	Total
 90+	0
 80-89	1
 70-79	15
 60-69	52
 50-59	51
 40-49	48
 30-39	45
 18-29	14

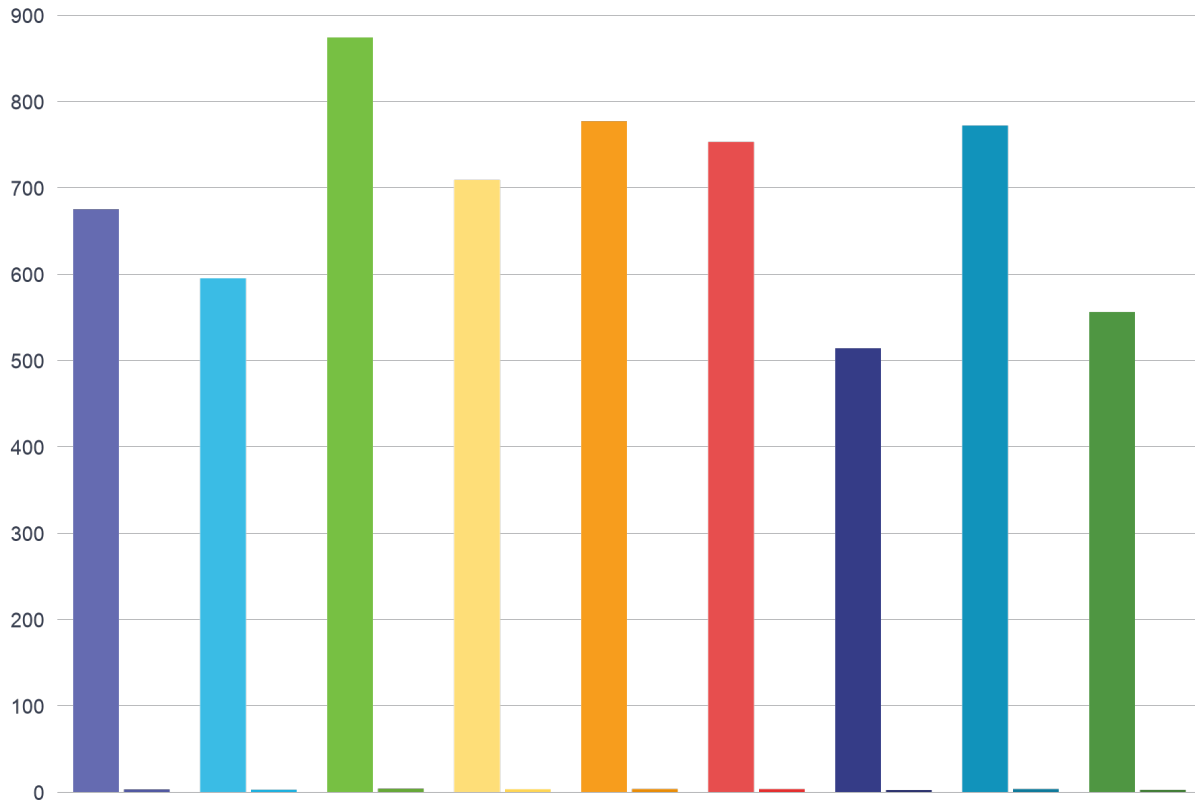
Q4 Where do you go for most of your goods and services?









Answered: 226 Unanswered: 0

Choice	Total
Grace	4
Soda Springs	111
Logan	5
Preston	1
Pocatello	78
Online	10
Other, please specify	17

Q5 Tell us what you value most:*

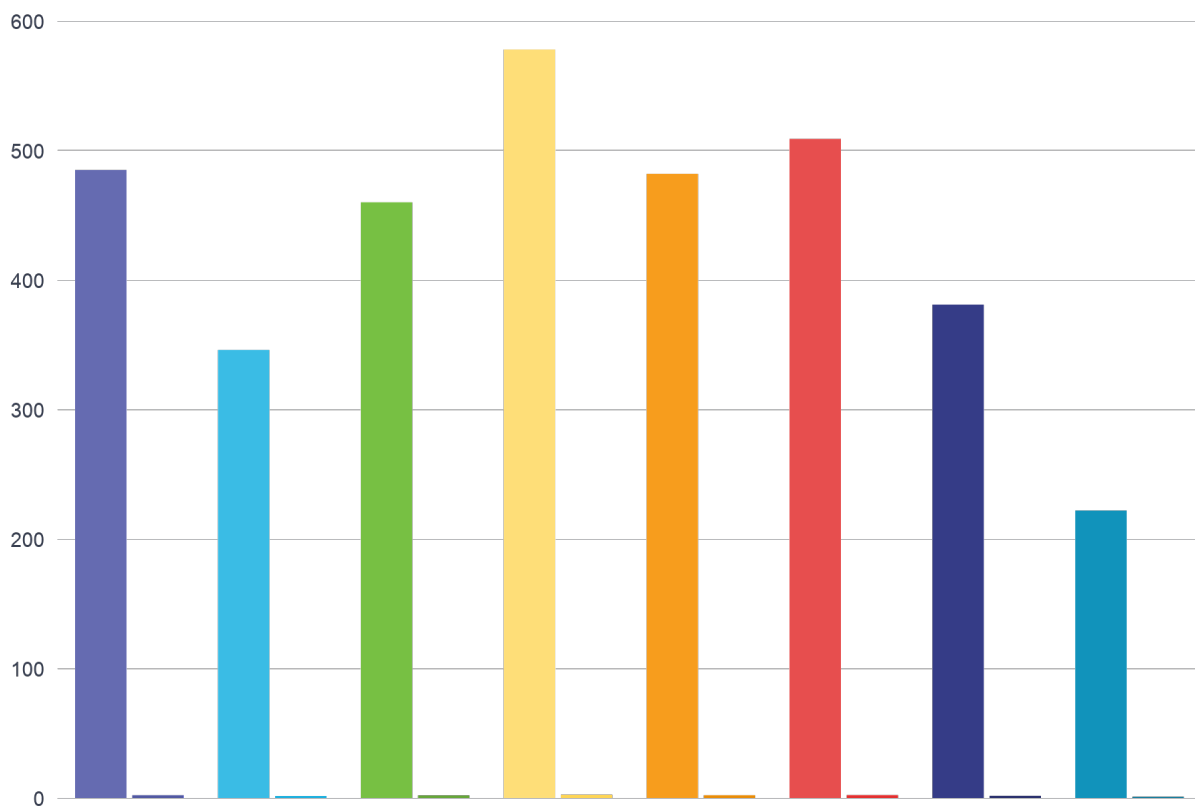


Answered: 226 Unanswered: 0









Choice	Score	Average
 Housing Affordability	675	2.99
 Convenience; easy to get from home to school/work/shopping etc.	595	2.63
 Scenery; farms, mountains, rivers, etc.	874	3.87
 Friendly people, knowing neighbors	709	3.14
 Slower pace of living, (less traffic)	777	3.44
 Proximity to outdoor recreation	753	3.33

Choice	Score	Average
Variety of businesses	514	2.27
Place to raise a family	772	3.42
Opportunities for Education	556	2.46

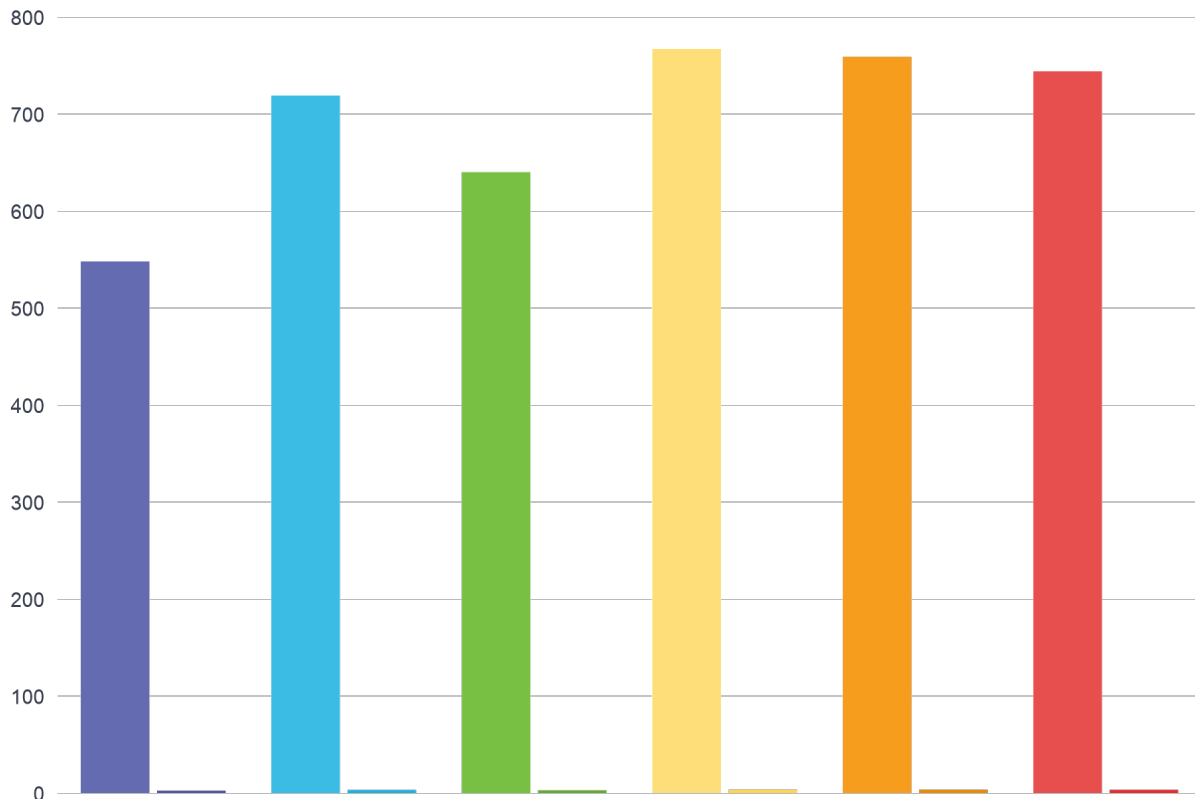
Q6 Housing is a local challenge. What types of housing would you support in YOUR area?*









Answered: 226 Unanswered: 0

	Choice	Score	Average
	Accessory dwelling units (sometimes called "mother-in-law apartments")	485	2.15
	Manufactured home community	346	1.53
	Multi-family units (i.e. apartments, condos)	460	2.04
	Develop farmland outside but close to cities that use individual wells and septic systems	578	2.56
	Develop farmland outside but close to cities that use community sewer and water	482	2.13
	Rural subdivisions near other subdivisions that are not close to town	509	2.25
	New trends in housing, - e.g. tiny houses, modular units	381	1.69
	Other - please specify in the comments	222	0.98

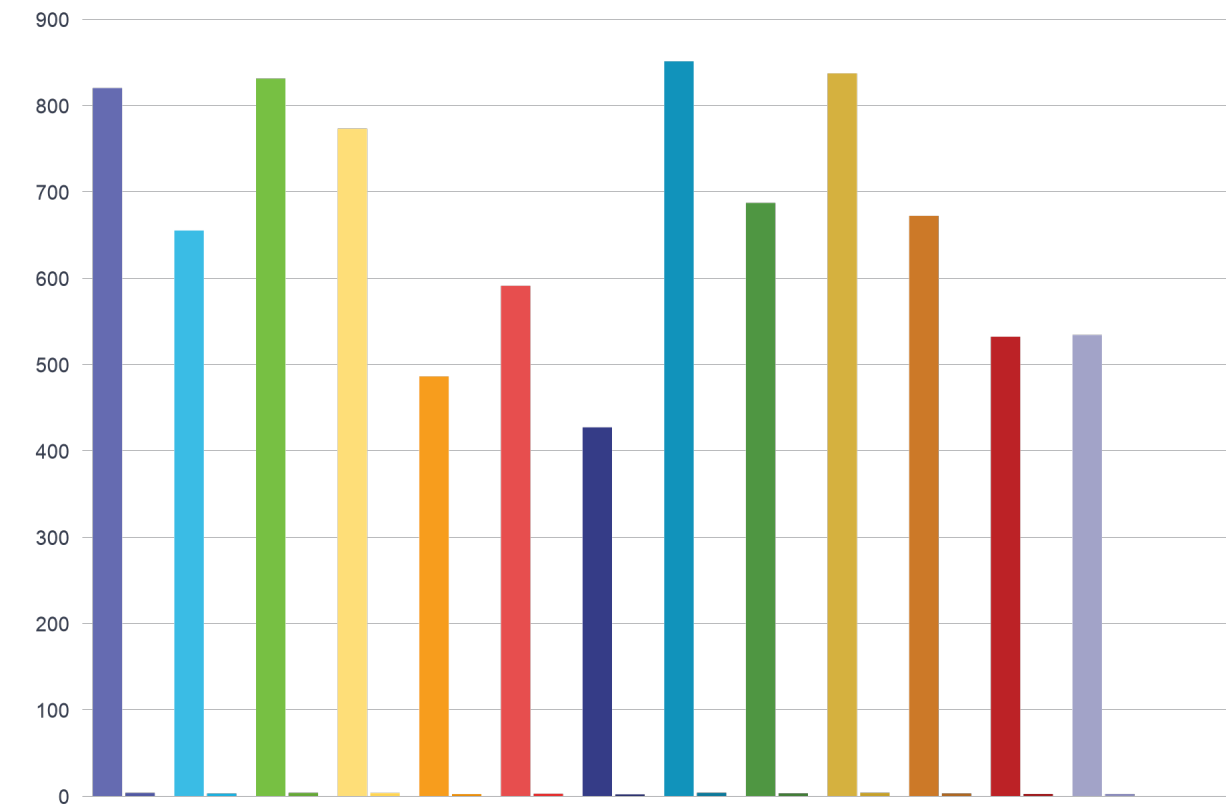
Q7 Rate the adequacy of the services available where you live:



Answered: 225 Unanswered: 1









Choice	Score	Average
 High speed internet	548	2.44
 Cell phone service	719	3.2
 Winter maintenance of roadway	640	2.84
 Sheriff/Police	767	3.41
 Fire Resposne	759	3.37
 EMS/Ambulance	744	3.31

Q8 Much of Caribou County is rural in nature. In an "ideal" rural landscape, how important is it to have the following elements?

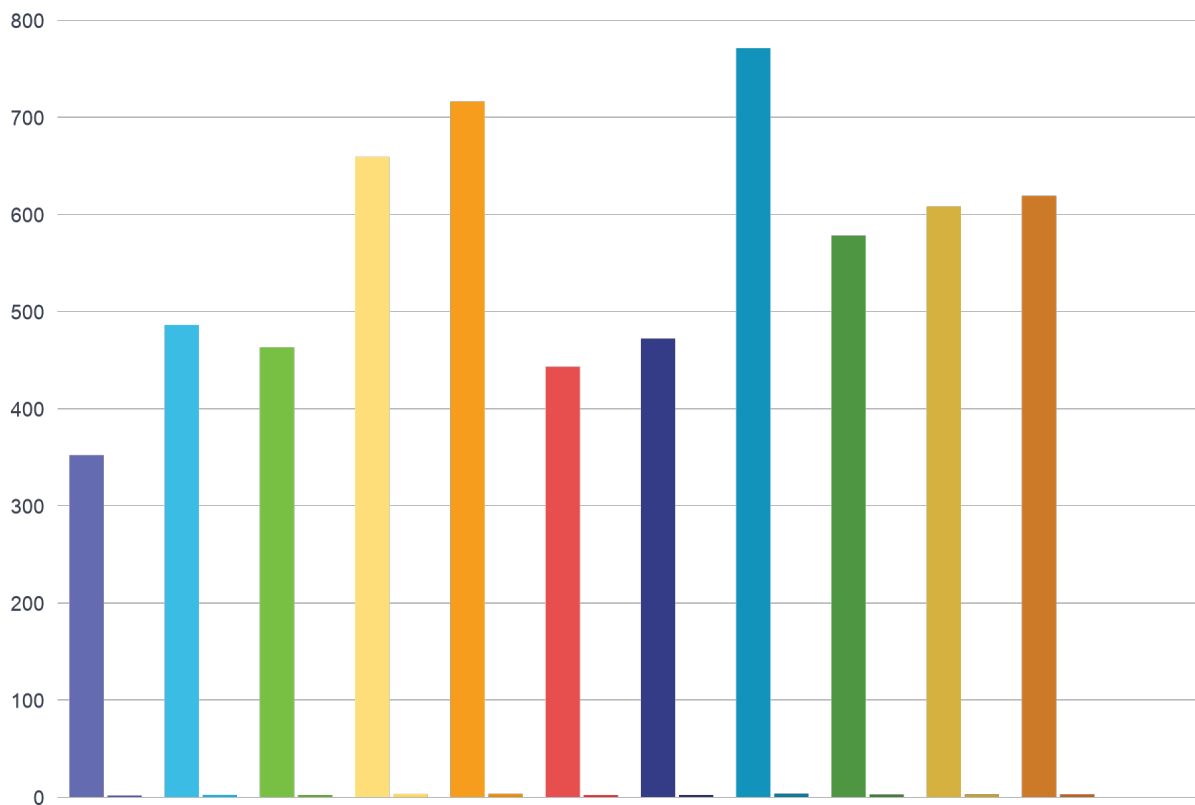


Answered: 225 Unanswered: 1

Choice	Score	Average
<div><div></div>Houses spread apart</div>	820	3.64
<div><div></div>Non-farm buildings do not dominate the landscape</div>	655	2.91
<div><div></div>Farm fields and gardens</div>	831	3.69
<div><div></div>Livestock and grazing</div>	773	3.44
<div><div></div>Power lines and wooden power poles</div>	486	2.16

Choice	Score	Average
 Farm-style fences	591	2.63
 Narrow roads	427	1.9
 Forests	851	3.78
 Sagebrush hills	687	3.05
 Birds and wildlife	837	3.72
 Local artifacts (old homesteads, signs, etc.)	672	2.99
 Residential development	532	2.36
 Commercial areas	534	2.37

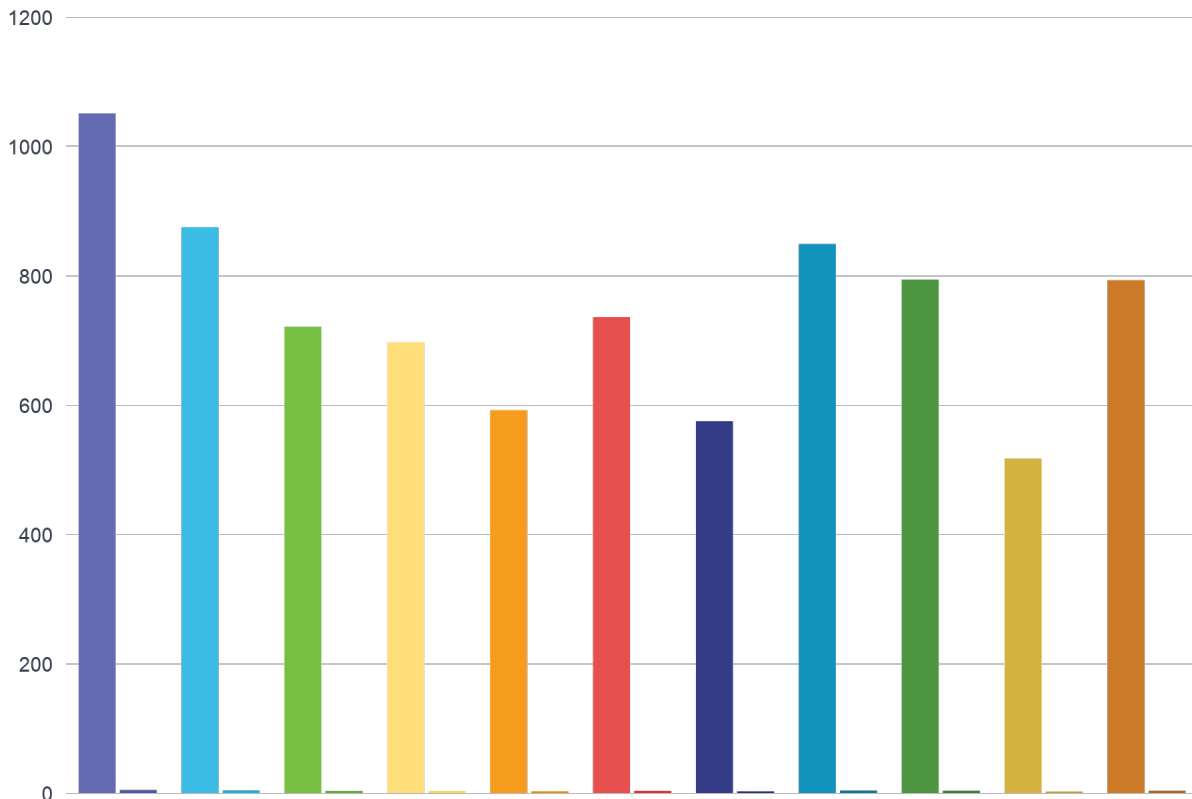
Q9 What is your opinion regarding businesses in Caribou County and business growth?



Answered: 225 Unanswered: 1

Choice	Score	Average
 We do not need anymore businesses	352	1.56
 We need more over-night accommodations such as hotels and motels	486	2.16
 We need more RV and Camping businesses	463	2.06
 We need more manufacturing type businesses	659	2.93
 We need more shopping and retail such as clothing, household, etc.	716	3.18
 We need more service based businesses such as salons,	443	1.97
 We need more daycares	472	2.1
 We need more restaurants and fast food options	771	3.43
 We need more professional service offices such as counseling, attorneys, surveyors, etc.	578	2.57
 We need more construction contractors	608	2.7
 We need more entertainment based businesses	619	2.75

Q10 Please score the following categories for their level of importance to you:



Answered: 224 Unanswered: 2

Choice	Score	Average
<div></div> Natural Resources - such as rivers and other waters, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds	1051	4.69
<div></div> Recreation - such as recreation areas, including parks, parkways, trailways, river bank greenbelts, beaches, playgrounds, and other recreation areas and programs	875	3.91
<div></div> Economic Development - new businesses, industry, employee base, growth, wages, etc.	721	3.22
<div></div> Housing - availability, location, type	697	3.11
<div></div> Transportation - this includes highways, railways, airports, pedestrians, accessibility, conflict areas	592	2.64

Choice	Score	Average
 Schools - capacity, future development, transportation, etc.	736	3.29
 Land Use/Community Design - designating areas of use in the County, landscaping, building design, signs, suggested patterns and standards of design	575	2.57
 Agriculture - ag base, farming activities, supporting businesses, ag use	849	3.79
 Public Facilities, Services & Utilities - this includes plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and fire fighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services	794	3.54
 Hazardous Areas - manmade or natural	517	2.31
 Special Areas & Sites - areas, sites, or structures of historical, archeological, architectural, ecological, wildlife, or scenic significance	793	3.54

Q11 What changes in the County in the last 10 years are you most PROUD of, and why?

Saturday, January 1, 2022, 4:24 AM UTC

I haven't seen many changes in the last 10 years, except I enjoy the "rural" undeveloped area we live in.

Friday, December 31, 2021, 4:01 AM UTC

Nice new homes in rural areas

Slightly more paving county roads

Tuesday, December 28, 2021, 7:00 PM UTC

I am a new property owner, just this year

Monday, December 27, 2021, 5:17 PM UTC

- 1) The County gifted the Enders Hotel which now seems to have become a monkey on their back. What? Why? no a priority concern? for almost 2 years now? The mines need to fund it!
- 2) The development of the Hooper Springs park area.
- 3) The preservation and display of the arrowheads etc. in the Courthouse.
-

Thursday, December 23, 2021, 10:40 PM UTC

Growth in City limits of Grace. Not happy with the prices of homes and taxes to live inside city limits.

Answered: 111 **Unanswered:** 115

Q12 What changes in the County in the last 10 years are you most CONCERNED with, and why?

Saturday, January 1, 2022, 10:40 PM UTC

Too much growth, not leaving enough open land space to preserve the farmland and country

Saturday, January 1, 2022, 4:48 AM UTC

WATER

Schools - I know the schools enrollment has increased this year and our school system will not be able to handle too much more without doing major bonds.

Our city's infrastructure is currently outdated and they are working on it a little bit at a time and that is all they can handle at the moment.

Saturday, January 1, 2022, 4:24 AM UTC

I'm very concerned about a multi-county landfill. I'm totally fine with a Caribou County Landfill at the predesignated site, however I'm totally against multi-counties bringing their trash here. I feel I was side-blinded about this issue and there wasn't enough public notices and time for residents to thwart this initiative.

I love living here in Caribou County as it is. I'm totally against further residential development because I and many other residents I speak with do not want this place to look or come close to Star Valley Wyoming. I think we all agree we are on the brink of becoming Star Valley. Me and others enjoy this area because of the low population, quaintness, ruralness and peacefulness. More people equals more problems to areas like here.

I'm also concerned about tourism, say for example attracting people here for recreational opportunities. Talk to the residents of Bear Lake County and most local residents will all say they hate the tourism that was promoted in their county and totally regret having promoted such. I have personally witnessed the turmoil in that county as a result of tourism.

Friday, December 31, 2021, 4:01 AM UTC

40 acre zoning requirement for selling property is ridiculous

Tuesday, December 28, 2021, 7:52 PM UTC

I am concerned with the over-development of the county and the perception that more of that is beneficial.

Answered: 138 Unanswered: 88

Q13 Any additional thoughts, ideas or concerns you would like to share with us?

Saturday, January 1, 2022, 4:48 AM UTC

The year round citizens of our neighboring communities (Bear Lake County, Star Valley & Lava) do not like all of the attention that their community gets during the peak seasons. The visitors ruin alot for the residents. I do not want to see that happen to our community. Visitors are hard, look at the fences placed on Alexander. If you watch, you will see most license plates are not from 3C, We used to go camping and play at the reservoir on a weekday and see very few people. We could go anytime. Now, you can't even find a place to camp or park. Never on weekends. Since they are not local, they usually leave more trash and they don't follow the rules, because they don't care. It is the locals who pay the price and lose privileges. We do NOT want that here! I have always wondered why Bear Lake has more retail shops than Soda Springs has, I think the locals will travel out of town regardless of what retail is here, because that is there "out". You have a favorite store or restaurant, so you go and do all that you can.

Friday, December 31, 2021, 4:01 AM UTC

It's a pretty nice place to live

Tuesday, December 28, 2021, 7:52 PM UTC

It would be nice to have a county recycling program. At the very least, it would be nice to have recycling drop-off locations in Grace and Soda Springs.

Tuesday, December 28, 2021, 7:00 PM UTC

None

Monday, December 27, 2021, 5:17 PM UTC

I don't believe my voice in any of this survey (or most other peoples) is or has made much difference in my LIFETIME, THEY ask, THEY listen, THEY beat things around, THEY make it look like it's all about US, then THEY act at their discession, anyway it benefits the "County Coffers" in the end, The mines support this County ROYALEY - and the citizens still dig it out of THEIR POCKETS. In Tygee Valley, Idaho the profits of the mines has not done anything for the residents other than what the County would have been obligated to do anyway.

I just read an article about some mines recycling slag - can the phosphate mine recycle all those eyesore slag piles?

And lastly: DEDICATED

Why are the "traffic enforcement" FINES over a four month period to going to pay for the 25% BYT THE CITY for the \$54,215.00 grant that Mayor Robinsons is so "complimentary" of the police depts. efforts seeking that grant? (the citizens again!) Again where is all the \$\$\$\$ generated to the "County by the mines going?

"Thanks" for the opportunity to input.

Comments from other portions of the survey:

RE; What area of the County do you live? Auburn AKA TYGEE VALLEY, IDAHO (not TYHEE)

RE: Rate the adequacy of the services available where you live:

Winter maintenance of roadway - We need 24-7 EXCELLENT attention w/ all the mine traffic - a car went off the bank into the ditch Thursday Dec. 9, 21 for lack of adequate sand or salt on road and that was our first light snow storm.

Sherriff/Police - Never see one unless he's on "official" business to Tygee Valley, ID. AKA. Auburn. We DESPERATELY NEED AT LEAST A "POLICE PRESENCE" to enforce the miners speed limits and the huge oversize loads goin to and from Simplot in violation of oversize laws - no flag vehicles and other requirements.

Fire Response & EMS/Ambulance: if we needed either they would probably arrive TOO LATE owing to distance.

Answered: 107 **Unanswered:** 119



3 | GOALS, OBJECTIVES, & STRATEGIES

SHERI FREEMUTH





LIST OF CHALLENGES

- ★ Balance new growth and development with maintaining a rural lifestyle.
- ★ Conserve the County's natural resources (fields, forests, sagebrush hills, riparian areas, wildlife).
- ★ Provide public safety (police, fire/EMT) for remote areas of the County to support growing population.
- ★ Improve winter maintenance of roadways.
- ★ Support improved cell service and technology resources throughout the county.
- ★ Encourage cooperative relationship between mining and other land uses
- ★ Evaluate options for waste disposal and consider adding recycling opportunities
- ★ Manage tourism activities to support County residents and reduce conflicts amongst users.
- ★ Provide more recreational uses and amenities (trails, youth activities...).
- ★ Encourage new shops, entertainment and eating establishments in local cities.
- ★ Support more manufacturing and job opportunities for current residents.
- ★ Support local cities as they address aging infrastructure.
- ★ Support school districts to ensure adequate facilities for current and future students.
- ★ Ensure that residential development does not restrict agricultural use.
- ★ Preserve open space and landscapes.
- ★ Preserve cultural resources, including historic farms.
- ★ Enhance existing recreation areas (Hooper Springs etc.)?
- ★ Preservation and Display of Arrowheads at Courthouse?
- ★ Work with cities to encourage commercial uses and residential subdivisions (where public services are provided).
- ★ Ensure adequate and diverse housing in local cities or within areas that already have residential subdivisions.
- ★ Ensure growth and development allows and promotes access to public lands.
- ★ Encourage more diverse housing opportunities within local cities.



DO WE HAVE OTHER CHALLENGES OR CONCERNS?

★ *Together we will:*

- Review draft challenges from survey results
- Invite CAC members to share feedback
- Revise list
- Begin Goal, Objective and Strategy process



CHALLENGES BY COMPONENT

LAND USE

GOAL: Balance new growth and development with maintaining a rural lifestyle.

OBJECTIVE: Encourage cooperative relationship between mining and other land uses

OBJECTIVE: Encourage new shops, entertainment and eating establishments in local cities.

OBJECTIVE: Ensure that residential development does not restrict agricultural use.

OBJECTIVE: Preserve open space and landscapes.

Ensure adequate and diverse housing in local cities or within areas that already have residential subdivisions.

AGRICULTURE

GOAL: Maintain agricultural operations in the county without restricting highest and best use of land.

Ensure that residential development does not negatively impact agricultural use.

Preserve open space and landscapes.

Preserve cultural resources, including historic farms.

Address transportation impacts for farming equipment and operations.

Consider effects to groundwater use and sewer impacts with new development (availability and quality)

Correlate farm ground quality/water availability to new development (conditional uses)



CHALLENGES BY COMPONENT

NATURAL RESOURCES/SPECIAL AREAS

GOAL: Conserve the County's natural resources (fields, forests, sagebrush hills, riparian areas, wildlife).

Preserve open space and landscapes.

Preserve cultural resources, including historic farms.

Preservation of public access rights to recreation and natural resource areas.

Address Water concerns (quality, availability, safety)

Consider Hunting/Fishing

Preservation and Display of Arrowheads at Courthouse?

RECREATION

Provide more recreational uses, facilities and amenities (trails, youth activities...).

Enhance existing recreation areas (Hooper Springs etc.)?

Ensure growth and development allows and promotes access to public lands.

Assess potential to improve access to county reservoirs

Provide agricultural programs for youth

STRATEGY: Recreation District



CHALLENGES BY COMPONENT

TRANSPORTATION

Improve winter maintenance of roadways.

Address conflicting uses of county highways

Provide non-motorized options for connecting communities

Consider bike/walking paths around/between recreation areas

PUBLIC SERVICES, FACILITIES, UTILITIES

Provide public safety (police, fire/EMT) for remote areas of the County to support growing population.

Support improved cell service and technology resources throughout the county.

Evaluate options for waste disposal and consider adding recycling opportunities

Support local cities as they address aging infrastructure.



CHALLENGES BY COMPONENT

ECONOMIC DEVELOPMENT

Manage tourism activities to support County residents and reduce conflicts amongst users.

Support more manufacturing and job opportunities for current residents.

Encourage new shops, entertainment and eating establishments in local cities.

Encourage commercial development in Area of City Impact around cities

Preserve and protect agriculture and mining operation

Improve internet access/quality

HOUSING

Ensure adequate and diverse housing in and around local cities or within areas that already have residential subdivisions.

Encourage more diverse housing opportunities within local cities.

Review provisions for single family homes outside impact areas (agriculture areas)

Support local communities for new housing development/rental opportunities



CHALLENGES BY COMPONENT

SCHOOLS (RELATED TRANSPORTATION)

Support school districts to ensure adequate facilities for current and future students.

Assess viability of consolidating school districts into county

Ensure adequate transportation to school facilities for residents

CITY CONCERNS

Work with cities to encourage commercial uses and residential subdivisions (where public services are provided).

Encourage new shops, entertainment and eating establishments in local cities.

Support local cities as they address aging infrastructure.

Support local communities for new housing development/rental opportunities



GOALS, OBJECTIVES AND STRATEGIES

Idaho Code 67-6508: *The plan shall consider previous and existing conditions, trends, compatibility of land uses, **desirable goals and objectives** or desirable future situations for each planning component*

- ★ GOAL: Broad statement of desired future
- ★ OBJECTIVE: Provides direction to achieve goals
- ★ STRATEGY: Actions or tools to meet objectives

COMMUNITY ADVISORY COMMITTEE (CAC): MEETING #3

JUNE 22, 2022 6:00 – 7:30 P.M.

IN PERSON LOCATION: Caribou County Fire Station

VIRTUAL OPTION: <https://jubengineers.zoom.us/j/83036054766>

CAC Meeting #3 objectives:

- Review Public Outreach Events
- Review Draft Goals/Objectives/Strategies.
- Discuss Draft Future Land Use Map (FLUM)

1 Introductions

- a Caribou County
- b J-U-B Engineers
- c CAC members

2 Public Outreach Events Summary – *JoAnna Ashley & Andrea Gumm*

3 Updated Goals/Objectives/Strategies Review – *Sheri Freemuth, Andrea Gumm*

4 Discuss Draft FLUM – *Sheri Freemuth, Andrea Gumm*

- a Purpose of the FLUM
- b Overview of land use definitions
- c Group Feedback Activity

5 Next Steps – *Andrea Gumm*

- a Questions and Comments?
- b Action items:
 - Update FLUM based on CAC Feedback
 - Public Outreach Events (summer)
 - Prepare Preliminary Draft (late summer/early fall)



APPENDIX B

CARIBOU COUNTY COMPREHENSIVE PLAN

Public Outreach Meeting

April 13, 2022, 4:30 - 7:30 p.m.

Name	Address	Phone Number	Email
Connel Brangton	19735 W. VI Rd Benning	208-604-3945	eschwartz@stf.com
Byrne G. Hiltz	2029 Grov Dam Rd	530-1209	byrne.g.hiltz@gmail.com
Jackie Bartholme	470 N 15th W Grace		
Al Wylea	511 E Hooper		
Alexa Ackerman	14160 DEERHORN CIR PANUMPT	208-993-0957	
Julie Lakey	P.O. Box 774		jlakejulie@isu.edu
Sandy & Marv Martin	380 N 770 E	547-3381	smarte34@msn.com
Terry & Kathleen Campbell	171 E 3rd St	545-2155	kandkcamp@gmail.com
Leif & Karen Kuen	1526 Larsen Rd	208-399-3931	jimworkmen@gmail.com
Jill Stoor	3878 Wayan Loop W	208-999-2593	jstoor@stardar.com
Dillon Lially	00 W 7th E	208-547-5154	
Rod Worthington	376 N 2nd E	(208) 540-9958	rodworthe@sodaschools.org
Jill Stoor	3878 Wayan Loop W	(208) 317-9733	jillstoor@yahoo.com
Summer Fullmer	201 Gagon Dr.	505-980-9370	summerfullmer@gmail.com
Mark Staple	P.O. Box 67	208 547 3260	ccsua@uacool.com
Vaughn Cook	P.O. Box 427	970 759-3931	vcook@3931@gmail.com
Katie Bill Vandyke	1880 Fish Hatching Rd	435-225-5962	bill2.vandyke@gmail.com
Kenna McLean	1707 Lund Rd	208-251-4553	
Evan McLean	1803 Lund Rd	208-547-7340	
Brandon Baker	120 E 2nd S	208-547-3009	brandonbaker34@gmail.com



CARIBOU COUNTY COMPREHENSIVE PLAN

Public Outreach Meeting

April 13, 2022, 4:30 - 7:30 p.m.

Name	Address	Phone Number	Email
Ann Mathews		208-251-4996	
Mark Mathews	670 Mingo Rd		
Scott Muir	156 N Main	208-251-7857	muirscot@sodaschools.org
Chris Thomas		307-290-0762	
Shari Goode			
Pat Lazier	1657 Reed Lane Soda	208-604-1488	
Connie Parker			
Phyllis Fuld	2220 Alexander	208-221-4751	rlfarmsinc@gmail.com
Harv Cook	2962 Wood Cyn	208-547-7393	acook@co.caribou.id.us
Connie Parker	161 N. 1st E	208-540-0619	parkerconn@silverstar.com
PETER CLEGG	528 Bench Log	(801) 368-6874	pclegg1@gmail.com
Kirk Hansen	340 Gage Dr	208-221-1641	kirkhansenII@gmail.com
Jane R. M. M. M.	246 S. 1st E	208-544-3681	
Loren D. WORTH	2431 HILLSIDE DR	360-979-3467	lorend.worth@gmail.com
Niki Mix	251 S. 1st E.	208-670-3071	nikibmix@msn.com
Doug Wood	Box 95 Soda Springs	208-547-1930	
Alana Burns	155 N. Hooper	702-581-8371	alana.news@gmail.com
SADIE SOMSEN	3862 WAYAN LOOP	719-432-7709	somsen7@hotmail.com
Ira Tibbitts	2344 N Bench Rd, Grace	435-757-2709	ira.tibbitts@gmail.com
Terry Blaw	P.O. Box 378 Soda	208-547-3305	JLBCPA@yahoo.com



April 13, 2022, 4:30 - 7:30 p.m.

43



CARIBOU COUNTY

COMPREHENSIVE PLAN



WHAT IS A COMPREHENSIVE PLAN?

A Comprehensive Plan is required by State Code to guide County decisions for the future (typically 10-20 years). The plan helps the County prioritize goals to allocate County resources.

HOW DOES THIS IMPACT ME?

If you live outside of the city limits of Bancroft, Grace or Soda Springs, the comprehensive plan update may impact you directly as the Future Land Use Map and related strategies may specify how your property is developed.

Other sections of the Plan may affect city residents indirectly, as the plan will include strategies related to County services, access, recreation and transportation within the County.

Along with ensuring compliance with Caribou County laws and regulations, the Planning & Zoning Commission and the County Commissioners must review all code and/or mapping changes, major land use requests and new developments (such as short-term rentals, RV Parks, subdivisions, or livestock operations) for consistency with the Comprehensive Plan.



WE NEED YOUR FEEDBACK TONIGHT!

Help us identify County issues and prioritize goals, objectives and strategies for the comprehensive plan.



CARIBOU COUNTY

COMPREHENSIVE PLAN



PROCESS & TIMELINE



UPCOMING PUBLIC INVOLVEMENT OPPORTUNITIES

Review a draft of the Future Land Use Map at our booth

JULY 4TH

**4th of July Celebration
in Soda Springs**

JULY 23ND

**Pioneer Days Celebration
in Bancroft**

AUGUST 1ST - 3RD

**Caribou County Fair
in Grace**

COMMUNITY MEETING FEEDBACK (Bancroft, Freedom and Grace)

APRIL/MAY 2022

ECONOMIC DEVELOPMENT

Goal: Promote balanced economic growth to provide diverse work opportunities, sustainable business development and financial stability for County Services.

Bancroft

- Balance is the key!

Freedom

- We need to capitalize on economic opportunities such as:
 - Cabin rentals
 - RV parks
 - VRBO/Air BnB
 - Food trucks, etc.
- Residential activities are the #1 industry in the State of Idaho, surpassing farming. We need to allow growth in this area.

Grace

- This will flat out ruin what we have. If people want to build and grow our town then they need to go somewhere else. There are bigger towns all around us, but we would like have our children experience what we have.
- Subdivisions should be for residential living only.
- If you want more stores drive to another town. All we have now will be pushed out if we allow all this.

AGRICULTURE

Goal: Preserve and maintain a viable and diverse agricultural industry within the County.

Bancroft:

- There needs to be more housing opportunities in the cities. Around the cities there is a need for 5-10-20 acre ranchettes where folks can keep companion animals.
- Leave true Ag areas (Chesterfield for example) as Ag. Minimum 40 acre is still a small amount but ok as a compromise.
- 1-5 acre junk yards in the Ag areas are an eyesore.

Freedom:

- Preserve agriculture?
- We want to be able to give or sell our children some of our agricultural land.

- We need to let land owners use their land as they see fit. Farming, giving lot to kids, or selling if needed. Develop as demand increases.
- We need to let farmers preserve their lands – don't tell them what they have to do- also allow splits or opportunities to sell/give to family members to encourage growth in the community which helps in all areas.
- Opportunity to give/sell small lot acreage to our own children to live on.

Grace:

- Keep subdivision in town. Keep ag land open & preserve.
- Opportunity to give/sell small lot acreage to our own children to live on. – Agree Grace Rural

LAND USE

Goal: Balance new growth and development with maintaining a rural lifestyle.

Bancroft:

- Keep growth closer to cities. More housing needed in cities. Develop 5-10 acre ranchettes near cities.

Freedom:

- Keep growth close to roads – higher density along road to preserve AG. Family exemption to help our kids stay here.
- Would like to see as much of the land remain open and not filled with subdivisions.
- People need to have the right develop their land 0 there isn't a city here. Need to use commons sense to have a balance of both.

Grace:

- Quit building on rural land.

TRANSPORTATION

Goal: Ensure the transportation system supports mobility of a diverse group of uses (peoples, vehicles, Ag equipment, etc.)

Bancroft:

- Railroad crossings – trains regularly block our crossing.
- Yes. If more gravel roads were managed in their entirety there would be less need for asphalt or chip seal.

Freedom:

- We need a better road – widen it and make it so we can pass!
- Lacking adequate dust guard.
- Pave the Roads.

Grace:

- We wouldn't need bigger roads if we would quit bringing people in and growing our community.
 - If you pave the roads, be sure to put a base for more than one lane, do it right.
 - Pave the roads.
-

NATURAL RESOURCES

Goal: Conserve the County's natural resources and access to them.

Bancroft:

- Need controlled access, rather than free range for motorized vehicles.

Freedom:

- Love the outdoors and love the ability to visit them - hiking, biking. Would like access to them.

Grace:

- Would like our kids and grandkids to enjoy outdoors. Keep space open and preserve for future generations.
 - Preserve wildlife wintering migration areas from development or RV Parks.
-

HOUSING

Goal: Ensure adequate and diverse housing in and around local cities or within areas that already have residential subdivisions.

Bancroft:

- Yes – Development **near** cities not scattered around rural county areas.
- We agree that there is a huge need for the ability buy/build a house on small acreage. Lund Road has power/gas. We need more families/student for our school district.
-

Freedom:

- We need accurate addresses. A post office would be beneficial or Idaho Zip Code from Freedom Wyoming post office.

Grace:

- To make more small acreage lots available to build on. More housing to allow local people houses they can afford.
- County needs to be complimentary on the time spend to address new homes.
- More Rassmussen {Highline View} type subdivisions
- Diversify Industry

MAP & CORRESPONDING COMMENTS (Map can be viewed here:

[https://acrobat.adobe.com/link/track/?x_api_client_id=loggedout_home&x_api_client_location=adobe&uri=urn%3Aaaid%3Aascds%3AUS%3A36ae6ac0-96a1-4564-a66a-85ed585fce17&viewer%21megaVerb=group-edit\)](https://acrobat.adobe.com/link/track/?x_api_client_id=loggedout_home&x_api_client_location=adobe&uri=urn%3Aaaid%3Aascds%3AUS%3A36ae6ac0-96a1-4564-a66a-85ed585fce17&viewer%21megaVerb=group-edit)

- 131 – Need people/population (Wayan Area)
- 132 – No commercial properties, hunting lodges, RV/rentals. No subdivision of exiting 5 acre lots. (Great Columbia Subdivision area)
- 133 – Would like to keep our Great Columbia Subdivision under existing planning and zoning laws.
- 341 - Road needs widened and tore up and re-done
- 342 – Larsen Road needs to be kept Agriculture! No development! This is why we live there in the first place. And we DON'T want to be annexed!
- 343 – Bayer is a great employment opportunity but is leaching our City of Soda Springs by being so close. Growth to the north is limited and the man-made hill has become an eyesore. This problem needs to be addressed towards a reasonable solution.
- 344 – Biking/walking trail from 1st bridge out west. Becoming more dangerous due to heavier traffic.
- 345 – Oregon Trail Marina playground is metal (burn hazard) and wood (splinter hazard) ... Kids always want to try playing there but it isn't safe in hot summer weather.
- 361 – General Note: Grant zoning or encourage land/building use for the purpose of creating tourism hub to attract tourist to the area but not congesting city streets.
- 107 – A community center would be awesome!
- 108 – Interested in developing tiny home/RV type use – June Mason Property west of Soda, next to Bowman Gym
- 353 – Roads need LOTS of work.
- 349 – County needs a historical center to promote Oregon Trail, geyser, and soda water to develop tourism in area
- * - CountyWide: Significantly increase radius required for notices (mailed) about deviations/developments/etc. Especially in rural. Areas. The current 1500 feet severely limits awareness of key and major stakeholders and property owners.
- 343 – The substation north of Bayer on 3-mile knoll road is not maintained. It has been taken over by kochia weeds. This an example of power companies neglecting to care for the surrounding areas.
- * - Address too many Airbnb's and short-term rentals. Find rules and regulations to fix it.

CARIBOU COUNTY COMPREHENSIVE PLAN

UPDATE

APPENDIX D

CARIBOU COUNTY IS CURRENTLY UNDERGOING A PROCESS TO UPDATE ITS COMPREHENSIVE PLAN AND WE NEED YOUR HELP!

WHAT IS THE COMPREHENSIVE PLAN?

The Comprehensive Plan is the core foundational document to guide County decisions for the next 10-20 years. Along with ensuring compliance with Caribou County laws and regulations, the Planning & Zoning Commission and the County Commissioners must review all code and/or mapping changes, major land use requests and new developments (such as short-term rentals, RV Parks, subdivisions, or livestock operations) for consistency with the Comprehensive Plan. The plan also helps the County prioritize goals to allocate County resources. Most importantly, the Comprehensive Plan is meant to be a voice of the County's citizens and their vision for the future.

HOW DO I GET INVOLVED?

The County is seeking input from as many citizens and business owners as possible to ensure that the Comprehensive Plan truly reflects the combined vision and goals of the citizens. Our first step is to request your participation in a survey regarding the following topics:

- Growth, housing, land use and economic development
- Public services and facilities such as transportation, schools, utilities, etc.
- Agriculture and recreation
- Stewardship including natural resources, special sites and hazardous areas

Your feedback is vital in updating this plan so please take 10 minutes to complete this survey. *Participating today is taking action, so if the time comes when you find yourself being impacted by community decisions, you have done your part to affect the outcome positively for yourself and future generations.* The survey is available on-line here:

You can also find the survey by visiting www.cariboucounty.us. It is posted on the front page of the County's website and will be available until December 31, 2021.

FIND OUT MORE

The County's website and Facebook page contains more information about the comprehensive plan update – including future events and opportunities to provide input.

Website: https://www.cariboucounty.us/departments/planning_and_zoning/index.php

Facebook: <https://www.facebook.com/CaribouCountyGovernment>

To be notified of future events and input opportunities, please email your contact information to jashley@caribou.co.id.us.



Additional public events throughout 2022 will provide you with the opportunity to learn more about the plan update and provide feedback.



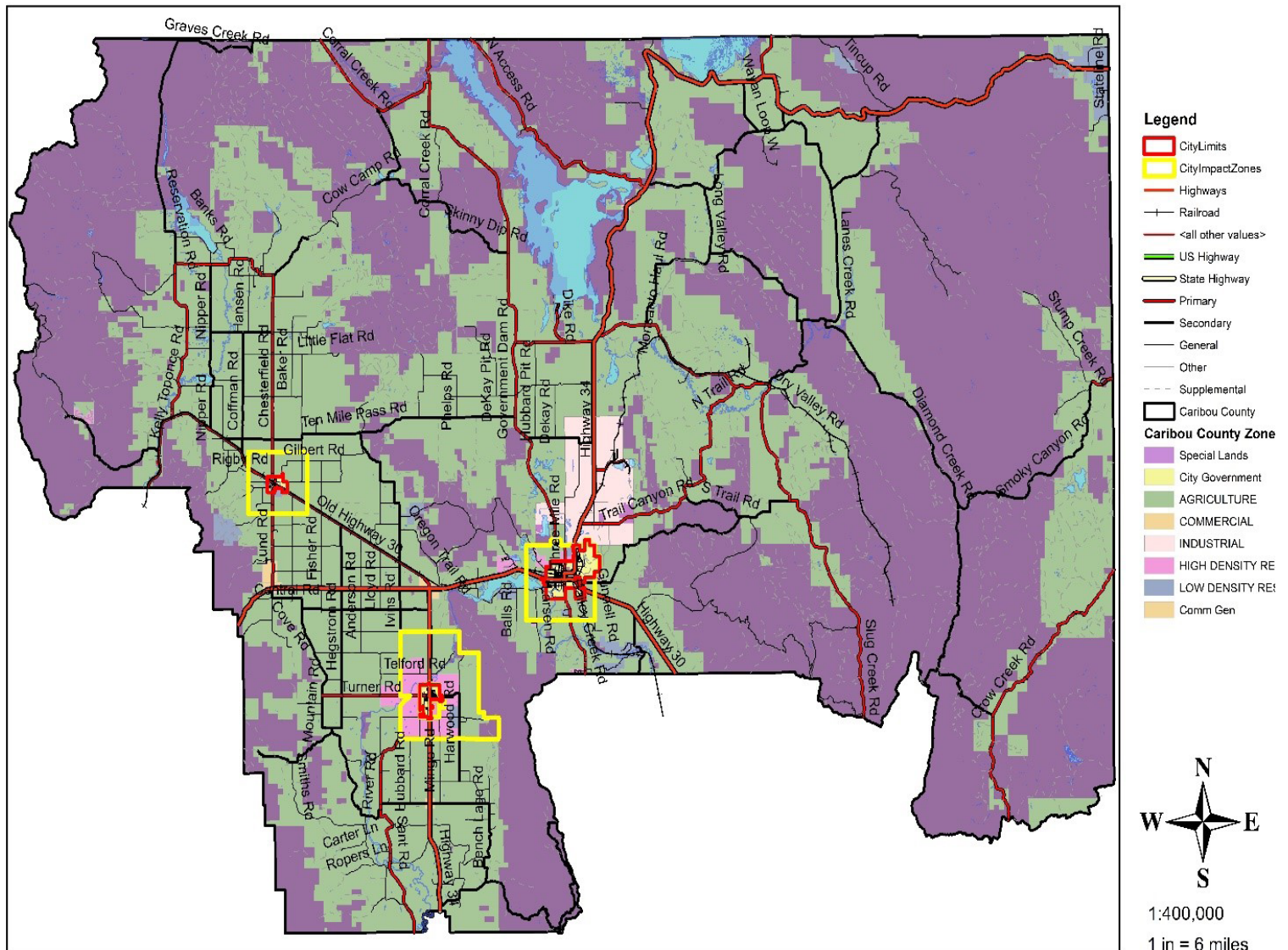
WHY DOES THIS MATTER TO ME?

Many communities throughout Idaho are facing challenges that are affecting their communities and the Idaho way-of-life. However, that doesn't have to be our story. Caribou County and its residents can influence the future of our communities. You can play a vital role in ensuring our current and future generations live and experience the way-of-life we all love. Together, we can create a plan to prepare for future growth with a foundation and framework to preserve what we love and value about living in Caribou County.

If you live outside of the city limits of Bancroft, Grace or Soda Springs, the comprehensive plan update can impact you directly as the Future Land Use Map and related strategies can specify how your property is developed. However, other sections of the Plan can affect city residents indirectly, as the plan will include strategies related to County services, access, recreation and transportation within the County.

We look forward to your participation in this process!

CARIBOU COUNTY ZONING MAP



by JoAnna Ashley
Caribou County

This map is for reference only and cannot be utilized
to make any legally binding determinations.
For additional information call 208-547-1780 ext. 25

0 2 4 8 12 16
Miles





CARIBOU COUNTY

COMPREHENSIVE PLAN



May 2022

Dear Caribou County Citizen,

The County is in the process of updating its Comprehensive Plan in accordance with State Code. This plan will guide the County's decision making for the next 10-20 years and help the County prepare for current and future changes.

This Comprehensive Plan is created by evaluating existing conditions in the County, applying future growth projections and considering the input of County's citizens. We need your comments and participation to ensure this plan truly represents residents' concerns. This flyer has more information about what the Comprehensive Plan is, and also additional ways you can participate in this process.

We hope to hear from you!

Caribou County Commissioners

HOW DOES THE COMPREHENSIVE PLAN IMPACT ME?

If you live outside of the city limits of Bancroft, Grace or Soda Springs, the County's comprehensive plan update may impact you directly as the Future Land Use Map and related strategies specify how your property is developed. Other sections of the Plan may affect city residents indirectly, as the plan will include strategies related to County services, access, recreation and transportation within the County. Along with ensuring compliance with Caribou County laws and regulations, the Planning & Zoning Commission and the County Commissioners must review all code and/or mapping changes, major land use requests and new developments (such as short-term rentals, RV Parks, subdivisions, or livestock operations) for consistency with the Comprehensive Plan.

WHERE CAN I SUBMIT COMMENTS?

For questions and comments about the Comprehensive Plan Update, please contact:

JoAnna Ashley
Caribou County Planning & Zoning Administrator
208-547-1780 or jashley@co.caribou.id.us.

PROCESS AND TIMELINE



PLEASE ATTEND ONE OR MORE OF THE FOLLOWING EVENTS

We will have a booth at three public events in July. Stop by and review a draft of the Future Land Use Map at our booth and provide comments!

JULY 4TH

**4th of July Celebration
in Soda Springs**

JULY 23RD

**Pioneer Days Celebration
in Bancroft**

AUGUST 1ST - 3RD

**Caribou County Fair
in Grace**



STAY UPDATED

Scan the QR code to visit the county's website for updates on the comprehensive plan process.

PROCESS AND TIMELINE



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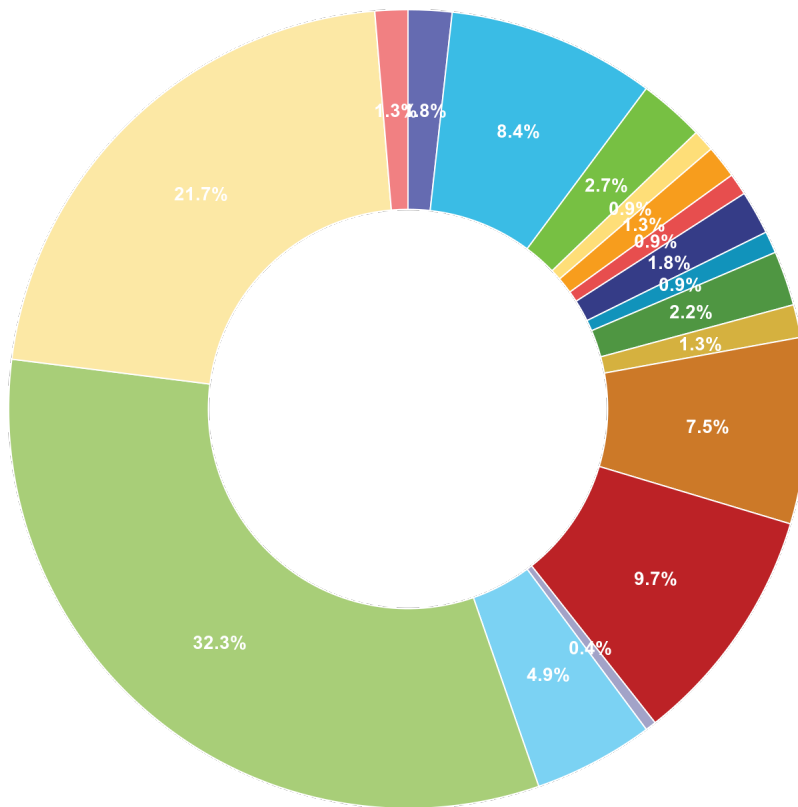




Caribou County Comprehensive Plan

Welcome to the Caribou County Comprehensive Plan Survey! Your answers are anonymous so please feel free to share your genuine opinions regarding the questions. We appreciate your participation!

Q1 What area of the County do you live?*

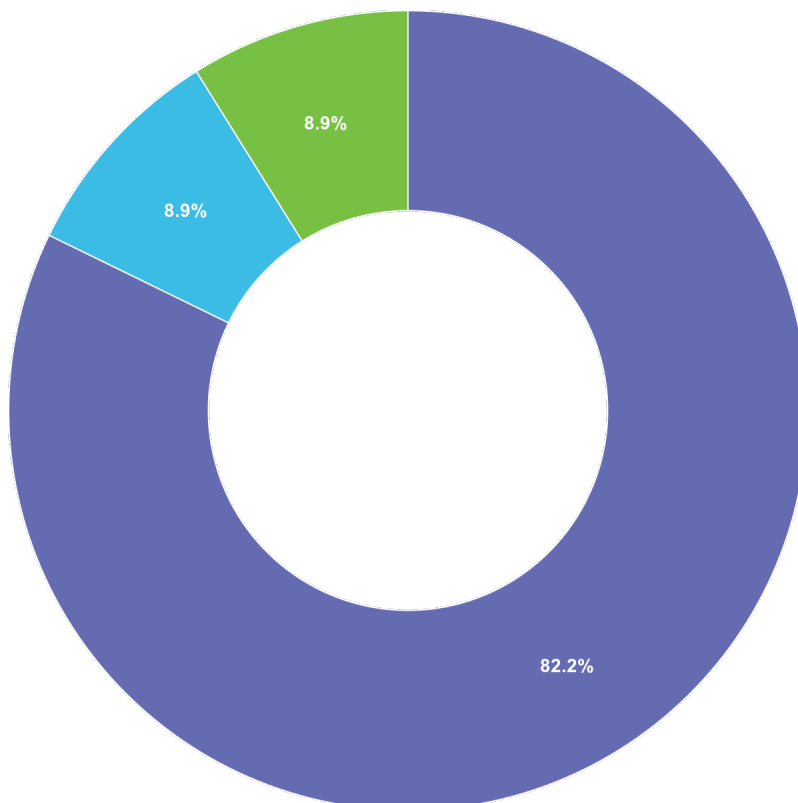


Answered: 226 Unanswered: 0

Choice	Total
I don't live in the County but would like to move here	4
I don't live in the County but have land/assets within the County	19
I don't live in the County but am employed by an entity in the County	6
Auburn	2
Bancroft - In City Limits	3
Blackfoot Harbor/Dike Area	2
Bancroft - Outside City Limits	4
Central/Lund	2
Chesterfield	5
Freedom	3

Choice	Total
Grace - In City Limits	17
Grace - Outside City Limits	22
Henry	1
Niter	11
Soda Springs - In City Limits	73
Soda Springs - Outside City Limits	49
Thatcher	0
Wayan	3

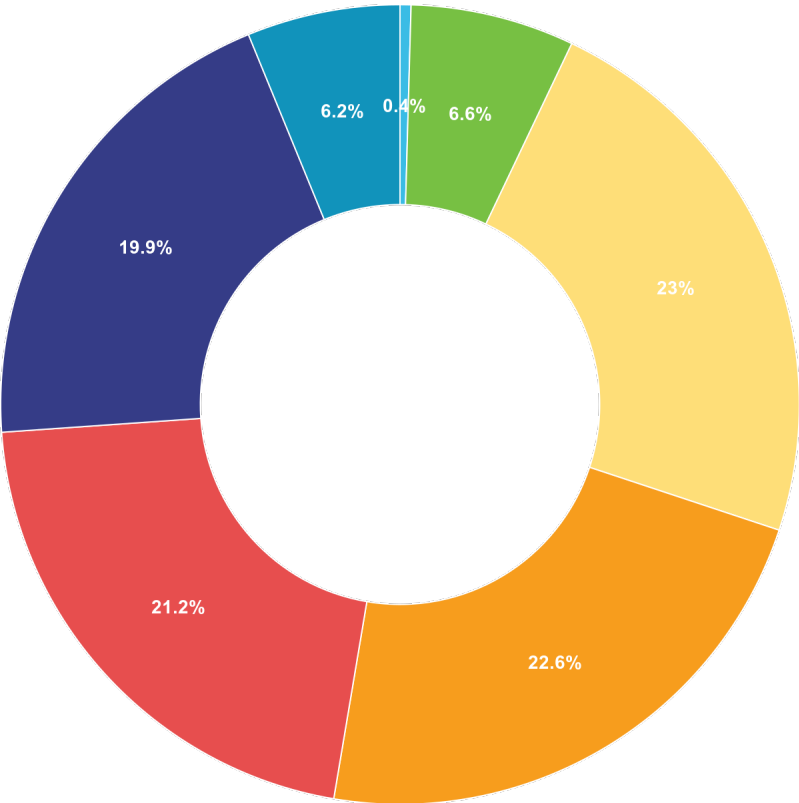
Q2 Which most closely describes your residency in the County?











Answered: 225 Unanswered: 1

Choice	Total
<div></div> Permanent (year-round)	185
<div></div> Part-time	20
<div></div> Not a resident, but a property owner	20

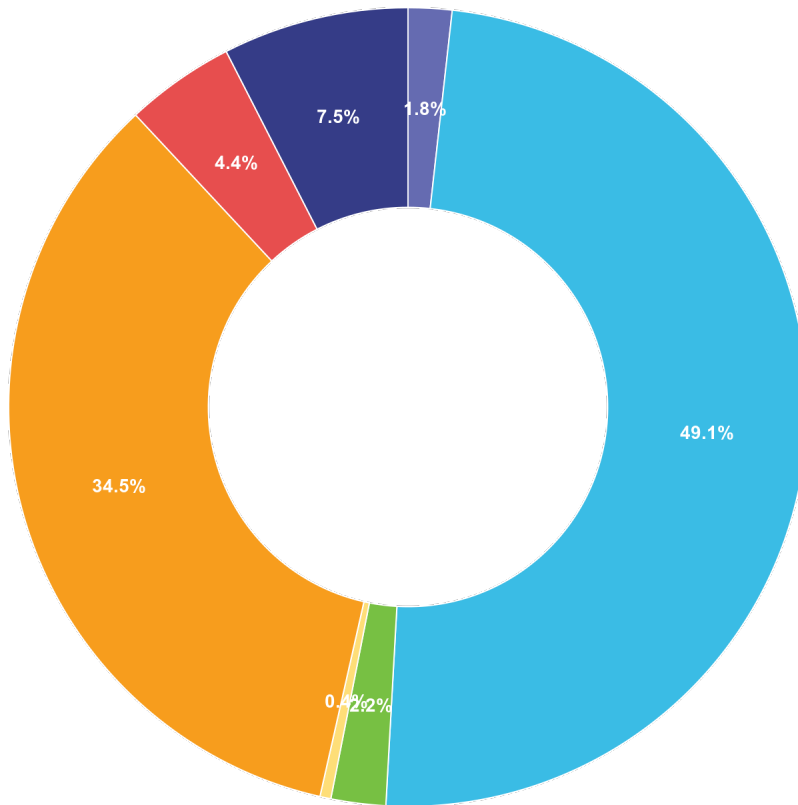
Q3 What is your age?



Answered: 226 Unanswered: 0

Choice	Total
 90+	0
 80-89	1
 70-79	15
 60-69	52
 50-59	51
 40-49	48
 30-39	45
 18-29	14

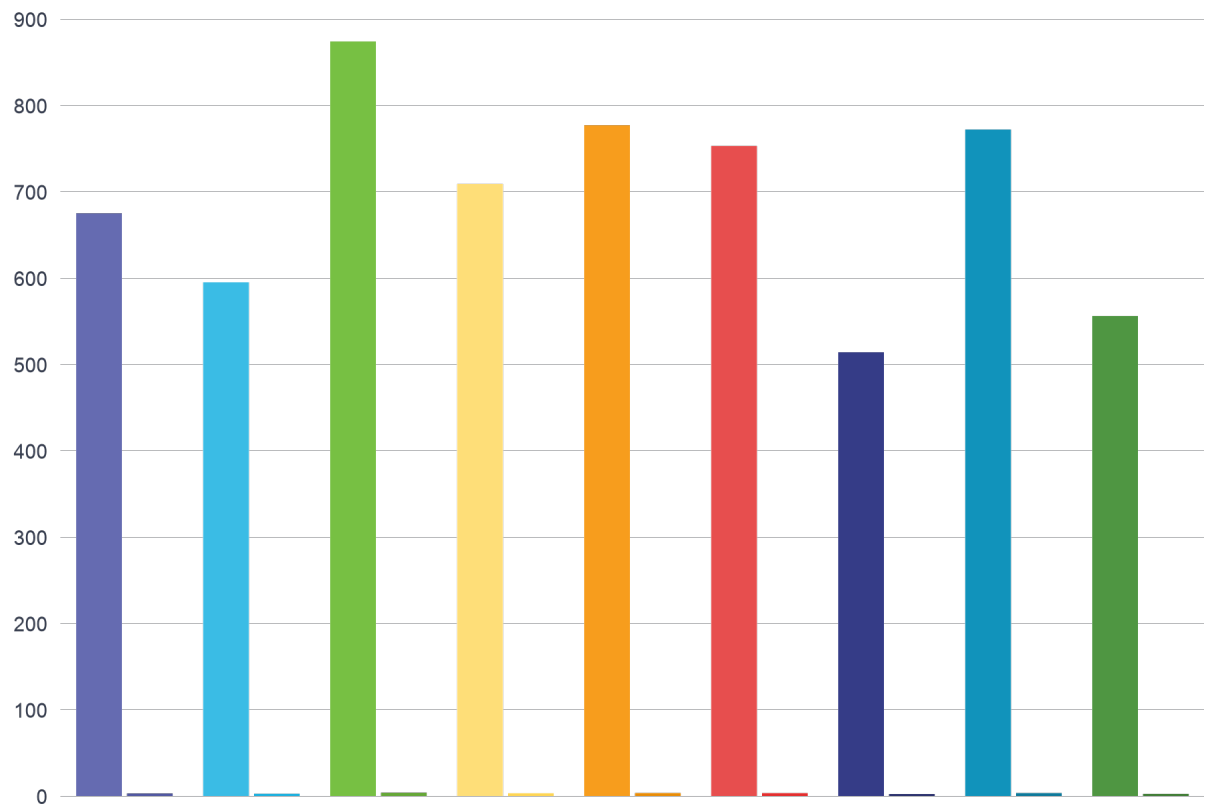
Q4 Where do you go for most of your goods and services?



Answered: 226 Unanswered: 0

Choice	Total
Grace	4
Soda Springs	111
Logan	5
Preston	1
Pocatello	78
Online	10
Other, please specify	17

Q5 Tell us what you value most:*

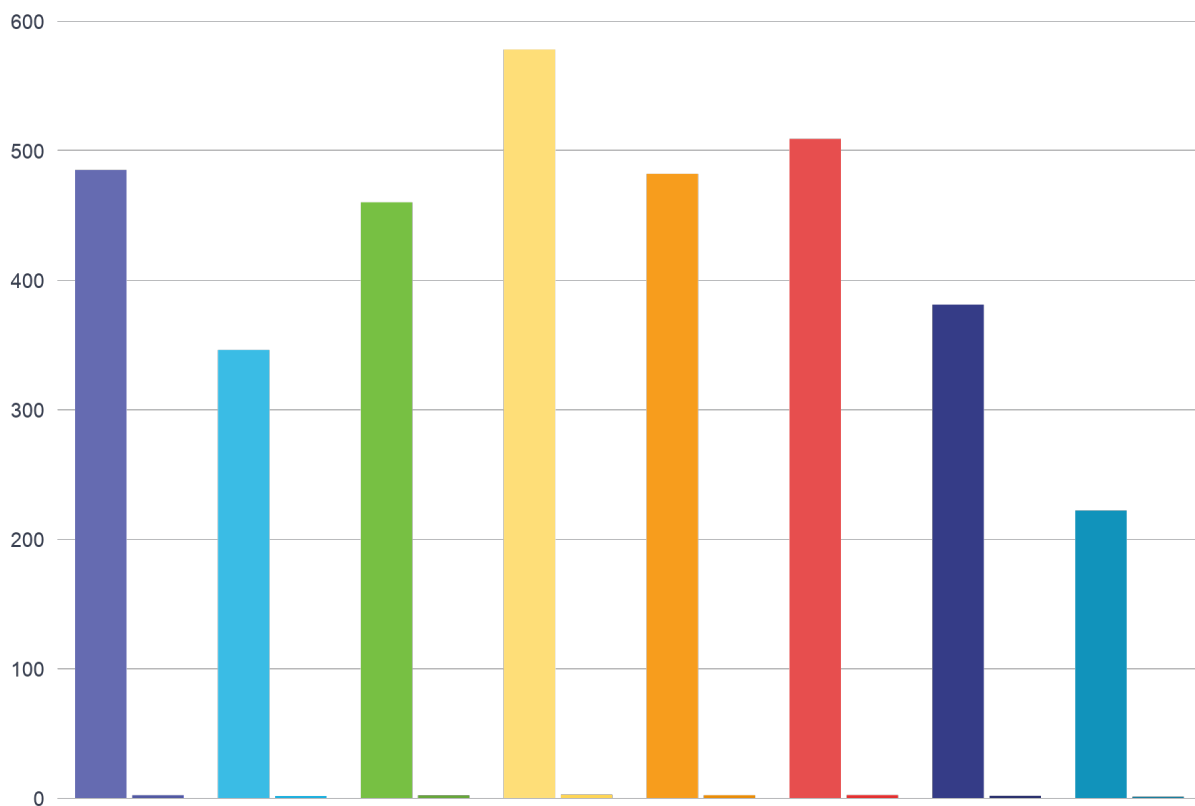


Answered: 226 Unanswered: 0









Choice	Score	Average
<div></div> Housing Affordability	675	2.99
<div></div> Convenience; easy to get from home to school/work/shopping etc.	595	2.63
<div></div> Scenery; farms, mountains, rivers, etc.	874	3.87
<div></div> Friendly people, knowing neighbors	709	3.14
<div></div> Slower pace of living, (less traffic)	777	3.44
<div></div> Proximity to outdoor recreation	753	3.33

Choice	Score	Average
Variety of businesses	514	2.27
Place to raise a family	772	3.42
Opportunities for Education	556	2.46

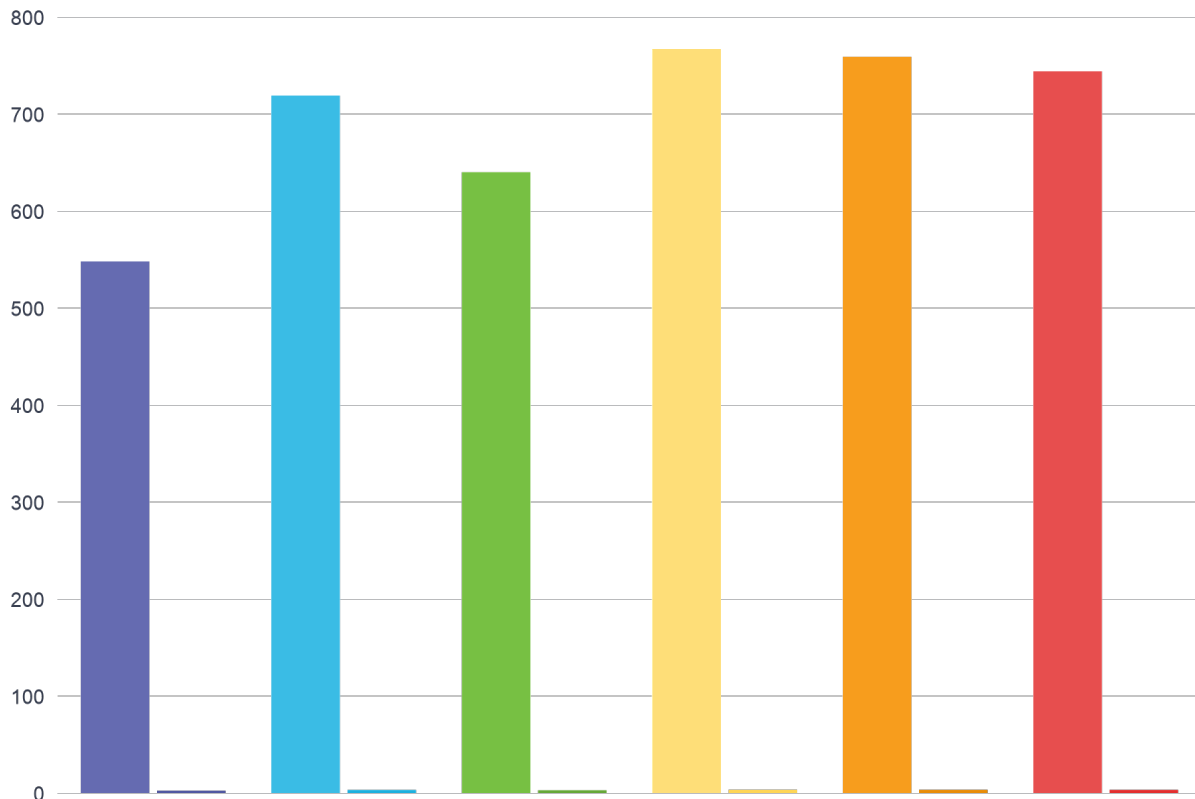
Q6 Housing is a local challenge. What types of housing would you support in YOUR area?*









Answered: 226 Unanswered: 0

Choice	Score	Average
 Accessory dwelling units (sometimes called "mother-in-law apartments")	485	2.15
 Manufactured home community	346	1.53
 Multi-family units (i.e. apartments, condos)	460	2.04
 Develop farmland outside but close to cities that use individual wells and septic systems	578	2.56
 Develop farmland outside but close to cities that use community sewer and water	482	2.13
 Rural subdivisions near other subdivisions that are not close to town	509	2.25
 New trends in housing, - e.g. tiny houses, modular units	381	1.69
 Other - please specify in the comments	222	0.98

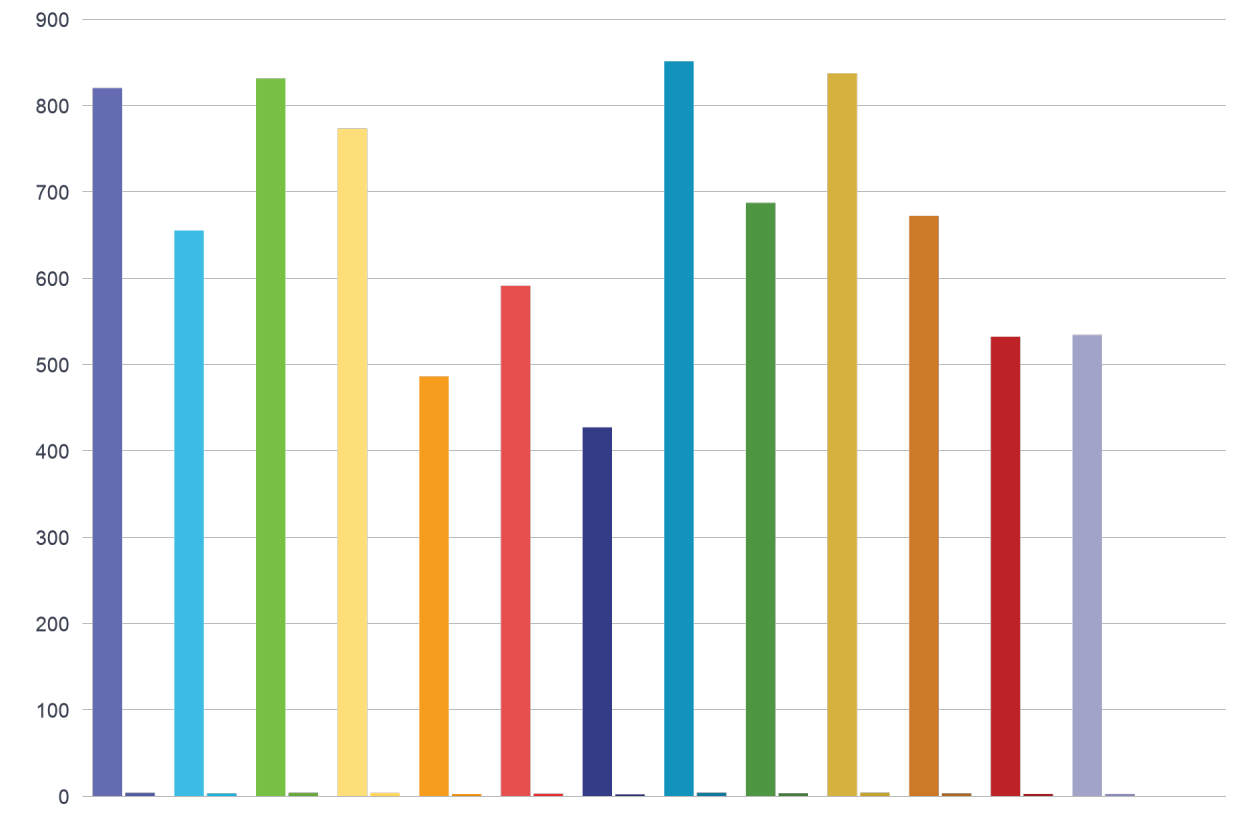
Q7 Rate the adequacy of the services available where you live:



Answered: 225 Unanswered: 1









Choice	Score	Average
 High speed internet	548	2.44
 Cell phone service	719	3.2
 Winter maintenance of roadway	640	2.84
 Sheriff/Police	767	3.41
 Fire Resposne	759	3.37
 EMS/Ambulance	744	3.31

Q8 Much of Caribou County is rural in nature. In an "ideal" rural landscape, how important is it to have the following elements?

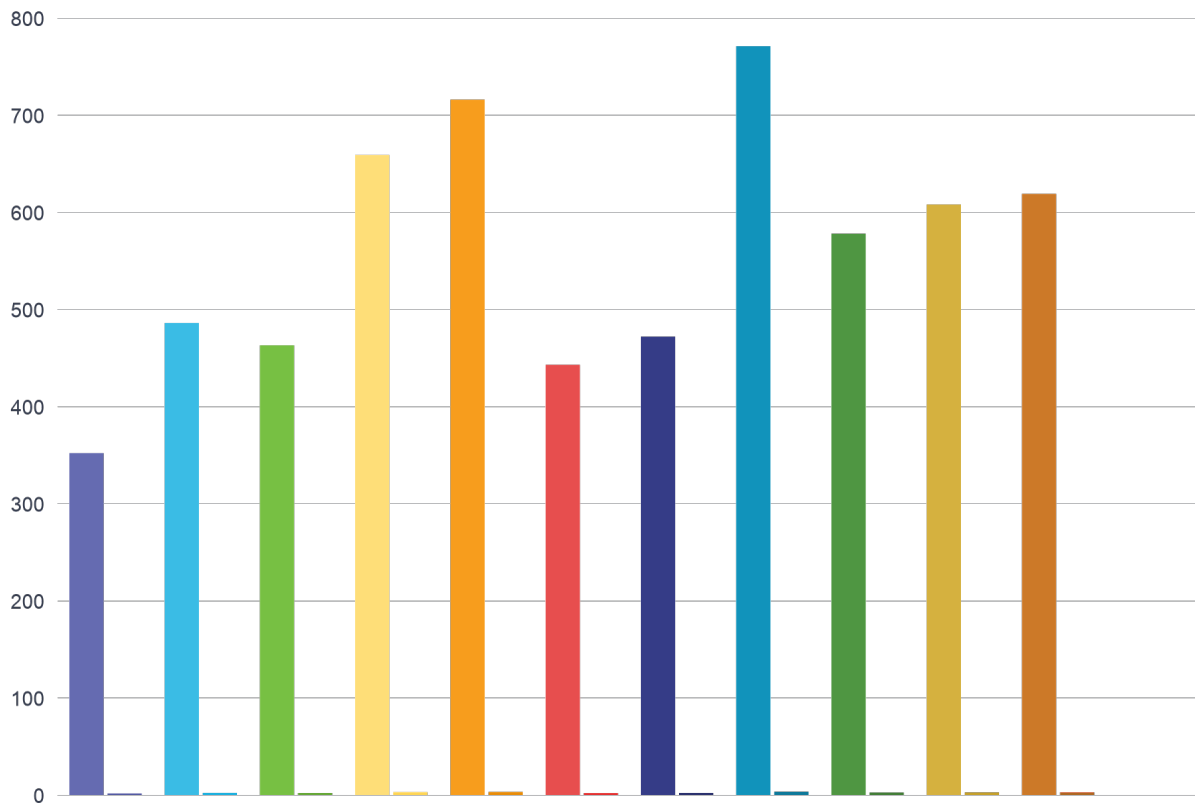


Answered: 225 Unanswered: 1

Choice	Score	Average
<div><div></div>Houses spread apart</div>	820	3.64
<div><div></div>Non-farm buildings do not dominate the landscape</div>	655	2.91
<div><div></div>Farm fields and gardens</div>	831	3.69
<div><div></div>Livestock and grazing</div>	773	3.44
<div><div></div>Power lines and wooden power poles</div>	486	2.16

Choice	Score	Average
 Farm-style fences	591	2.63
 Narrow roads	427	1.9
 Forests	851	3.78
 Sagebrush hills	687	3.05
 Birds and wildlife	837	3.72
 Local artifacts (old homesteads, signs, etc.)	672	2.99
 Residential development	532	2.36
 Commercial areas	534	2.37

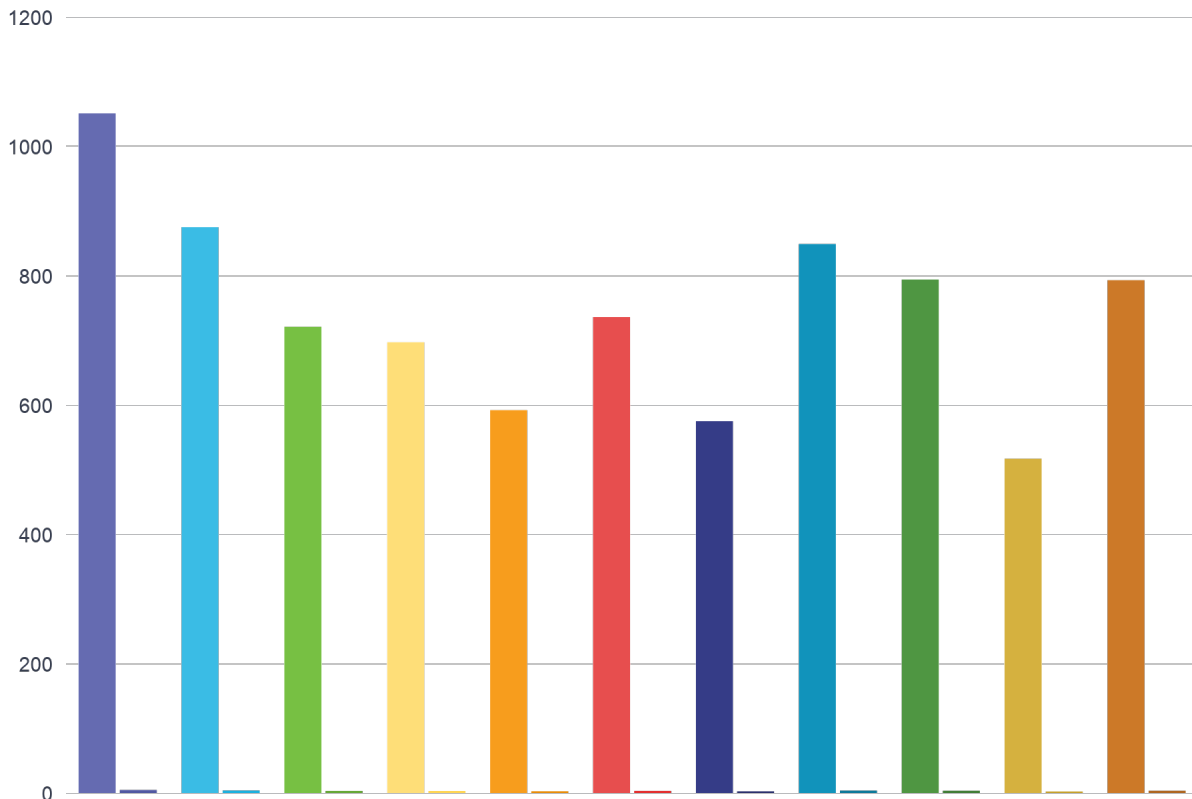
Q9 What is your opinion regarding businesses in Caribou County and business growth?



Answered: 225 Unanswered: 1

Choice	Score	Average
 We do not need anymore businesses	352	1.56
 We need more over-night accommodations such as hotels and motels	486	2.16
 We need more RV and Camping businesses	463	2.06
 We need more manufacturing type businesses	659	2.93
 We need more shopping and retail such as clothing, household, etc.	716	3.18
 We need more service based businesses such as salons,	443	1.97
 We need more daycares	472	2.1
 We need more restaurants and fast food options	771	3.43
 We need more professional service offices such as counseling, attorneys, surveyors, etc.	578	2.57
 We need more construction contractors	608	2.7
 We need more entertainment based businesses	619	2.75

Q10 Please score the following categories for their level of importance to you:



Answered: 224 Unanswered: 2

Choice	Score	Average
<div></div> Natural Resources - such as rivers and other waters, forests, range, soils, harbors, fisheries, wildlife, minerals, thermal waters, beaches, watersheds	1051	4.69
<div></div> Recreation - such as recreation areas, including parks, parkways, trailways, river bank greenbelts, beaches, playgrounds, and other recreation areas and programs	875	3.91
<div></div> Economic Development - new businesses, industry, employee base, growth, wages, etc.	721	3.22
<div></div> Housing - availability, location, type	697	3.11
<div></div> Transportation - this includes highways, railways, airports, pedestrians, accessibility, conflict areas	592	2.64

Choice	Score	Average
 Schools - capacity, future development, transportation, etc.	736	3.29
 Land Use/Community Design - designating areas of use in the County, landscaping, building design, signs, suggested patterns and standards of design	575	2.57
 Agriculture - ag base, farming activities, supporting businesses, ag use	849	3.79
 Public Facilities, Services & Utilities - this includes plans for sewage, drainage, power plant sites, utility transmission corridors, water supply, fire stations and fire fighting equipment, health and welfare facilities, libraries, solid waste disposal sites, schools, public safety facilities and related services	794	3.54
 Hazardous Areas - manmade or natural	517	2.31
 Special Areas & Sites - areas, sites, or structures of historical, archeological, architectural, ecological, wildlife, or scenic significance	793	3.54

Q11 What changes in the County in the last 10 years are you most PROUD of, and why?

Saturday, January 1, 2022, 4:24 AM UTC

I haven't seen many changes in the last 10 years, except I enjoy the "rural" undeveloped area we live in.

Friday, December 31, 2021, 4:01 AM UTC

Nice new homes in rural areas

Slightly more paving county roads

Tuesday, December 28, 2021, 7:00 PM UTC

I am a new property owner, just this year

Monday, December 27, 2021, 5:17 PM UTC

- 1) The County gifted the Enders Hotel which now seems to have become a monkey on their back. What? Why? no a priority concern? for almost 2 years now? The mines need to fund it!
- 2) The development of the Hooper Springs park area.
- 3) The preservation and display of the arrowheads etc. in the Courthouse.
-

Thursday, December 23, 2021, 10:40 PM UTC

Growth in City limits of Grace. Not happy with the prices of homes and taxes to live inside city limits.

Answered: 111 **Unanswered:** 115

Q12 What changes in the County in the last 10 years are you most CONCERNED with, and why?

Saturday, January 1, 2022, 10:40 PM UTC

Too much growth, not leaving enough open land space to preserve the farmland and country

Saturday, January 1, 2022, 4:48 AM UTC

WATER

Schools - I know the schools enrollment has increased this year and our school system will not be able to handle too much more without doing major bonds.

Our city's infrastructure is currently outdated and they are working on it a little bit at a time and that is all they can handle at the moment.

Saturday, January 1, 2022, 4:24 AM UTC

I'm very concerned about a multi-county landfill. I'm totally fine with a Caribou County Landfill at the predesignated site, however I'm totally against multi-counties bringing their trash here. I feel I was side-blinded about this issue and there wasn't enough public notices and time for residents to thwart this initiative.

I love living here in Caribou County as it is. I'm totally against further residential development because I and many other residents I speak with do not want this place to look or come close to Star Valley Wyoming. I think we all agree we are on the brink of becoming Star Valley. Me and others enjoy this area because of the low population, quaintness, ruralness and peacefulness. More people equals more problems to areas like here.

I'm also concerned about tourism, say for example attracting people here for recreational opportunities. Talk to the residents of Bear Lake County and most local residents will all say they hate the tourism that was promoted in their county and totally regret having promoted such. I have personally witnessed the turmoil in that county as a result of tourism.

Friday, December 31, 2021, 4:01 AM UTC

40 acre zoning requirement for selling property is ridiculous

Tuesday, December 28, 2021, 7:52 PM UTC

I am concerned with the over-development of the county and the perception that more of that is beneficial.

Answered: 138 **Unanswered:** 88

Q13 Any additional thoughts, ideas or concerns you would like to share with us?

Saturday, January 1, 2022, 4:48 AM UTC

The year round citizens of our neighboring communities (Bear Lake County, Star Valley & Lava) do not like all of the attention that their community gets during the peak seasons. The visitors ruin alot for the residents. I do not want to see that happen to our community. Visitors are hard, look at the fences placed on Alexander. If you watch, you will see most license plates are not from 3C, We used to go camping and play at the reservoir on a weekday and see very few people. We could go anytime. Now, you can't even find a place to camp or park. Never on weekends. Since they are not local, they usually leave more trash and they don't follow the rules, because they don't care. It is the locals who pay the price and lose privileges. We do NOT want that here! I have always wondered why Bear Lake has more retail shops than Soda Springs has, I think the locals will travel out of town regardless of what retail is here, because that is there "out". You have a favorite store or restaurant, so you go and do all that you can.

Friday, December 31, 2021, 4:01 AM UTC

It's a pretty nice place to live

Tuesday, December 28, 2021, 7:52 PM UTC

It would be nice to have a county recycling program. At the very least, it would be nice to have recycling drop-off locations in Grace and Soda Springs.

Tuesday, December 28, 2021, 7:00 PM UTC

None

Monday, December 27, 2021, 5:17 PM UTC

I don't believe my voice in any of this survey (or most other peoples) is or has made much difference in my LIFETIME, THEY ask, THEY listen, THEY beat things around, THEY make it look like it's all about US, then THEY act at their discession, anyway it benefits the "County Coffers" in the end, The mines support this County ROYALEY - and the citizens still dig it out of THEIR POCKETS. In Tygee Valley, Idaho the profits of the mines has not done anything for the residents other than what the County would have been obligated to do anyway.

I just read an article about some mines recycling slag - can the phosphate mine recycle all those eyesore slag piles?

And lastly: DEDICATED

Why are the "traffic enforcement" FINES over a four month period to going to pay for the 25% BYT THE CITY for the \$54,215.00 grant that Mayor Robinsons is so "complimentary" of the police depts. efforts seeking that grant? (the citizens again!) Again where is all the \$\$\$\$ generated to the "County by the mines going?

"Thanks" for the opportunity to input.

Comments from other portions of the survey:

RE; What area of the County do you live? Auburn AKA TYGEE VALLEY, IDAHO (not TYHEE)

RE: Rate the adequacy of the services available where you live:

Winter maintenance of roadway - We need 24-7 EXCELLENT attention w/ all the mine traffic - a car went off the bank into the ditch Thursday Dec. 9, 21 for lack of adequate sand or salt on road and that was our first light snow storm.

Sherriff/Police - Never see one unless he's on "official" business to Tygee Valley, ID. AKA. Auburn. We DESPERATELY NEED AT LEAST A "POLICE PRESENCE" to enforce the miners speed limits and the huge oversize loads goin to and from Simplot in violation of oversize laws - no flag vehicles and other requirements.

Fire Response & EMS/Ambulance: if we needed either they would probably arrive TOO LATE owing to distance.

Answered: 107 **Unanswered:** 119

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APPENDIX B

Idaho Regulatory Takings Act Guidelines



Caribou County
2023 -2043 Comprehensive Plan

**Office of the
Attorney General**

Idaho Regulatory Takings Act Guidelines



MARCH 2020

LAWRENCE WASDEN
Attorney General
700 West Jefferson Street
Boise, ID 83720-0010
www.ag.idaho.gov



State of Idaho Office of Attorney General Lawrence Wasden

Dear Fellow Idahoans:

Property rights are most effectively protected when government and citizens understand their respective rights. The purpose of this pamphlet is to facilitate that understanding and provide guidelines to governmental entities to help evaluate the impact of proposed regulatory or administrative actions on private property owners.

One of the foundations of American democracy is the primacy of private property rights. The sanctity of private property ownership found expression in the 5th Amendment to the U.S. Constitution, written by James Madison, and in Article I, § 14 of the Idaho Constitution. Both provisions ensure private property, whether it be land or intangible property rights, and will not be arbitrarily confiscated by any agency of government.

Madison wrote in Federalist Paper 54, that “government is instituted no less for the protection of the property than of the persons of individuals.” As your Attorney General, I feel a responsibility to ensure that the Constitution and state laws protecting the property rights of Idahoans are enforced. I am committed to ensuring that every state agency, department and official complies with both the spirit and letter of these laws.

In furtherance of this goal, the Idaho legislature enacted, and the Governor signed into law, Chapter 80, Title 67 of the Idaho Code. Originally passed in 1994, the law required the Attorney General to provide a checklist to assist state agencies in determining whether their administrative actions could be construed as a taking of private property. In 1995, the legislature amended the statute to apply to local units of government. Idaho Code § 67-6508 was also amended to ensure that planning and zoning land use policies do not violate private property

rights. In 2003, Idaho legislators amended Chapter 80, Title 67 of the Idaho Code, allowing a property owner to request a regulatory takings analysis from a state agency or local governmental entity should their actions appear to conflict with private property rights. In 2016, the legislature amended the statute to clarify that a property owner's right to request a regulatory takings analysis is discretionary and does not limit the property owner's right to pursue other legal or equitable remedies. The 2016 amendment also clarified that the regulatory takings analysis applies to potential takings of both real and personal property. Combined, these laws assure Idaho property owners that their rights will be protected.

My office has prepared this informational brochure for your use. If you have any questions, feel free to call your city or county prosecuting attorney.

LAWRENCE G. WASDEN
Attorney General

TABLE OF CONTENTS

IDAHO REGULATORY TAKINGS LAWS.....	1
IDAHO CONSTITUTIONAL PROVISIONS	1
IDAHO STATUTORY PROVISIONS	1
ADVISORY MEMORANDUM	5
GENERAL BACKGROUND PRINCIPLES	6
ATTORNEY GENERAL’S RECOMMENDED PROCESS.....	7
ATTORNEY GENERAL’S CHECKLIST CRITERIA	8
APPENDIX A: SIGNIFICANT FEDERAL AND STATE	
CASES.....	A-1
SUMMARIES OF SIGNIFICANT FEDERAL “TAKINGS” CASES.....	A-1
SUMMARIES OF SIGNIFICANT IDAHO “TAKINGS” CASES	A-9
APPENDIX B: REQUEST FOR REGULATORY	
TAKING ANALYSIS.....	B-1
APPENDIX C: REGULATORY TAKINGS CHECKLIST	C-1

Idaho Regulatory Takings Guidelines

IDAHO REGULATORY TAKINGS LAWS

Idaho Constitutional Provisions

Article I, section 13. Guaranties in criminal actions and due process of law. In all criminal prosecutions, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend in person and with counsel.

No person shall be twice put in jeopardy for the same offense; nor be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty or property without due process of law.

Article I, section 14. Right of eminent domain. The necessary use of lands for the construction of reservoirs or storage basins, for the purpose of irrigation, or for rights of way for the construction of canals, ditches, flumes or pipes, to convey water to the place of use for any useful, beneficial or necessary purpose, or for drainage; or for the drainage of mines, or the working thereof, by means of roads, railroads, tramways, cuts, tunnels, shafts, hoisting works, dumps, or other necessary means to their complete development, or any other use necessary to the complete development of the material resources of the state, or the preservation of the health of its inhabitants, is hereby declared to be a public use, and subject to the regulation and control of the state.

Private property may be taken for public use, but not until a just compensation, to be ascertained in the manner prescribed by law, shall be paid therefor.

Idaho Statutory Provisions

67-8001. Declaration of purpose. The purpose of this chapter is to establish an orderly, consistent review process that better enables state agencies and local governments to evaluate whether proposed regulatory or administrative actions may result in a taking of private property without due process of law. It is not the purpose of this chapter to expand or reduce the scope of private property protections provided in the state and federal constitutions. [67-8001, added 1994, ch. 116, sec. 1, p. 265; am. 1995, ch. 182, sec. 1, p. 668.]

67-8002. Definitions. As used in this chapter:

“Local government” means any city, county, taxing district or other political subdivision of state government with a governing body.

“Private property” means all property protected by the constitution of the United States or the constitution of the state of Idaho.

“State agency” means the state of Idaho and any officer, agency, board, commission, department or similar body of the executive branch of the state government.

“Regulatory taking” means a regulatory or administrative action resulting in deprivation of private property that is the subject of such action, whether such deprivation is total or partial, permanent or temporary, in violation of the state or federal constitution. [67-8002, added 1994, ch. 116, sec. 1, p. 265; am. 1995, ch. 182, sec. 2, p. 668; am. 2003, ch. 141, sec. 1, p. 409.]

67-8003. Protection of private property.

1. The attorney general shall establish, by October 1, 1994, an orderly, consistent process, including a checklist, that better enables a state agency or local government to evaluate proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property. The attorney general shall review and update the process at least on an annual basis to maintain consistency with changes in law. All state agencies and local governments shall follow the guidelines of the attorney general.

2. An owner of private property that is the subject of such action may submit a written request with the clerk or the agency or entity undertaking the regulatory or administrative action. Not more than twenty-eight (28) days after the final decision concerning the matter at issue, a state agency or local governmental entity shall prepare a written taking analysis concerning the action. Any regulatory taking analysis prepared hereto shall comply with the process set forth in this chapter, including use of the checklist developed by the attorney general pursuant to subsection (1) of this section and shall be provided to the private property owner no longer than forty-two (42) days after the date of the filing of the request with the clerk or secretary of the agency whose action is questioned. A regulatory taking analysis prepared pursuant to this action shall be considered public information.

3. A governmental action is voidable if a written taking analysis is not prepared after a request has been made pursuant to this chapter. A

private property owner, whose property is the subject of governmental action, affected by a governmental action without the preparation of a requested taking analysis as required by this section, may seek judicial determination of the validity of the governmental action by initiating a declaratory judgment action or other appropriate legal procedure. A suit seeking to invalidate a governmental action for noncompliance with subsection (2) of this section must be filed in a district court in the county in which the private property owner's affected private property is located. If the affected property is located in more than one (1) county, the private property owner may file suit in any county in which the affected private property is located.

4. During the preparation of the taking analysis, any time limitation relevant to the regulatory or administrative actions shall be tolled. Such tolling shall cease when the taking analysis has been provided to the property owner. Both the request for a taking analysis and the taking analysis shall be part of the official record regarding the regulatory or administrative action.

5. A private property owner is not required to submit a request under this chapter. The decision by the private property owner not to submit a request under this chapter shall not prevent or prohibit the private property owner from seeking any legal or equitable remedy including, but not limited to, the payment of just compensation. [67-8003, added 1994, ch. 116, sec. 1, p. 265; am. 1995, ch. 182, sec. 3, p. 669; am. 2003, ch. 141, sec. 2, p. 409; am. 2016, ch. 225, sec. 1, p. 620.]

67-6508. Planning duties. It shall be the duty of the planning or planning and zoning commission to conduct a comprehensive planning process designed to prepare, implement, and review and update a comprehensive plan, hereafter referred to as the plan. The plan shall include all land within the jurisdiction of the governing board. The plan shall consider previous and existing conditions, trends, compatibility of land uses, desirable goals and objectives, or desirable future situations for each planning component. The plan with maps, charts, and reports shall be based on the following components as they may apply to land use regulations and actions unless the plan specifies reasons why a particular component is unneeded.

(a) **Property Rights** -- An analysis of provisions which may be necessary to ensure that land use policies, restrictions, conditions and fees do not violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property and analysis as prescribed under the declarations of purpose in chapter 80, title 67, Idaho Code.

67-6523. Emergency ordinances and moratoriums. If a governing board finds that an imminent peril to the public health, safety, or welfare requires adoption of ordinances as required or authorized under this chapter, or adoption of a moratorium upon the issuance of selected classes of permits, or both, it shall state in writing its reasons for that finding. The governing board may then proceed without recommendation of a commission, upon any abbreviated notice of hearing that it finds practical, to adopt the ordinance or moratorium. An emergency ordinance or moratorium may be effective for a period of not longer than one hundred eighty-two (182) days. Restrictions established by an emergency ordinance or moratorium may not be imposed for consecutive periods. Further, an intervening period of not less than one (1) year shall exist between an emergency ordinance or moratorium and reinstatement of the same. To sustain restrictions established by an emergency ordinance or moratorium beyond the one hundred eighty-two (182) day period, a governing board must adopt an interim or regular ordinance, following the notice and hearing procedures provided in section 67-6509, Idaho Code. [67-6523, added I.C., sec. 67-6523, as added by 1975, ch. 188, sec. 2, p. 515; am. 2003, ch. 142, sec. 6, p. 415.]

67-6524. Interim ordinances and moratoriums. If a governing board finds that a plan, a plan component, or an amendment to a plan is being prepared for its jurisdiction, it may adopt interim ordinances as required or authorized under this chapter, following the notice and hearing procedures provided in section 67-6509, Idaho Code. The governing board may also adopt an interim moratorium upon the issuance of selected classes of permits if, in addition to the foregoing, the governing board finds and states in writing that an imminent peril to the public health, safety, or welfare requires the adoption of an interim moratorium. An interim ordinance or moratorium shall state a definite period of time, not to exceed one (1) calendar year, when it shall be in full force and effect. To sustain restrictions established by an interim ordinance or moratorium, a governing board must adopt a regular ordinance, following the notice and hearing procedures provided in section 67-6509, Idaho Code. [67-6524, added I.C., sec. 67-6524, as added by 1975, ch. 188, sec. 2, p. 515; am. 2003, ch. 142, sec. 7, p. 415.]

ADVISORY MEMORANDUM

**STATE OF IDAHO ATTORNEY GENERAL'S ADVISORY
MEMORANDUM FOR EVALUATION OF PROPOSED
REGULATORY OR ADMINISTRATIVE ACTIONS TO
IDENTIFY POTENTIAL TAKINGS OF PRIVATE PROPERTY**

The Office of the Attorney General is required to develop an orderly, consistent internal management process for state agencies and local governments to evaluate the effects of proposed regulatory or administrative actions on private property. Idaho Code § 67-8003(1).

This is the Attorney General's recommended process and advisory memorandum. It is not a formal Attorney General's Opinion under Idaho Code § 67-1401(6), and should not be construed as an opinion by the Attorney General on whether a specific action constitutes a "taking." Agencies shall use this process to identify those situations requiring further assessment by legal counsel. Appendix A contains a brief discussion of some of the important federal and state cases that set forth the elements of a "taking."

State agencies and local governments are required to use this procedure to evaluate the impact of proposed administrative or regulatory actions on private property. Idaho Code § 67-8003(1). Upon the written request of an owner of private property that is the subject of such action, a state agency or local governmental entity shall prepare a written taking analysis concerning the action. Appendix B contains a form that can be used to request a taking analysis. Appendix C contains a sample form for completing a regulatory taking analysis. The written request must be filed ***not more than*** twenty-eight (28) days after the final decision concerning the matter at issue and the completed takings analysis shall be provided to the property owner ***no longer than*** forty-two (42) days after the date of filing the request with the clerk or secretary of the agency whose action is questioned. Idaho law also provides that "a regulatory taking analysis shall be considered public information." See Idaho Code § 67-8003(2).

Should a state agency or local governmental entity not prepare a regulatory taking analysis following a written request, the property owner may seek judicial determination of validity of the action by initiating legal action. Such a claim must be filed in a district court in the county in which the private property owner's affected private property is located. See Idaho Code § 67-8003(3).

General Background Principles

The Fifth Amendment to the United States Constitution provides that private property shall not be taken for public use without just compensation. Article I, section 14 of the Idaho State Constitution provides in relevant part:

Private property may be taken for public use, but not until a just compensation, to be ascertained in the manner prescribed by law, shall be paid therefor.

Thus, under both the federal and state constitutions, private property may not be taken for public purposes without payment of just compensation.

Courts have recognized three situations in which a taking requiring just compensation may occur: (1) when a government action causes physical *occupancy* of property, (2) when a government action causes physical *invasion* of property, and (3) when government *regulation* effectively eliminates all economic value of private property. A “taking” may be permanent or temporary.

The most easily recognized type of “taking” occurs when government physically occupies private property. This may happen when the government exercises its eminent domain authority to take private property for a public use. Property owners must be paid just compensation when the government acquires private property through eminent domain authority. The types of public uses that may be the subject of eminent domain authority under state law are identified in section 7-701, Idaho Code. Clearly, when the government seeks to use private property for a public building, a highway, a utility easement, or some other public purpose, it must compensate the property owner.

Physical invasions of property, as distinguished from physical occupancies, may also give rise to a “taking” where the invasions are of a recurring or substantial nature. Examples of physical invasions include, among others, flooding and water-related intrusions and overflight or aviation easement intrusions.

Like physical occupations or invasions, a regulation that affects the value, use, or transfer of property may also constitute a “taking,” but only if it “goes too far.” Although most land use regulation does not constitute a “taking” of property, the courts have recognized that when regulation divests an owner of the essential attributes of ownership, it amounts to a “taking” subject to compensation.

Idaho Regulatory Takings Act Guidelines

Regulatory actions are harder to evaluate for “takings” because government may properly regulate or limit the use of private property, relying on its authority and responsibility to protect public health, safety and welfare. Accordingly, government may abate public nuisances, terminate illegal activity, and establish building codes, safety standards, or sanitary requirements generally without creating a compensatory “taking.” Government may also limit the use of property through land use planning, zoning ordinances, setback requirements, and environmental regulations.

If a government regulation, however, destroys a fundamental property right – such as the right to possess, exclude others from, or dispose of property – it could constitute a compensable “taking.” Similarly, if a regulation imposes substantial and significant limitations on property use, there could be a “taking.” In assessing whether there has been such a limitation on property use as to constitute a “taking,” the court will consider both the purpose of the regulatory action and the degree to which it limits the owner’s property rights.

An important factor in evaluating each action is the degree to which the action interferes with a property owner’s reasonable investment-backed development expectations; in other words, the owner’s expectations of the investment potential of the property and the impact of the regulation on those expectations. For instance, in determining whether a “taking” has occurred, a court might, among other things, weigh the regulation’s impact on vested development rights against the government’s interest in promulgating the regulation.

If a regulation prohibits all economically viable or beneficial uses of property, there may be liability for just compensation unless government can demonstrate that laws of nuisance or other pre-existing limitations on the use of the property prohibit the proposed uses.

If a court determines there has been a regulatory “taking,” the government has the option of either paying just compensation or withdrawing the regulatory limitation. If the regulation is withdrawn, the government may still be liable to the property owner for a temporary “taking” of the property.

Attorney General’s Recommended Process

1. State agencies and local governments must use this evaluation process whenever the agency contemplates action that affects privately owned property. Each agency and local government must also use this process to assess the impacts of proposed regulations before the agency publishes the regulations for public comment. In Idaho, real property

includes land, possessors' rights to land, ditch and water rights, mining claims (lode and placer), and freestanding timber. Idaho Code §§ 55-101 and 63-108. In addition, the right to continue to conduct a business may be a sufficient property interest to invoke the protections of the just compensation clause of the Idaho Constitution. For example, see Idaho Code §§ 22-4501 to 22-4504.

2. Agencies and local governments must incorporate this evaluation process into their respective review processes. It is not a substitute, however, for that existing review procedure. Since the extent of the assessment necessarily depends on the type of agency or local government action and the specific nature of the impacts on private property, the agency or local government may tailor the extent and form of the assessment to the type of action contemplated. For example, in some types of actions, the assessment might focus on a specific piece of property. In others, it may be useful to consider the potential impacts on types of property or geographic areas.

3. Each agency and local government must review this advisory memorandum and recommended process with appropriate legal counsel to ensure that it reflects the specific agency or local government mission. It should be distributed to all decision makers and key staff.

4. Each agency and local government must use the following checklist to determine whether a proposed regulatory or administrative action should be reviewed by legal counsel. If there are any affirmative answers to any of the questions on the checklist, the proposed regulatory or administrative action must be reviewed in detail by staff and legal counsel. Since the legislature has specifically found the process is protected by the attorney-client privilege, each agency and local government can determine the extent of distribution and publication of reports developed as part of the recommended process. However, once the report is provided to anyone outside the executive or legislative branch or local governmental body, the privilege has been waived.

Attorney General's Checklist Criteria

Agency or local government staff must use the following questions in reviewing the potential impact of a regulatory or administrative action on specific property. While these questions also provide a framework for evaluating the impact proposed regulations may have generally, takings questions normally arise in the context of specific affected property. The public review process used for evaluating proposed regulations is another tool that the agency or local government should use aggressively to safeguard rights of private property owners. If property is

subject to regulatory jurisdiction of multiple governmental agencies, each agency or local government should be sensitive to the cumulative impacts of the various regulatory restrictions.

Although a question may be answered affirmatively, it does not mean that there has been a “taking.” Rather, it means there could be a constitutional issue and that the proposed action should be carefully reviewed with legal counsel.

1. Does the Regulation or Action Result in a Permanent or Temporary Physical Occupation of Private Property?

Regulation or action resulting in a permanent or temporary physical occupation of all or a portion of private property will generally constitute a “taking.” For example, a regulation that required landlords to allow the installation of cable television boxes in their apartments was found to constitute a “taking.” See Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419, 102 S. Ct. 3164 (1982).

The acquisition of private property through eminent domain authority is distinct from situations where a regulation results in the physical occupation of private property. The exercise of eminent domain authority is governed by the procedures in chapter 7, title 7, Idaho Code. Whenever a state or local unit of government, or a public utility, is negotiating to acquire private property under eminent domain, the condemning authority must provide the private property owner with a form summarizing the property owner’s rights. Section 7-711A, Idaho Code, identifies the required content for the advice of rights form.

2. Does the Regulation or Action Condition the Receipt of a Government Benefit on a Property Owner Dedicating a Portion of Property, Granting an Easement, or Expending Funds for Items Unrelated to the Impacts of the Proposed Action?

A government entity may condition or regulate an action that it has the authority to prohibit altogether. However, there must be a nexus and rough proportionality between the government’s demands and the social costs of the proposed action. Koontz v. St. Johns River Water Mgmt. Dist., 570 U.S. 595, 133 S. Ct. 2586 (2013); Nollan v. California Coastal Commission, 483 U.S. 825, 107 S. Ct. 3141 (1987); Dolan v. City of Tigard, 512 U.S. 374, 114 S. Ct. 2309 (1994). The condition must be reasonably and specifically designed to prevent or compensate for adverse impacts of the proposed development. Likewise, the magnitude of the burden placed on the proposed development should be reasonably related to the adverse impacts created by the development. Where a condition to

a land-use permit includes the dedication of property or grant of an easement, courts consider whether the exaction “has an essential nexus and rough proportionality” to the social impacts of the permitted action. Put another way, does the dedication or grant substantially advance the same state interest that would allow the government entity to deny the permit altogether? Lacking this connection, the dedication of property to public use would be just as unconstitutional as it would be if imposed outside the permit context. For example, the United States Supreme Court determined in Nollan v. California Coastal Comm’n, 483 U.S. 825, 107 S. Ct. 3141 (1987), that compelling an owner of waterfront property to grant a public easement across his property that does not substantially advance the public’s interest in beach access, constitutes a “taking.” Likewise, the United States Supreme Court held that compelling a property owner to leave a *public* green way, as opposed to a private one, did not substantially advance protection of a flood plain, and was a “taking.” Dolan v. City of Tigard, 512 U.S. 374, 114 S. Ct. 2309 (1994).

In Koontz, the United States Supreme Court applied the same reasoning to a monetary condition on a land-use permit. The Court held that the regulatory takings analysis applied to a water management district’s conditioning a land-use permit on a landowner funding offshore wetland mitigation. The Court held that such a condition would be an unconstitutional taking if the condition did not have an essential nexus and rough proportionality to the impacts of the proposed development. After Koontz, government entities need to consider monetary conditions for potential regulatory takings, not just conditions that involve an easement or dedication of property.

3. Does the Regulation Deprive the Owner of All Economically Viable Uses of the Property?

If a regulation prohibits all economically viable or beneficial uses of the land, it will likely constitute a “taking.” In this situation, the agency can avoid liability for just compensation only if it can demonstrate that the proposed uses are prohibited by the laws of nuisance or other preexisting limitations on the use of the property. See Lucas v. South Carolina Coastal Council, 505 U.S. 1003, 112 S. Ct. 2886 (1992).

Unlike 1 and 2 above, it is important to analyze the regulation’s impact on the property as a whole, and not just the impact on a portion of the property. See Murr v. Wisconsin, ___ U.S. ___, 137 S. Ct. 1933 (2017). It is also important to assess whether there is any profitable use of the remaining property available. See Florida Rock Industries, Inc. v. United States, 18 F.3d 1560 (Fed. Cir. 1994). The remaining use does not

necessarily have to be the owner's planned use, a prior use or the highest and best use of the property. One factor in this assessment is the degree to which the regulatory action interferes with a property owner's reasonable investment-backed development expectations.

Carefully review regulations requiring that all of a particular parcel of land be left substantially in its natural state. A prohibition of all economically viable uses of the property is vulnerable to a takings challenge. In some situations, however, there may be pre-existing limitations on the use of property that could insulate the government from takings liability.

4. Does the Regulation Have a Significant Impact on the Landowner's Economic Interest?

Carefully review regulations that have a significant impact on the owner's economic interest. Courts will often compare the value of property before and after the impact of the challenged regulation. Although a reduction in property value alone may not be a "taking," a severe reduction in property value often indicates a reduction or elimination of reasonably profitable uses. Another economic factor courts will consider is the degree to which the challenged regulation impacts any development rights of the owner. As with 3, above, these economic factors are normally applied to the property as a whole.

A moratorium as a planning tool may be used pursuant to Idaho Code § 67-6523—Emergency Ordinances and Moratoriums (written findings of imminent peril to public health, safety, or welfare; may not be longer than 182 days); and Idaho Code § 67-6524—Interim Ordinances and Moratoriums (written findings of imminent peril to public health, safety, or welfare; the ordinance must state a definite period of time for the moratorium). Absence of the written findings may prove fatal to a determination of the reasonableness of the government action.

The Idaho moratorium provisions appear to be consistent with the United States Supreme Court's interpretation of moratorium as a planning tool as well. In Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, 535 U.S. 302, 122 S. Ct. 1465 (2002), the Court held that planning moratoriums may be effective land use planning tools. Generally, moratoriums in excess of one year should be viewed with skepticism, but should be considered as one factor in the determination of whether a taking has occurred. An essential element pursuant to Idaho law is the issuance of written findings in conjunction with the issuance of moratoriums. See Idaho Code §§ 67-6523 to 67-6524.

5. Does the Regulation Deny a Fundamental Attribute of Ownership?

Regulations that deny the landowner a fundamental attribute of ownership -- including the right to possess, exclude others and dispose of all or a portion of the property -- are potential takings.

The United States Supreme Court held that requiring a public easement for recreational purposes where the harm to be prevented was to the flood plain was a “taking.” In finding this to be a “taking,” the Court stated:

The city has never said why a public greenway, as opposed to a private one, was required in the interest of flood control. The difference to the petitioner, of course, is the loss of her ability to exclude others. . . . [T]his right to exclude others is “one of the most essential sticks in the bundle of rights that are commonly characterized as property.” Dolan v. City of Tigard, 512 U.S. 374, 114 S. Ct. 2309 (1994).

The United States Supreme Court has also held that barring the inheritance (an essential attribute of ownership) of certain interests in land held by individual members of an Indian tribe constituted a “taking.” Hodel v. Irving, 481 U.S. 704, 107 S. Ct. 2076 (1987).

More recently, the United States Supreme Court held that a regulation requiring producers to reserve a certain percentage of their raisin crop for government use constituted a per se physical taking of property. Horne v. Dep’t of Agric., ___ U.S. ___, 135 S. Ct. 2419 (2015). There, the Court reasoned that “[r]aisin growers subject to the reserve requirement...lose the entire bundle of property rights in the appropriated raisins—the rights to possess, use and dispose of them.”

Regulatory actions which closely resemble, or have the effects of a physical invasion or occupation of property, are more likely to be found to be takings. The greater the deprivation of use, the greater the likelihood that a “taking” will be found.

Idaho Regulatory Takings Act Guidelines

APPENDIX A: SIGNIFICANT FEDERAL AND STATE CASES

Summaries of Significant Federal “Takings” Cases

Knick v. Twp. of Scott, Penn., ___ U.S. ___, 139 S. Ct. 2162 (2019).

A property owner brought a Fifth Amendment Takings claim under 42 U.S.C. § 1983 in federal court. The property owner had not brought an inverse condemnation claim under state law, and prior to the federal action, the township withdrew the violation notice and stayed enforcement of the ordinance. The United States Supreme Court overruled Williamson Cnty. Reg’l Planning Comm’n v. Hamilton Bank of Johnson City, 473 U.S. 172, 105 S. Ct. 3108 (1985), and held that a property owner may bring a takings claim under § 1983 regardless of whether the property owner had previously sought compensation through procedures available under state law. The Court concluded that a takings claim under § 1983 becomes ripe as soon as a government takes a person’s property for public use without paying for it.

Murr v. Wisconsin, ___ U.S. ___, 137 S. Ct. 1967 (2017).

The United States Supreme Court held that a regulation preventing the use of adjacent lots on the Lower St. Croix River as separate building sites unless each lot had at least one acre of land suitable for development did not effect a regulatory taking. The regulation at issue had been adopted by the Wisconsin State Department of Natural Resources in response to the Lower St. Croix River being designated a Wild and Scenic River under federal law. Due to that designation, Wisconsin was required to develop a management and development program for the river area.

The Court concluded that for purposes of a regulatory takings analysis, the two adjacent lots must be evaluated as a single parcel because: (1) the state regulation in effect merged the two lots; (2) the physical characteristics, location, and relationship between the two lots made the lots significantly more valuable together than when considered separately; and (3) the characteristics of the lots made it reasonable to expect that the range of their potential uses separately may be limited.

The Court concluded that the property owner had not been deprived of all economically beneficial use of the property because the lots together could still be used for residential purposes, including larger residential improvements. The Court also concluded that the property owner had not suffered a takings under the Penn Central test because the

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

property owner could not have reasonably expected to develop the lots separately because the regulation predated their acquisition of both lots; the appraisal of the property showed the value of the properties decreased by less than ten percent; and the regulation was reasonable as part of a coordinated effort by federal, state, and local governments to protect a designated Wild and Scenic River.

Horne v. Dep’t of Agric., ___ U.S. ___, 135 S. Ct. 2419 (2015).

The United States Supreme Court considered a regulatory takings challenge to the United States Department of Agriculture’s California Raisin Marketing Order which required producers to reserve a percentage of their raisin crop in certain years free of charge for the government to dispose of in ways it determines are necessary to maintain an orderly market. The Court held that the same standard should apply regardless of whether the property at issue was personal or real property. The Court then concluded that the reserve requirement imposed is a physical taking not a regulatory taking of personal property as the reserve requirement removes from the producer the entire bundle of property rights in the reserved raisins. Additionally, because the reserve rule effectuated a *per se* physical taking, the fact that the producers received the value of the reserved raisins if sold by the government and that the producers could choose to plant different crops did not weigh against the finding of a taking.

Koontz v. St. Johns River Water Mgmt. Dist., 570 U.S. 595, 133 S. Ct. 2586 (2013).

The United States Supreme Court considered a regulatory takings challenge to a water management district’s decision to require a landowner to fund off-site wetland mitigation as a condition of a land-use permit. The Court reversed the Florida Supreme Court’s holding that the regulatory takings analysis did not apply to the water management district’s decision because the condition at issue was a demand for money. The Court held that the constitutional takings analysis applied to monetary exaction on land-use permits. Additionally, the Court held that the constitutional takings analysis applied equally whether a permit was granted with an allegedly unconstitutional condition or denied because the applicant failed to agree to the allegedly unconstitutional condition. The Court emphasized that while a government entity may choose whether and how a permit applicant is required to mitigate the impacts of a proposed development, it may not leverage its interests in mitigation to pursue governmental interests that lack an essential nexus and rough proportionality to those impacts.

Stop the Beach Renourishment, Inc. v. Fla. Dept. of Env. Prot., 130 S. Ct. 2592, 177 L. Ed. 2d 184 (2010).

The United States Supreme Court considered a judicial taking challenge to a decision by the Florida Supreme Court. A Florida state agency granted a permit under state law to restore a beach. The beach was eroded by hurricanes, and the permit would have allowed the restoration of the beach by adding sand to the beach. A non-profit corporation comprised of beachfront landowners challenged the agency decision in state court arguing the decision eliminated the littoral rights of landowners to receive accretions to their property and the right to have contact of their property with water remain intact. The Florida Supreme Court reversed a lower court and held the state law authorizing the beach restoration did not unconstitutionally deprive littoral rights. The non-profit corporation claimed the Florida Supreme Court's decision itself effectuated a taking of its members' littoral rights.

The United States Supreme Court unanimously held that the Florida Supreme Court did not take private property without just compensation in violation of the Fifth and Fourteenth Amendments. The Court recognized two property law principles under Florida law:

1. The State owned the seabed and was allowed to fill in its own seabed; and
2. When an avulsion exposes land seaward of littoral property that had previously been submerged, the land belongs to the State even if it interrupts the littoral owner's contact with water.

Therefore, when the State filled in previously submerged land for beach restoration, the State treated it as an avulsion for purposes of ownership. The non-profit members' right to accretions was therefore subordinate to the State's right to fill in its land. The United States Supreme Court did not reach a majority on the judicial taking question.

Kelo, et al. v. City of New London, Connecticut, et al., 545 U.S. 469, 125 S. Ct. 2655 (2005).

The United States Supreme Court held that a city's exercise of eminent domain power in furtherance of its economic development plan satisfied the Constitution's Fifth Amendment requirement that a taking be for public use. To effectuate its plan, the city invoked a state statute that specifically authorized the use of eminent domain to promote economic development. The Court observed that promoting economic development

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

is a traditional and long accepted governmental function that serves a public purpose. Although the condemned land would not be open in its entirety to actual use by the general public, the purpose of its taking satisfied the constitutional requirement that a taking be for public use.

In response to the Kelo decision, the Fifty-eighth Idaho Legislature enacted House Bill No. 555 adding a new section, 7-701A, to the Idaho Code that specifically prohibits the use of eminent domain power to promote or effectuate economic development except where allowed by existing statute.

Lingle v. Chevron U.S.A. Inc., 544 U.S. 528, 125 S.Ct. 2074 (2005).

The United States Supreme Court reversed and remanded a decision of the Ninth Circuit Court of Appeals concluding that a Hawaii statute limiting rent that oil companies could charge dealers leasing company-owned service stations was an unconstitutional taking. In so holding the United States Supreme Court abrogated prior decisions that held that a government regulation of private property that does not substantially advance legitimate state interests effects a taking. The Court concluded that the “substantially advances” test was not an appropriate regulatory takings test because it reveals nothing about the magnitude or character of the burden a particular regulation imposes upon private property rights or provide any information about how any regulatory burden is distributed among property owners. The Court was also concerned that such an inquiry invited courts to substitute their predictive judgments for those of elected legislatures and expert agencies.

The United States Supreme Court did, however, indicate that the determination of whether a dedication of property substantially advances a government interest may be appropriate in situations where a government entity includes a dedication of property as a condition of approving a permit. In that situation the question is not whether the exaction substantially advances some legitimate state interest, but whether the exaction substantially advances the same interest that would allow the government entity to deny the permit altogether. Lacking this connection, the dedication of property would be just as unconstitutional as it would be if imposed outside the permit context.

Tahoe-Sierra Preservation Council, Inc., et al. v. Tahoe Regional Planning Agency, et al., 535 U.S. 302, 122 S. Ct. 1465 (2002).

The United States Supreme Court held that imposition of a moratorium lasting thirty-two (32) months restricting development within

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

the Lake Tahoe Basin was not a compensable taking. The Court noted the importance of Lake Tahoe in that it is one of only three lakes with such transparency of water due in large part to the absence of nitrogen and phosphorous which in turn results in a lack of algae. The Court also noted the rapid development of the Lake Tahoe area. In noting this development, the Court recognized the uniqueness of the area, and the importance of planning tools to the preservation of Lake Tahoe. The Court further noted that the geographic dimensions of the property affected, as well as the term in years, must be considered when determining whether a taking has occurred. Finally, the interest in protecting the decisional process is stronger when the process is applied to regional planning as opposed to a single parcel of land. Noteworthy is the extensive process that was followed by the Tahoe Regional Planning Agency along with the uniqueness of the Lake Tahoe region. The balance of interests favored the use of moratorium.

Dolan v. City of Tigard, 512 U.S. 374, 114 S. Ct. 2309 (1994).

In this case, the United States Supreme Court held that reconditioning an issuance of a permit on the dedication of bond to public use violated the Fifth Amendment. The city council conditioned Dolan's permit to expand her store and pave her parking lot upon her agreement to dedicate land for a public greenway and a pedestrian/bicycle pathway. The expressed purpose for the public greenway requirement was to protect the flood plain. The pedestrian/bicycle path was intended to relieve traffic congestion. The United States Supreme Court held that the city had to make "some sort of individualized determination that the required dedication [was] related both in nature and extent to the impact of the proposed development" in order to justify the requirements and avoid a "takings" claim. In this case, the Court held that the city had not done so. It held that the public or private character of the greenway would have no impact on the flood plain and that the city had not shown that Dolan's customers would use the pedestrian/bicycle path to relieve congestion.

Lucas v. South Carolina Coastal Council, 505 U.S. 1003, 112 S. Ct. 2886 (1992).

Lucas was a challenge to the 1988 South Carolina Beach Front Management Act. The stated purpose of this Act was to protect life and property by creating a storm barrier, providing habitat for endangered species and to serve as a tourism industry. To accomplish the stated purposes, the Act prohibited or severely limited development within certain critical areas of the state's beach-dune system.

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

Before the Act's passage, David Lucas bought two South Carolina beach front lots intending to develop them. As required by the Act, the South Carolina Coastal Council drew a "baseline" that prevented Mr. Lucas from developing his beach front property. Mr. Lucas sued the council, alleging its actions under the Act constituted a "taking" requiring compensation under the Fifth Amendment. The trial court agreed, awarding him \$1,232,387.50. A divided South Carolina Supreme Court reversed, however, holding that the Act was within the scope of the nuisance exception.

The United States Supreme Court reversed. Justice Scalia's majority opinion held that a regulation which "denies all economically beneficial or productive use of land" will be a "taking" unless the government can show that the proposed uses of the property are prohibited by nuisance laws or other pre-existing limitations on the use of property. This opinion noted that such total takings will be "relatively rare" and the usual balancing approach for determining takings will apply in the majority of cases.

Hodel v. Irving, 481 U.S. 704, 107 S. Ct. 2076 (1987).

Where the character of the government regulation destroys "one of the most essential" rights of ownership -- the right to devise property, especially to one's family -- this is an unconstitutional "taking" without just compensation.

In 1889, portions of Sioux Indian reservation land were "allotted" by Congress to individual tribal members (held in trust by the United States). Allotted parcels could be willed to the heirs of the original allottees. As time passed, the original 160-acre allotments became fractionated, sometimes into very small parcels. Good land often lay fallow, amidst great poverty, because of the difficulties in managing property held in this manner. In 1983, Congress passed legislation that provided that any undivided fractional interest that represented less than two percent of the tract's acreage and which earned less than \$100 in the preceding year would revert to the tribe. Under the statute, tribal members who lost property as a result of this action would receive no compensation. Tribal members challenged the statute. The United States Supreme Court held this was an unconstitutional "taking" for which compensation was required.

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

Nollan v. California Coastal Comm’n, 483 U.S. 825, 107 S. Ct. 3141 (1987).

The United States Supreme Court held that it was an unconstitutional “taking” to condition the issuance of a permit to land owners on the grant of an easement to the public to use their beach.

James and Marilyn Nollan, the prospective purchasers of a beach front lot in California, sought a permit to tear down a bungalow on the property and replace it with a larger house. The property lay between two public beaches. The Nollans were granted a permit, subject to the condition that they allow the public an easement to pass up and down their beach. On appeal, the United States Supreme Court held that such a permit condition is only valid if it substantially advances legitimate state interests. Since there was no indication that the Nollans’ house plans interfered in any way with the public’s ability to walk up and down the beach, there was no “nexus” between any public interest that might be harmed by the construction of the house and the permit condition. Lacking this connection, the required easement was just as unconstitutional as it would be if imposed outside the permit context. (The Court noted that protecting views from the highway by limiting the size of the structure or banning fences may have been lawful.)

Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419, 102 S. Ct. 3164 (1982).

The United States Supreme Court ruled that a statute that required landlords to allow the installation of cable television on their property was unconstitutional. The Court concluded that “a permanent physical occupation authorized by government is a ‘taking’ without regard to the public interest that it may serve.” The Court reasoned that an owner suffers a special kind of injury when a “stranger” invades and occupies the owner’s property, and that such an occupation is “qualitatively more severe” than a regulation on the use of the property. The installation in question required only a small amount of space to attach equipment and wires on the roof and outside walls of the building.

Penn Central Transp. Co. v. City of New York, 438 U.S. 104, 98 S. Ct. 2646 (1978).

The United States Supreme Court upheld the constitutionality of a New York City historic preservation ordinance under which the city had declared Grand Central Station a “landmark.” In response to Penn Central’s takings claim, the United States Supreme Court noted that there

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

was a valid public purpose to the city ordinance, and that Penn Central could still make a reasonable return on its investment by retaining the station as it was. Penn Central argued that the landmark ordinance would deny it the value of its “preexisting air rights” to build above the terminal. The Court found that it must consider the impact of the ordinance upon the property as a whole, not just upon “air rights.” Further, under the ordinance in question, these rights were transferable to other lots, so they might not be lost.

Florida Rock Industries, Inc. v. United States, 18 F.3d 1560 (Fed. Cir. 1994) *cert. denied*, 513 U.S. 1109, 115 S. Ct. 898 (1995) (Florida Rock IV).

This is a Clean Water Act case. There have been several court decisions, and the most recent one affirms the holding that in the absence of a public nuisance, economic impact alone may be determinative of whether a regulatory “taking” under the Fifth Amendment has occurred. If the regulation categorically prohibits *all* economically beneficial use of land, destroying its economic value for private ownership, and the use prohibited is not a public nuisance, the court held that regulation has the effect equivalent to permanent physical occupation, and there is, without more, a compensable “taking.”

In 1972, a mining company purchased 1,560 acres of wetlands (formerly part of the Everglades, but now excluded by road, canal and levee) for the purposes of mining limestone. In 1980, the company applied to the U.S. Army Corps of Engineers for a “section 404” permit for the dredging and filling involved in the mining operation. The Corps of Engineers denied the application, primarily for the purpose of protecting the wetlands. While several courts had previously held that the United States had unconstitutionally taken the mining company’s property, and required the government to compensate the company, the Federal Circuit ruled that the evidence did not support a finding that the permit denial prohibited *all* economically beneficial use of the land or destroyed its value. On remand, the Court of Federal Claims held that permit denial resulted in a compensable partial regulatory taking of property and that a “partial taking” occurs when a regulation singles out a few property owners to bear burdens, while benefits are spread widely across the community. Florida Rock Industries, Inc. v. United States, 45 Fed.Cl. 21, 49 ERC 1292 (1999).

Summaries of Significant Idaho “Takings” Cases

REGULATORY TAKINGS UPDATES

N. Idaho Bldg. Contractors Assoc. v. City of Hayden, 164 Idaho 530, 432 P. 3d 976 (2018).

Plaintiff brought a claim alleging that a city’s sewer connection/capitalization fee was an unlawful regulatory taking. The Idaho Supreme Court held that the plaintiffs were not required to file a notice of claim under Idaho Code §§ 50-219 and 6-906 to maintain a claim against a city based upon the Takings Clause in the United States Constitution. The Court also concluded that the plaintiff’s federal taking claim was not barred by failing to file a written request for a regulatory takings analysis under Idaho Code § 67-8003. The Court concluded that when the plaintiff filed the complaint the Regulatory Takings Act only applied to owners of real property.

The Court’s reasoning that Idaho Code § 67-8003 only applies to real property is likely no longer applicable since the Idaho Legislature passed Senate Bill No. 1325, amending Idaho Code § 67-8003 to change the term “real property” to “private property.” 2016 Idaho Sess. Laws ch. 225, sec. 1, p. 620.

Hehr v. City of McCall, 155 Idaho 92, 305 P.3d 536 (2013).

The Idaho Supreme Court held that the developer’s claims for inverse condemnation under state law were barred under Idaho Code §§ 50-219 and 6-906 because the developer failed to file a notice of claim with the city within the required 180 day period. The Court also held that the developer’s federal takings claims were not ripe because the contribution was made by voluntarily agreement, not as a final decision of the city regarding the application of the ordinances to the property at issue. Additionally the Court found that the developer failed to exhaust its remedies because it did not request a regulatory takings analysis under Idaho Code § 67-8003.

The Court’s reasoning that the federal takings claim was not ripe is likely no longer applicable after the United States Supreme Court’s decision in *Knick v. Twp. of Scott, Penn.*, ___ U.S. ___, 139 S. Ct. 2162 (2019). Additionally, in 2016, the Idaho Legislature passed Senate Bill No. 1325, amending Idaho Code § 67-8003 to specifically provide that a private property owner is not required to submit a written request for a regulatory takings analysis as a prerequisite to seeking other legal and

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

equitable remedies including payment of just compensation. 2016 Idaho Sess. Laws ch. 225, sec. 1, p. 620.

Alpine Vill. Co. v. City of McCall, 154 Idaho 930, 303 P.3d 617 (2013).

The Idaho Supreme Court held that the developers claims for inverse condemnation under state law were barred under Idaho Code §§ 50-219 and 6-906 because the developer failed to file a notice of claim with the city within the required 180 day period. The Idaho Supreme Court also upheld the dismissal of the developer's federal claims for unlawful taking concluding that the claims were not ripe because the city had made no final decision as to the application of the ordinance to the development and because the developer had not requested a regulatory takings analysis under Idaho Code § 67-8003.

The Court's reasoning that the federal takings claim was not ripe is likely no longer applicable after the United States Supreme Court's decision in Knick v. Twp. Of Scott, Penn., ___ U.S. ___, 139 S. Ct. 2162 (2019). Additionally, in 2016, the Idaho Legislature passed Senate Bill No. 1325, amending Idaho Code § 67-8003 to specifically provide that a private property owner is not required to submit a written request for a regulatory takings analysis as a prerequisite to seeking other legal and equitable remedies including payment of just compensation. 2016 Idaho Sess. Laws ch. 225, sec. 1, p. 620.

Buckskin Props., Inc v. Vallev Cty., 154 Idaho 486, 300 P.3d 18 (2013).

The Idaho Supreme Court considered a regulatory takings challenge brought by a developer challenging conditions contained in an agreement between the county and the developer that the developer would contribute capital to road impact mitigation for its proposed development. The Idaho Supreme Court ruled that a governmental entity had authority to enter into a voluntary agreement with a developer for the developer to fund and construct capital improvements that will facilitate the developer's development plans.

The Court also concluded that there was no taking because the capital contribution condition had been initially proposed by the developer in its application and the developer did not object to the inclusion of the condition by seeking judicial review of the county's permitting decision under the Local Land Use Planning Act or by requesting a regulatory takings analysis.

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

The Court's reasoning that there was no takings claim because the developer did not timely request a regulatory takings analysis is no longer applicable. In 2016, the Idaho Legislature passed Senate Bill No. 1325, amending Idaho Code § 67-8003 to specifically provide that a private property owner is not required to submit a written request for a regulatory takings analysis as a prerequisite to seeking other legal and equitable remedies including payment of just compensation. 2016 Idaho Sess. Laws ch. 225, sec. 1, p. 620.

City of Coeur d'Alene v. Simpson, 142 Idaho 839, 136 P.3d 310 (2006).

The Idaho Supreme Court ruled that regulatory taking claims were ripe, even though the landowners had not sought a variance under the ordinance. A regulatory takings claim accrues when the burden of the ordinance on the landowners' property is known, not upon the enactment of an ordinance.

Generally, if an ordinance provides a procedure for a variance, the landowner must seek the variance before filing a regulatory takings claim. The Court explained that landowners' failure to seek a variance was not fatal here because the city did not have discretion under the ordinances to grant a variance. The requirement for a variance was not fatal because a variance in this situation could not have provided the property owners with relief under the stated purposes of the city's ordinances.

The Court also considered the valuation of property when the basis for regulatory takings claims is that an ordinance deprives the property of all economically productive or beneficial uses, or alternatively, that the value of the property is diminished by city ordinances. The Court explained that the task is to compare the value of the property taken with the value that remains in the property. This process requires identifying the property to be valued as realistically and fairly as possible in light of the regulatory scheme and factual circumstances. In this case, the property in question was divided during the course of the litigation, and the parcels owned by separate entities. The lower court concluded that the transfer of the property had no effect on valuation and dismissed the regulatory takings claims. The Idaho Supreme Court reversed and remanded, concluding that, based on the current record, it was improper for the district court to disregard the separate ownership of the parcels for the purpose of determining the property taken and the value of the property.

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

Inama v. Boise County, 138 Idaho 324, 63 P.3d 450 (2003).

Boise County was not obligated to compensate the plaintiff for the loss of his front end loader because the Idaho Disaster Preparedness Act of 1975 created immunity for a subdivision of the state engaged in disaster relief activities following a declaration of disaster emergency. First, the Idaho Supreme Court rejects the plaintiff's argument that the scope of immunity granted by Idaho Code § 46-1017 is narrowed by Idaho Code § 46-1012(3), which provides for compensation for property "only if the property was commandeered or otherwise used in coping with a disaster emergency and its use or destruction was ordered by the governor or his representative." The Court held that the statute was "clear and unambiguous," and since Idaho Code § 46-1017 does not specifically limit the scope of immunity to damages compensable under Idaho Code § 46-1012, Idaho Code § 46-1017 grants Boise County immunity from damages. Second, the Court held that compensation is not allowed for inverse condemnation under art. I, sec. 14 of the Idaho Constitution because of the immunity granted under Idaho Code § 46-1017.

McCuskey v. Canyon County Comm'rs, 128 Idaho 213, 912 P.2d 100 (1996).

The Idaho Supreme Court held that when a regulation of private property that amounts to a taking is later invalidated, the subsequent invalidation converts the taking to a "temporary" taking. In such cases, the government must pay the landowner for the value of the use of the land during the period that the invalid regulation was in effect.

The Idaho Supreme Court also discussed the application of the statute of limitations to takings and inverse condemnation actions. The Court ruled that a taking occurs as of the time that the full extent of the plaintiff's loss of use and enjoyment of the property becomes apparent. As a result, the Court ruled that the statute of limitations begins to run when the plaintiff's loss of use and enjoyment of the property first becomes apparent, **even if** the full extent of damages cannot be assessed until a later date.

Sprenger Grubb & Assoc. v. Hailey, 127 Idaho 576, 903 P.2d 741 (1995).

The Idaho Supreme Court held that the City of Hailey's decision to rezone a parcel of land from "Business" to "Limited Business" was not a taking because some "residual value" remained in the property. The rezone reduced the value of the plaintiff's property from \$3.3 million to

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

\$2.5 million. In addition, the Idaho Supreme Court held that the rezone did not violate the “proportionality” standard set out in Dolan v. City of Tigard, 512 U.S. 374, 114 S. Ct. 2309 (1994), because none of the plaintiff’s property was dedicated to a public use.

Brown v. City of Twin Falls, 124 Idaho 39, 855 P.2d 876 (1993).

The Idaho Supreme Court held that the placement of road median barriers by city and state, which restrained business traffic flow to a shopping center, was exercise of police power and did not amount to compensable taking, since landowners had no property right in the way traffic flowed on streets abutting their property.

Hayden Pines Water Co. v. Idaho Public Utilities Commission, 122 Idaho 356, 834 P.2d 873 (1992).

Without extensive discussion, the Idaho Supreme Court held that an Idaho Public Utilities Commission order requiring a water company to perform certain accounting functions (at an estimated cost of \$15,000 per year), without considering those costs in the rate proceeding, was an unconstitutional “taking.”

Coeur d’Alene Garbage Service v. Coeur d’Alene, 114 Idaho 588, 759 P.2d 879 (1988).

The just compensation clause of the Idaho State Constitution art. I, sec. 14, requires compensation be paid by a city, where that city either by annexation or by contract prevents a company from continuing service to its customers. The Idaho Supreme Court held that a company has a property interest protected by the Idaho Constitution in continuing to conduct business. In this case, a garbage company already operating in the city and providing garbage service to customers lost the right to continue its business when the city entered into an exclusive garbage collection contract with another company, permitting only that company to operate within the annexed areas.

Ada County v. Henry, 105 Idaho 263, 668 P.2d 994 (1983).

The Idaho Supreme Court held that property owners had no “takings” claim where the owners were aware of zoning restrictions before they purchased the property, even though the zoning ordinance reduced their property’s value.

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

Nettleton v. Higginson, 98 Idaho 87, 558 P.2d 1048 (1977).

In times of shortage, a call on water that allows water right holders with junior priority dates to use water while senior holders of beneficial use water rights are not allowed to use water, is not a taking protected by the just compensation clause of the Idaho Constitution.

Dawson Enterprises, Inc. v. Blaine County, 98 Idaho 506, 567 P.2d 1257 (1977).

A zoning ordinance that deprives an owner of the highest and best use of his land is *not*, absent more, a “taking.” There are two methods for finding a zoning ordinance unconstitutional. First, it may be shown that it is not “substantially related to the public health, safety, or welfare.” Second, it may be shown that the “zoning ordinance precludes the use of . . . property for *any* reasonable purpose.”

State ex rel. Andrus v. Click, 97 Idaho 791, 554 P.2d 969 (1976).

The Idaho Supreme Court held that where statutory or regulatory provisions are reasonably related to an enactment’s legitimate purpose, provisions regulating property uses are within the legitimate police powers of the state and are not a “taking” of private property without compensation. In this case, the Court upheld the permit, bonding, and restoration requirements of the Dredge and Placer Mining Protection Act. It found that they were reasonably related to the enactment’s purpose in protecting state lands and watercourses from pollution and destruction and in preserving these resources for the enjoyment and benefit of all people.

Boise Redevelopment Agency v. Yick Kong Corporation, 94 Idaho 876, 499 P.2d 575 (1972).

The Idaho Supreme Court held that the Idaho Constitution grants a power of eminent domain much broader than that granted in most other state constitutions. According to the Idaho Supreme Court, even completely private irrigation and mining businesses can use eminent domain. It held that the state, both through the power of eminent domain and the police powers, may protect the public from disease, crime, and “blight and ugliness.”

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

Unity Light & Power Co. v. City of Burley, 92 Idaho 499, 445 P.2d 720 (1968).

Once a supplier of a service lawfully enters into an area to provide that service, annexation by a city does not authorize an ouster of that supplier from that area without condemnation.

Johnston v. Boise City, 87 Idaho 44, 390 P.2d 291 (1964).

Where government exercises its authority under its police powers and the exercise is reasonable and not arbitrary, a harmful effect to private property resulting from that exercise alone is insufficient to justify an action for damages. The court must weigh the relative interests of the public and that of the individual to arrive at a just balance in order that government will not be unduly restricted in the proper exercise of its functions for the public good, while at the same time giving due effect to the policy of the eminent domain clause of ensuring the individual against an unreasonable loss occasioned by the exercise of governmental power.

Roark v. City of Caldwell, 87 Idaho 557, 394 P.2d 641 (1964).

The Idaho Supreme Court held that certain height restrictions, which limited use of private land adjacent to an airport to agricultural uses or to single family dwelling units, was an unconstitutional “taking” if no compensation was provided. The Court held that a landowner’s property right in the reasonable airspace above his land cannot be taken for public use without reasonable compensation.

Mabe v. State, 83 Idaho 222, 360 P.2d 799 (1961).

The Idaho Supreme Court held that destroying or impairing a property owner’s right to business access to his or her property constitutes a “taking” of property whether accompanied by actual occupation of or confiscation of the property.

Anderson v. Cummings, 81 Idaho 327, 340 P.2d 1111 (1959).

The Idaho Supreme Court recognized individual water rights are real property rights protected from “taking” without compensation.

Hughes v. State, 80 Idaho 286, 328 P.2d 397 (1958).

The Idaho Supreme Court held that private property of all classifications is protected under the Idaho Constitution just compensation clause.

Idaho Regulatory Takings Act Guidelines
Appendix A: Significant Federal and State Cases

Robison v. Hotel & Restaurant Employees Local #782, 35 Idaho 418, 207 P. 132 (1922).

The Idaho Supreme Court held that the right to conduct a business is a property interest protected under the Idaho Constitution just compensation clause.

Idaho Regulatory Takings Act Guidelines
APPENDIX B: REQUEST FOR REGULATORY TAKING
ANALYSIS

Recommended Form for:
REQUEST FOR TAKING ANALYSIS

Name: _____
Address: _____
City: _____ Zip Code: _____
County: _____

1. Background Information

This form satisfies the written request requirement for a regulatory taking analysis from a state agency or local governmental entity pursuant to Idaho Code § 67-8003(2). The owner of the property subject to the government action must file this with the clerk or secretary of the agency whose act is questioned within twenty-eight (28) days of the final decision concerning the matter at issue. A regulatory taking analysis is considered public information. Such an analysis is to be performed in accordance with the checklist established by the Attorney General of the State of Idaho pursuant to Idaho Code § 67-8003(1). See page 8 of the *Idaho Regulatory Takings Act Guidelines* for a description of the checklist.

2. Description of Property

a. Location of Property:

b. Legal Description of Property:

3. Description of Act in Question

a. Date Property was Affected:

b. Description of How Property was Affected:

c. Regulation or Act in Question:

d. Are You the Only Affected Property Owner? ☐ Yes ☐ No

e. State Agency or Local Governmental Entity Affecting Property:

f. Address of Agency or Local Governmental Entity:

Idaho Regulatory Takings Act Guidelines
APPENDIX C: REGULATORY TAKINGS CHECKLIST

State of Idaho Office of the Attorney General Regulatory Takings Checklist		Yes	No
1 Does the Regulation or Action Result in Either a Permanent or Temporary Physical Occupation of Private Property?	_____	_____	
2 (a) Does the Regulation or Action Require a Property Owner to Either Dedicate a Portion of Property or to Grant an Easement?	_____	_____	
(b) If Yes, is There a “Nexus and Rough Proportionality” Between the Property that the Government Demands and the Impacts of the Property Use Being Regulated?	_____	_____	
3 Does the Regulation or Action Require the Owner to Expend Funds to Address Items That Lack a “Rough Proportionality” to the Social Costs of the Proposed Use of Property?	_____	_____	
4 Does the Regulation Deprive the Owner of All Economically Viable Uses of the Property?	_____	_____	
5 Does the Regulation Have a Significant Impact on the Landowner’s Economic Interest?	_____	_____	
6 Does the Regulation Deny a Fundamental Attribute of Ownership?	_____	_____	
Remember: Although a question may be answered affirmatively, it does not mean that there has been a “taking.” Rather, it means there could be a constitutional issue and that proposed action should be carefully reviewed with legal counsel.			

This checklist should be included with a requested analysis pursuant to Idaho Code § 67-8003(2).