

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF CARIBOU COUNTY, IDAHO HELD THURSDAY, APRIL 7TH, 2022.

ROLL CALL SHOWED THE FOLLOWING PRESENT:

- Nolan Koller - Vice-Chairman
- Becky Jorgensen
- Blair Rindlisbaker
- Glaid Christensen
- JoAnna Ashley, P&Z Admin

ABSENT: Wendy Pelayo - Chairwoman

ALSO PRESENT:	Rodney Poe	Jay & Penni Kadel	Shari Vedder
	Dawn Perkins	Charles & Betty Gentry	Jerry Lakey
	Babe & Hayley Lakey	Josh & Amity Hansen	Britton McWilliams

7:00 PM Acting Chairman Koller opened the meeting. He asked if there was a motion to approve the minutes from April 7th, 2022. Commissioner Christensen moved to approve the April 7th, 2022 minutes, seconded by Commissioner Jorgensen. All in favor, motion approved.

7:05 PM Vice-Chairman Koller opened the public hearing to give consideration to the application of Rodney Poe, who is requesting approval of a Conditional Use Permit (CUP) for a single Campsite in the Low-Density Residential Zone (LDR), as allowed by Chapter 13.16.040.G of the County Code. The CUP would allow the property to have a single campsite to be used for commercial rental and use by the public. The proposed location of the Single Campsite would be at 3058 Caribou Rd., Soda Springs, Idaho. P&Z Admin Ashley stated there were multiple letters received regarding the request and provided an overview of all the letters received.

Mr. Poe provided an overview of his request. He plans to partner with HipCamp to operate the single campsite and there will not be any improvements on the property. Trailers will be limited to 12 feet and he will only be providing a flat spot for a tent, and a portable type bathroom. He outlined the conditions as listed in his application. His intention is to make some residual income from his land in a way he sees as being non-invasive. The proposed use would provide economic support to the County as the tenants will go to town for groceries, fishing licenses, etc. He has defensive space to protect against fires and has means to maintain the grass green and not allow it to dry out. He pointed out that other sites have what amount to a campsite on their property and keep campers there year-round. As a result, he doesn't feel the use is out of the ordinary for the area. He also has a \$1,000,000 liability insurance policy for the property and this use. Commissioner Jorgensen asked what HipCamp stood for. Mr. Poe explained is a booking website of which takes 10% of the booking fees to list the campsite. The insurance policy is provided through HipCamp. In addition to the insurance provided by HipCamp he carries a policy personally that is \$500,000.

Penni Kadel, 1276 Aspen Circle, Soda Springs, lots 3,4 and 5, of Block 2, in the Caribou Village Phase I, said they bought their property 22 years ago. In order to build it they had to put the road in according to County specifications. They had to pay for the road and the County will not adopt it. She wants to know who will maintain the road and the wear that comes with the increased traffic. Regarding ATVs etc. no one regulates those. Further the risk of fire with the use of campfires on the property.

Sheri Vedder, 3164 Caribou Rd, owns lot 2, of Block 1 in Caribou Village Phase I, she also has questions regarding who is going to maintain the road. They are the first ones on Caribou Road so everyone will have to drive past their house. There is not a posted speed and people speed past her house quite fast. She asked

how it would be policed or enforced if they have more than 7 people or more than 2 vehicles. What will happen if they do? What is the plan to manage garbage as people already tend to litter and she picks up garbage as she walks the road?

Dawn Perkins, 3154 Caribou Rd owns 3, 4, 5, 6, 7 in Block 1 and lot 8 in Block 2 in Caribou Village Phase I, said everyone donates money and time to maintain the road, purchase the gravel, etc. It is a dead-end road so they have to exit the same way they enter. Speeding is already a problem and they regularly stop people and ask them to slow down. The road is not up to County specs, and especially not up to Mr. Poe's property. The road becomes muddy and impassable. They've had people walk out and ask for help getting unstuck. No one that lives past the houses contributes to the road. The road does not have the base needed. She acknowledges that Mr. Poe says there are limits on the proposed tenants, but can't see how that can be enforced in his absence. She is concerned a service truck may not be able to access the property to service the porta-potty when the road is in poor condition. They have property on the river as well and people are regularly trespassing on their property and leave their trash behind and park on their hay. She concluded, this is where they live and they do not want to see commercial uses being allowed in.

Charles Gentry, 3490 Rock Chuck Rd, stated he is in agreement with the prior shared concerns. He lives on the other side of the river and even his road in the summer has an increase in traffic and people speed. He does not want to see an increase of people in the area.

Betty Gentry, 3490 Rock Chuck Rd, said that fires have been an issue in the years past. Additionally, shooting has been a problem as well. In the summer months when people tube the river, they come to their property to pick up those who floated the river without permission. There is no policing of the property on the other side of the river.

Rodney Poe, said since 2005 they have tried to improve the road and he has paid approximately \$1,500 toward improving the road as well as had a bulldozer brought in. Today he drove the road to his property in two-wheel drive; there were a couple puddles, however he did not sink. He acknowledged that if it does get too wet there can be problems traversing the roadway. The road, while it's private, it is impossible to police who drives the road, it's not just for the landowners and he doesn't feel it's his job to police the people traveling the road. When he is gone, he can't control or stop people from going in when the road is not in good condition. In regards to shooting, he said he has shot .22 and shotguns in the past but aside from that he does not shoot on the property. In addition, the Sheriff has said that shooting is allowed. He has taken the issues of shooting to Fish and Game Officer Raleigh Scott, as those hunting have shot at his property. He said anyone who uses his property will be greeted by him and he will personally verify that they are in compliance with conditions of the use. His property is maintained, there is no garbage, broken down farm equipment, etc., it is clean and maintained. The address of 3087 Caribou Rd is where the road starts to be non-maintained, but it is after all the existing residences. He said that several other landowners allow Russian thistle to grow rampant on their property and create a fire hazard as they dry out.

He said that others have expressed interest in trying to utilize their lots in the way he is proposing, as a way to have some residual income. The road has at best turned into a jeep trail, especially past Lot 12 in Block 2, which is after his property. He can't foresee how the road can ever be brought up to County specifications. As a result, the lots will never be allowed to construct residences, as a result recreational use of the lots makes sense. He said he spoke to his direct neighbor to the east, Cody Harding, and he is not opposed to the proposal. He reiterated he will have insurance for this use if it is approved. Those protesting this likely do not carry insurance on their lots and if they start a fire on their property, what is the recourse? The traffic is already there and he does not feel those who come to his lot in one vehicle are going to add adverse conditions to the road. Vice-Chairman Koller asked if he had a well. Mr. Poe stated he does not, however he does have a pump that he pumps from the river. In addition, the condensation on the grass does a good job

of keeping the grass green until approximately August time frame when he waters it. It is mowed and maintained throughout the summer. Commissioner Jorgensen asked if he lives in Soda Springs and asked if she will stay in town while the tenants are here. Mr. Poe stated he lives in Pocatello but he will greet the tenants, provide them a welcome package and go over the rules. Commissioner Jorgensen asked Mr. Poe to clarify whether or not he is not going to be staying at the site or in town to police the property. Mr. Poe said he would not, he would be returning to Pocatello after greeting the tenant. Jay Kadel said the road was paid for by the LDS Church, not by Mr. Poe. Mrs. Perkins said that \$1,500 is nothing when it comes to the cost of the road, further who is liable for the continued upkeep and repairs and stated that presently there is nothing governing that.

Commissioner Christensen asked what the season length would be. Mr. Poe said his season is likely going to be June-September. He said if there's a high fire danger, he will not allow it to be rented. Commissioner Jorgensen said Mr. Poe has done a great job preparing his proposal. Commissioner Jorgensen and Commissioner Rindlisbaker were in agreement that others cannot control what people do, as a result, it would be hard to regulate the actions of those using Mr. Poe's proposed facility. Vice-Chairman Koller asked if those in the subdivision had considered putting in a gate. Mrs. Perkins and Mr. Poe stated that they tried in the past but were told by Ralph Hopkins, a prior building inspector and road and bridge employee of the County, that they could not install a gate.

Commissioner Rindlisbaker said he felt like the concerns were similar to those raised in the last public meeting regarding Christopher Gonzalez's conditional use permit in the Pebble Creek Subdivision. The road and road maintenance are private and the responsibility of the landowners. Commissioner Jorgensen felt like the policing of the property would fall to the neighbors after Mr. Poe returned to his home in Pocatello.

Commissioner Rindlisbaker made a motion to recommend the Commissioners deny the application as he felt the number two standard of approval regarding traffic had not been met; seconded by Commissioner Jorgensen. All in favor, motion approved.

8:19 PM Vice-Chairman Koller opened the public hearing to give consideration to Babe Meyers, on behalf of landowner Jerry Lakey, who is requesting an amendment of the conditions for the Barley Meadows Subdivision located on the east side of Gunnell Rd and directly north of Highway 30, east of the City of Soda Springs; located outside of, but adjacent to, the Area of Impact boundary for the City of Soda Springs. The amendment would remove the requirement of the Subdivision to have either a level 2 nutrient-pathogen study completed or utilize community sewer and water. If this amendment is approved it would allow all the lots within the proposed subdivision to utilize individual septic systems and wells, pending approval for the septic system and wells by the appropriate regulatory agencies. This request is being made since there was a geological study of the area conducted to assess the hydrology of the area and submitted to the County and Idaho Department of Environmental Quality (IDEQ) on February 7, 2022, as well and a revised recommendation from IDEQ due to having conducted a site visit November 4, 2021 and review of the geological report.

Hayley Myers, 1773 Cedar View, Soda Springs, requested that the Commission recommend the Commissioners approve the change of the conditions, removing the requirements of either a community sewer and water system or a Level 2 Nutrient Pathogen study, and instead now allow the subdivision to proceed with the condition of allowing individual septic systems and wells.

Babe Myers, 1773 Cedar View, Soda Springs, stated that in the beginning Idaho Department of Environmental Quality (IDEQ) was provided the wrong number of lots which also influenced the recommendation of the Level 2 Nutrient Pathogen Study.

Britton McWilliams 2922 Godwin Court, said he lives just north of there on Rabbit Hill. He wanted it noted that he does not have anything personal against the applicants and one is his neighbor. He said that he is not opposed to the individual septic systems, however he is opposed to the individual wells. For the last 20 years we have been approaching a mega drought. He said his neighbors had left for the weekend and left their sprinklers on, when they returned the pump had run dry. He pointed out that Larry Simmons this year has not had the water availability to pond up the water and utilize it for the summer. They have already run out of water this year for those ponds. He pointed out that the geologist's letter states clearly that his study is only an opinion and not exactly based in science. He cannot see how 48 new wells cannot not impact everyone if a groundwater study is not completed. He said further in looking at the history of this area that Bailey Creek and Valley View have community water systems and he feels that this subdivision should have one as well. He added that Ray Nelson who is a well driller said that the Wood Canyon aquifer is isolated by itself. Commissioner Jorgensen asked how deep Mr. McWilliams' well is, he said that his is 400 feet deep and he does share a well with his neighbor.

Babe Myers stated that when they started this process a year ago there was a room full of people that had the same concerns as Mr. McWilliams. He said that the geologist explained if the water levels lowered in the aquifer, it would affect those at the bottom of the aquifer not those at the top. As a result, the existing wells would not be affected. If wells were going to be affected it would be those on the other side of the highway, south of the subdivision.

Commissioner Jorgensen asked what would happen if in Phase I, as the wells are utilized on the new lots, neighboring wells are affected, would Phase II proceed? Hayley Myers said if the wells were affected, they would not proceed with Phase II or Phase III. Commissioner Jorgensen and Commissioner Rindlisbaker were in agreement that they did not feel they knew enough about water and felt that they should default to the professionals.

Commissioner Christensen made a motion to recommend the County Commissioners approve the use of individual septic systems and wells, with the condition that if professional proof can be provided that the new wells in the subdivision are affecting existing wells, the subdivision development will stop. Seconded by Commissioner Rindlisbaker. All in favor, motion approved.

8:50 PM Vice-Chairman Koller closed the public hearing.

Vice-Chairman Koller opened the discussion regarding the preliminary plat and Codes, Covenants and Restrictions (CC&Rs) for the Barley Meadows Subdivision. P&Z Admin Ashley provided the Commission with a review of the standards of approval. The Commission went step-by-step through the standards of approval required to determine conformance with the code. At the conclusion of the review as well as the CC&Rs Commissioner Jorgensen moved to approve the preliminary plat and Codes, Covenants and Restrictions governing the subdivision with the following conditions.

1. The Commissioners approve the amended condition allowing individual septic systems and wells.
2. The Health Department approves the individual septic proposal and provides the statement for the plat.
3. Addition to the preliminary notes clarifying that utilities will be installed in the Barley Loop right-of-way and per CC 7.12.630
4. Modify 1.6 A to state short-term rentals as defined per CC.
5. Modify 1.14 change "order" to "odors".
6. Add a statement in 2.3 that the cost of maintenance is also for snow removal.
7. Amend 2.8 to require 75% of the voting members in favor of the amendment or termination, not 75% of lots owners.

8. Amend 2.3 to read “Owners of multiple lots shall have one vote. In the event a lot is owned by multiple owners, there shall only be one vote cast on behalf of the lot. It’s up to the parties to agree on their vote.”

9. Addition of a defining clause that outlines the governing board of the subdivision and their authority. The motion was seconded by Commissioner Christensen. Chairman Koller asked if there was any further discussion. Commissioner Jorgensen moved to amend the motion to include the requirement the plat is amended under the “Preliminary Notes” section on page two, to read “Barley Loop is a Private Road and will be designed to that standard. In order for the County to adopt Barley Loop it will have to be completed per the subdivision road standards outlined in 7.12.630 and meet the occupancy requirements as indicated by the Commissioners.” Seconded by Commissioner Christensen. All in favor, motion approved.

9:34 PM Commissioner Christensen moved to adjourn, seconded by Commissioner Rindlisbaker. All in favor, meeting adjourned.