

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF CARIBOU COUNTY, IDAHO HELD THURSDAY, NOVEMBER 3RD, 2022.

ROLL CALL SHOWED THE FOLLOWING PRESENT: Nolan Koller - Vice-Chairman
Blair Rindlibaker
Becky Jorgensen
Nellie Askew, P&Z Admin

ABSENT: Adam Hulse, Sadie Somsen

ALSO PRESENT: Noel Cole (Planning & Zoning New Commission Member), James Ackerman, Jayson Lower, Allyne & Raymond Betancourt, and Craig Shuler

6:05 PM Acting-Chairman Koller opened the meeting. He asked if there was a motion to approve the minutes. Commissioner Jorgensen moved to approve the October 6th, 2022 minutes, seconded by Commissioner Rindlibaker. All in favor, motion approved. Commissioner Koller asked if there was an amendment to the agenda, no amendment was added. He introduced the new Planning & Zoning Commissioners Noel Cole and Dow Barker.

6:06 PM P&Z Admin Askew presented conditional use application overview for IDAWY, IDAWY purchased roughly 1,280 acres for their new Integrated Solid Waste Facility. 983 acres are located in Bear Lake County and 297 acres in Caribou County. This new facility will service the residents of communities located in Idaho counties of Oneida, Caribou, Bear Lake, and Lincoln County in Wyoming. IDAWY is wanting to use the 297 acres located in Caribou County as part of their new facility.

6:07 PM Vice-Chairman Koller opened the public hearing to give consideration to the application of IDAWY Solid Waste District.

6:10 PM Jayson Lower, Executive Director for IDAWY explained that they are building a regional landfill facility that will service four counties. Mr. Lower stated he is here to answer questions. Chairman Koller explained the Public Hearing process and asked if anyone was here in support of the facility. No public comment was made. Commissioner Jorgenson asked Mr. Lower to go into depth on what is going on at the facility. Mr. Lower explained that regional facilities are happening all over the nation and Idaho is behind on the curve. Caribou could have its own facility, but it would cost a lot more money than a regional facility. He explained that it will be permitted for 100-years with a 500-year expectancy.

6:12 PM Vice-Chairman Koller opened the floor for any questions.

6:12 PM Allyne Betancourt, from Chesterfield asked what type of landfill facility will this be, example recycling, chemicals. She added she thinks a multi county landfill is a wonderful idea. Mr. Lower answered it will be a fully permitted MSW landfill. It will be lined and engineered. And that they will not take hazardous waste but almost everything else.

6:14 PM Robert Hatch, from Chesterfield asked if he has to take his trash to this new facility. Mr. Lower answered this new facility is only a transfer station from the current locations. The community will still bring their trash to Grace and the employees of IDAWY will transfer it from Grace to the new facility.

6:15 PM Craig Shuler, from Soda Springs stated he is not necessarily for it or against it, just wanted some information. The first question wanted to see the boundary. Admin. Askew provided the boundaries on the TV screen. Mr. Lower stated they protentional purchased a lot of ground to provide a buffer to not encroach

on individuals' properties. Mr. Lower showed Craig on TV screen that the boundary of the facility. Mr. Shuler stated since Dimond Gulch is one of the few accesses to the public lands behind, he wanted to verify that there will not be gates placed on the access roads. Mr. Lower advised Mr. Shuler that it is required that the facility be fenced it, but the access road will remain open to the public. Mr. Schuler asked if the dotted line on the map would be the new access road. Mr. Lower answered he does not know yet and the access road to their facility is all dependent on the boring tests to determine where the access road will go. Mr. Shuler brought up the spring that is in that area and worried about the protecting the springs. Mr. Lower answered stating they will protect it. Mr. Shuler then asked what happens if there is a spill. Mr. Lower answered there will be no spills and it will all be self-contained with leach aid ponds and all the water has to be contained. Mr. Schuler asked if there would be any gas, diesel, chemicals, and other liquids. Mr. Lower explained the lined facility and how it will be caught in a leach aid pounds and handled. Mr. Shuler asked what do you do with the goo. Mr. Lower answered we treat it, re-apply it at the landfill, or neutralize it. Mr. Shuler asked if you neutralize it causes no harm. Mr. Lower answered we will handle it on-site. We are such a dry climate that it will evaporate off. Mr. Shuler's asked the farm are they purchased will they still be able to farm it. Mr. Lower answered yes, they will still be able to farm and they have made lease agreements with the surrounding owners for them to still be able to farm. Mr. Shuler stated he owned land on both sides of the highway close to the facility. In the west corner of the property, they have a pasture with a good spring and the ground water he wants to protect it and understand that IDAWY has a plan but you hear about all the accidents and you wonder. Mr. Lower stated he is obviously concerned about the spring and they will stay away from the springs. Mr. Lower continued could it be potentially be contaminated, part of our permitting that is required they have to prove that it will withstand a certain size of earthquake. And they are doing everything required by law to protect the environment and ground water and the purpose of building a regional landfill is to protect the ground water and they are unsure of how deep the water is around it. Mr. Shuler there is a pound and a free flow spring. Mr. Lower stated in their permitting process they have to drill wells to determine which way the water flows and have to protect the water and they cannot do anything to disrupt the water and they have a pretty good idea on it now but Mr. Lower does not want to comment publicly on it but does not for see any problems. Mr. Shuler brought up Swan Lake and the concerns. Mr. Lower stated Army Corps of Engineers is involved and same with Bear Lake Planning and Zoning. Vice-Charmin Koller stated that the main gas line is close the facility. Mr. Shuler asked how far away will the gas line be from the structures. Mr. Lower stated far enough to be safe and will design around it. The number one thing they still need to do is Geotech to determine. Mr. Schuler asked what type of operating hours will the facility have. Mr. Lower stated it will not be open to the public and they will control it very carefully. Mr. Shuler when you have a bunch of trees where will they go. Mr. Lower answered trees will go back to Soda and IDAWY will most likely purchase a grinder to take care of the trees. Mr. Shuler repeated the working schedule question. Mr. Lower stated he does not know the answer as of yet. Mr. Shuler stated years ago they stated they were going to use the old phosphate mines, what happened. Mr. Lower answered EPA does not like problems solved.

6:31 PM Commissioner Jorgenson asked are we the first county that you have had public hearings with. Mr. Lower answered stated we are the only ones. Commissioner Jorgenson asked if he had been to Bear Lakes and if not, when it was. Mr. Lower believes it is December 16th. Mr. Lower advised public and commissions that he does not for see any problems there as the commissioners from all the counties involved are really involved and aware and this is more a formality. Commissioner Jorgenson asked if the facility will have insurance just in case. Mr. Lower answered IDAWY is insured through icrmp. Mr. Lower explained that IDAWY is a subsidiary of that state of Idaho, unlike Caribou County and they have different bylaws.

6:33 PM Noel Cole stated we see your lateral boundaries and buffer zone area. What about vertical boundaries. Mr. Lower answered design will determine, as well as Geotech. His goal is to go as deep as you can go and then as high as you can go. This way you can get the most out of small area. Mrs. Cole stated the higher you go the more runoff will happen. Mr. Lower stated it all has to be controlled and they have to

adhere to viewshed and you would be able to see it from the highway.

6:35 PM Vice-Chairman Koller how much waste do you estimate will go into this. Mr. Lower answered 60,000 tons but there are more counties that are interested in joining this. Commissioner Jorgenson asked this could potential several county operations. Mr. Lower answered yes. Vice-Chairman Koller asked what the cost would be. Mr. Lower stated IDAWY's budget is prepaid each year for future me's cannot play around with budgets and to answer his question it is completely fair. Each county will pay per ton being brought to the county. Commissioner Jorgenson stated it will not be equal. Mr. Lower confirmed it will not be equal and that Lincoln is the highest, followed by Caribou, then Bear Lake, and Oneida is the smallest. They did it this way to keep it fair. Commissioner Jorgenson asked what this would cost the tax payers. Mr. Lower stated we are already paying it. Commissioner Jorgenson asked there will be no extra charge or hidden fees. Mr. Lower stated no it will not cost them more money as it is already being budgeted and the only reason it would change is due to inflation. Commissioner Jorgenson asked if the surrounding owners have been notified and are okay with this. Mr. Lower stated there has been no issues as of yet. Admin. Askew verified that the certified letters required by law were sent to the surrounding landowners with a required return receipt and there has been no response from the public. Commissioner Jorgenson asked about lose garbage when transporting it. Mr. Lower stated that getting the garbage in the truck is the easy part and unloading it at the site in the hardest but they do have to keep it contained. Vice-Chairman Koller stated Mr. Lower stated it the facility will be fenced, but he is worried if wild life comes down and gets into the facility. Mr. Lower answered that they will mitigate it if that happens. Commissioner Jorgenson wonders as you get the facility set up and go through phases and the springs start drying up, is there something in place to where IDAWY would need to re-evaluate. Mr. Lower answered no, this technology has been around for awhile now and there are facilities using this same process in wetter climates. The only thing he is aware of that would cause an issue would be a large earthquake. Commissioner Jorgenson stated there have been leaks at the mines and they had engineers out there. Mr. Lower stated their standards are stricter than the mines and work strictly with DEQ and could something potentially happen, I suppose but it won't. Commissioner Jorgenson asked if there was something in the fine print to cover this if it does happen. Mr. Lower stated they will be responsible if there is an issue. Commissioner Jorgenson asked if we ever receive complaints about trash being everywhere, what happens. Mr. Lower stated we will never get complaints as long as he is around and yes, they are required to mitigate the issue.

6:54 PM Chairman Koller closed the public hearing. He asked if there was any discussion or a motion. Commissioner Koller stated he is not opposed to it but his two main concerns are it is located in the most seismic area around here is where this new facility will be going. Commissioner Jorgenson stated if it is large enough, it would be the least of our concerns. Chairman Koller mentioned they are going through the required agency's and are getting it approved. Commissioner Jorgenson stated all the concerns she has wrote down has been answered, the only this is she wanted to see what Bear Lake says. She asks if we can postpone the decision until Bear Lake has theirs. Admin. Askew advised of the time line of delaying decision and it may not reach Bear Lakes meeting. Commissioner Jorgenson asked Mr. Lower if he would be okay with postponing the meeting until Bear Lakes. Mr. Lower stated this part of the permitting the DEQ is waiting on the Planning and Zoning portion in order to move on and personally he does not care but we need to get it done to continue down the permitting process.

6:57 PM Noel Cole asked Mr. Lower is it typical for you to list out an actual buffer zone for the surrounding properties. I have not seen anything on the plans of an actual buffer zone and if in the future you decide to expand, how do you know if you are encroaching the surrounding properties. Mr. Lower stated they legally cannot encroach on the properties. Mrs. Cole asked what the actual buffer zone is. Mr. Lower was unsure of the official number but stated they never will. Commissioner Jorgenson asked but if you incorporate other counties. Mr. Lower stated they would never come close to the buffer. Commissioner Jorgenson asked what are you going to do with the pipe line, are you going to move it or move the site. Mr. Lower stated we

legally have to stay away from the pipe line.

7:00 PM Chairman Koller asked if anyone would like to make a motion. Commissioner Jorgenson stated our next meeting date and we would not meet the required deadline for postponing it until Bear Lakes meeting. Commissioner Jorgenson stated she would be okay with Bear Lake was okay. Mr. Lower stated he does not anticipate any issues at Bear Lakes meeting. And where else is IDAWY going to. They have vetted every option within one hundred miles. Commissioner Jorgenson stated that IDAWY had already purchased the property. Mr. Lower stated that they purchased the property with DEQ's approval and there are three things you need to have, political support, regulatory support, and money. He did not do this without the two first ones.

7:03 PM Commissioner Rindlibaker moved, seconded by Commissioner Jorgenson, All in favor.

7:04 PM Admin. Askew gave brief overview of Raymond & Allyne Betancourt's Conditional Use Permit Application. Raymond & Allyne are wanting to use their second residence on the property as a Short-Term Rental. This residence is located at 2776 Kelly Toponce Road, Bancroft, ID. Mrs. Betancourt mentioned in conversation that the majority of her renters are families. She also opens the rental to families who have children with mental and physical disabilities to provide them a low stimulation environment, where they are able to explore the property and be able to be surrounded by loving animals. They open this rental once a year to a small group of boys and their counselors who are a part of a troubled youth program and had received two public comments in support of them using this second residence as a short-term rental.

7:06 PM Vice-Chairman Koller opened the public hearing to give consideration to the application of Raymond and Allyne Betancourt.

7:07 PM Allyne Betancourt it is a small place and they have maybe two to three renters a month. Chairman Koller asked if it was located in subdivision. Mrs. Betancourt stated it is not and located in rural area. Commissioner Rindlibaker wanted to clarify if it was for her family members specifically or outside. Mrs. Betancourt stated her family does use it but the renters are families that come to visit. And they have a focus on families and kids who come and want to interact with animals. Commissioner Jorgenson asked if they had any issues and Commissioner Rindlibaker asked about UTV/ATV's. Mrs. Betancourt states they do bring them to their property but are not allowed to be used on the property but they take them to the national parks around the area. Mrs. Betancourt stated they have had no issues this far and do not bother the neighbors. Commissioner Rindlibaker asked if it was summer only or year around. Mrs. Betancourt stated they have renters who come year-round. Commissioner Rindlibaker asked how many occupants do they have. Mrs. Betancourt stated they advertise for five occupants. Commissioner Jorgenson stated there is not too much traffic and so the EMS can get to where they are going.

7:13 PM Chairman Koller closed the public hearing.

7:13 PM Commissioner Jorgenson moved, seconded by Commissioner Rindlibaker, All in favor.

7:15 PM Mr. Shuler asked the commission if they had approved the IDAWY's request. Chairman Koller explained that they made a recommendation of approval for the County Commissioners. Mr. Shuler stated he thinks it would be a good idea to wait to see what Bear Lake had to say. He is not for or against it but believes this should be investigated it thoroughly.

7:16 PM Admin. Askew gave over of Area of Impact and what the purpose of that would be. She explained the purpose of an Area of Impact is to allow growth in appropriate areas that have the community systems to support it. She stated that the City of Grace has been in negotiations for a new area of impact for some time

now and was ready for adoption. As she was doing her research to be educated on the negotiations, she noticed a few things. The only side of the impact that was being moved was the west boundary. This boundary would not engulf a large portion of Caribou National Forest. The main two reasons behind this change were to protect the springs that Grace received some of their water from and to have a voice in applications that the forest service receives. Admin. Askew stated the forest service has an act in place that protects those springs and the application process for forest ground goes through a whole different application process that the county is not involved in. In her investigation she noticed the forest service was not involved in the negotiations in this new boundary and to have it go forward we needed their approval or denial. Once we receive that answer we will either move forward or re-negotiate.

7:40 PM Commissioner Jorgenson moved to close meeting, seconded by Commissioner Rindlibaker, All in favor.