

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SODA SPRINGS, CARIBOU COUNTY, IDAHO HELD FEBRUARY 6TH, 2019.

ROLL CALL SHOWED THE FOLLOWING PRESENT: Regan Phillips - Chairman
Glayd Christensen – Vice Chairman
Jeff Godfrey
Nolan Koller
Scott Hayden
JoAnna Ashley, Secretary

ALSO PRESENT: Jason Maughan
Lori Anne Lau
James Ackerman
Stan Christensen

6:00 PM Nolan Koller opened the Planning and Zoning meeting with the discussion regarding nominations for the positions of Chairman and Vice Chairman of the Commission. She stated that Jeff Godfrey would not be attending, but he asked to have his name withdrawn for nomination due to a leadership position he holds in his church. Nolan Koller asked to withdraw his name due to recent health issues as he did not feel fit for the position. Secretary Ashley outlined the roles and responsibilities of Chairman and Vice Chairman. Glayd Christensen moved to nominate Regan Phillips for Chairman, seconded by Scott Hayden. All in favor, motion approved. Scott Hayden nominated Glayd Christensen as Vice Chairman, seconded by Nolan Koller. All in favor, motion approved.

Chairman Phillips asked if there were any comments on the December 5th, 2018 minutes. There was none. Nolan Koller moved to approve the December minutes, seconded by Scott Hayden. All in favor, minutes approved. Chairman Phillips turned the time over to Secretary Ashley to begin the review of the proposed changes to the zoning code. She stated after she reviewed several counties zoning code in Idaho, after review she used Bannock County's codified Zoning Code as a template for the new Code for Caribou County. Due to Bannock County's code being already codified it helped insure the code was rather in compliant with state statues and further not contradictory within itself. The proposed code combines all of the details for each zone under one chapter rather than having it split out as the current code. As a result of this change a zone will have its purpose, characteristics, permitted uses, conditional uses, height regulations, setbacks, etc. condensed under a sub-chapter specifically for each zone. A new change in the proposed code has a portion governing the subdivisions in each zone including details such as lot size requirements, well and septic requirements and more. This allows the Subdivision ordinance to be more about the process and refer to the zones for specific size requirements. Adding this to the code will also allow County to eliminate the "Low Density Residential Subdivision" and "High Density Residential Subdivision" zones and have them just be part of the current "Low Density Residential" and "High Density Residential" zones and simplify the zoning map without changing the functions of those subdivisions currently zoned that way. She noted that after researching lending requirements for residential homes and lots sizes, she is recommending that the Agricultural Natural Resource zone allow residential homes to be built on forty (40) acre parcels as this is the maximum allowed for a mortgage, further it would remove the current language regarding density requirements which has led to a lot of confusion. She pointed out that Bannock County had a "Recreational" zoning district and she kept it for now, so the Commission could review it and decide if they felt it was necessary as a zone option for Bannock County. Bannock County also had a "Multi Use Zone" and this allowed a way to clean up the zoning in areas where there may be a bit of mixed uses that don't fit under another zone. In addition, Bannock County code had a zone for "Special Lands" which was Federally and State-owned lands that she is recommending the County adopt as well and then make a change to the Zoning Map to reflect the lands owned by the Federal and State Governments. This designation would allow

the County to be informed of what is happening in these areas, but as it currently functions, the Government agency that owns the will ultimately have the final say in those areas. Bannock County code also has a zoning designation called “Master Planned Community” which has a minimum requirement of 750 acres and has to account for housing, commercial uses and more. The County code does not currently have anything that governs like this. While not a requirement to keep this designation, it may be helpful if the County experiences a great deal of growth.

6:30 PM Chairman Phillips open the public hearing to give consideration to the application of P4 Production L.L.C. (a member of the Bayer group of companies) requesting approval of an amendment to the zoning map in the Soda Springs Area of Impact. The Zone Amendment would allow a change from an A-2 Agricultural Zone to and M-1 Light Manufacturing zone. The properties in question are located directly south of Hooper Rd and between North 3rd E and North Hooper Ave/Hwy 34 in Soda Springs, Caribou County, Idaho. Secretary Ashley read the notice of public hearing. Chairman Phillips turned the time over to the representative

Jason Maughan said he was representing Bayer as he works in their Environmental Department. He said that their legal counsel Attorney Randy Budge was joining by phone due to a recent illness as well as road conditions. He explained that P4 Production, LLC is a subsidiary of Monsanto which now a subsidiary to Bayer. He explained that they are proposing to rezone land currently zoned A-2 Agricultural to M-1 Manufacturing. The parcel in question is a 57.2-acre parcel, and 10 acres of that is for a water treatment facility. Chairman Phillips asked which town will be for the facility. Mr. Maughan stated it will be located approximately in the Northwest corner of the parcels. He stated that P4 Production owns the land to the north, south and west of the parcel in question. The parcels to the east are a part of the City’s Industrial Park as well as for light manufacturing and other uses. He said the Soda Springs Elemental Phosphorus facility has been active for some time; as a result, there has been some environmental impacts that have created some contamination. He said they are working with EPA and DEQ to address issues that have arose from the operation of the plant to the north. They have identified that a pump and treatment system is a good approach and tested it in advance onsite at the current plant. They intend to utilize this technology on this land in questions. This activity is not to expand the Phosphorous activities from the plant to the north but to address the contamination issues. He said they are in preliminary design of the facility and will have it fit in appearance to the land uses there. He said Bayer has been in the county for a long time and they wish to continue to collaborate with the Community and improve the community as well. The utilities are readily available at the facility or are easily extendable to the site. He stated that they have a letter of support from the Environmental Protection Agency (EPA) as well as Department of Environmental Quality (DEQ) supporting the construction of the facility. He turned the time over to Attorney Randy Budge. Attorney Budge said that in preparing this application they did review the Comprehensive Plan for both the City of Soda Springs and the County and they feel that the improvements are in compliance with both of these plans. The proposal will address ground water contamination that has arose due to historical operation of the site. The improvements will further add a significant tax base to the County and further is in compliance and compatible with the other land uses in the area.

Chairman Phillips if there was anyone in favor of the proposed zone change.

Stan Christensen of Pocatello said he is the project manager for the State Department of Environmental Quality that works with the EPA and DEQ in regards to the contamination at the site. He said the State Department of Environmental Quality, EPA and DEQ are in support of the treatment facility. Further P4 Production has done a great job of researching and testing technology and feel it will do a great job of addressing the contamination.

6:41 PM Chairman Phillips closed the public hearing and opened the discussion to the Commission.

Secretary Ashley explained that they would need to consider specifically the land in question for the rezone and the questions about the specifics of the facility would be address at the public hearing for the conditional use of the facility. She explained to the Commission they would want to consider the characteristics as well as the relation of the land to other areas zoned M-1. Chairman Phillips raised concerns that the land directly south of the proposed zone change was zoned R-1 Residential. Mr. Maughan explained that CERCLA program and as part of that they have institutional control property, which is a buffer zone which prevents the development of any residential uses. The residential land in question falls in that buffer zone which P4 Production also owns that land zoned R-1. Chairman Phillips asked if the P4 Production was asking to rezone the entire 57.2 acres or just the 10 acres for the facility. Mr. Maughan explained it was the entire 57.2 acres so as to avoid spot zoning and create a continuation of the M-1 zone from the east to the west where the facility will be located. Nolan Koller asked if there was going to be any impact on Hooper Rd. to the north. Mr. Maughan stated there would not be any impact on the road as all utility lines would be ran under the road. Chairman Phillips asked if the City had services available there. Mr. Maughan explained that they are currently in discussion with the City for the utilities needed for the facility. Scott Hayden asked if the land that the Cole's owned northwest of the land and directly west of the Bayer plant was agricultural as well. Secretary Ashley stated it was. Mr. Maughan clarified that land was also under CERCLA institutional control buffer zone, and therefore they owned an easement on that land prohibiting the development of residential housing there. Scott Hayden said considering all the information presented and the characteristics of the surrounding land he felt like the proposed zone change was in alignment with the area. Chairman Phillips asked where their facility would be allowed in the M-1 zone. Secretary Ashley stated it is allowed under the conditional use portion stating "Sewerage treatment plant and similar facilities." Nolan Koller move to recommend the Commissioner approve the change to and M1-Manufacturing, seconded by Glayd Christensen. All in favor, motion approved.

Chairman Phillips asked for clarification for how the Area of Impact (AOI) agreement works between the County and the City of Soda Springs. Secretary Ashley provided a review of the history leading to the County and City of Soda Springs reaching an agreement for the AOI. The result of that agreement being the County adopted the City's zoning code and zoning map to govern, as it was what had been used since the 1980's and all authority to govern the AOI belonged to Caribou County alone.

Minutes to be continued here, but not completed yet...

James Ackerman 225 S 2nd W; Bancroft Idaho, he says he owns property out to eight mile that he purchase approximately 15-20 years ago. He said they had people put in pastures out there. He said the land is part of recreational subdivision. He said that there are people out there who are now want to develop housing out there and people still pasture their cows. Others have campers and use it for the intended use as recreations. He wanted to know what these zoning changes would try to impose on people.

8:36 Glayd moved, seconded by Scott all in favor