

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF CARIBOU COUNTY, IDAHO HELD MAY 1ST, 2019.

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

EXCUSED: Jeff Godfrey

ALSO PRESENT: Jason Maughan
Trent Clark
TJ Budge
Timothy Christensen
Corey & Bonnie Pantuso

6:00 PM Chairman Phillips opened the meeting and there was a brief discussion regarding the order of the public hearing.

6:05 PM Chairman Phillips opened the public hearing to give consideration to the proposed Caribou County Zoning Ordinance. The proposed Zoning Ordinance has incorporated several components of the current ordinance with no changes. The following summarizes the changes within the proposed ordinance: minimum lot requirements for residential houses; bringing the code into compliance with state statutes; removing conflicts within the code; expanding the code to address more uses within the County; restructuring the code to make it more user friendly; adding missing definitions to further clarify and simplify the code; combining the High Density Residential (HDR) and High-Density Residential Subdivision (HDRS) zones under HDR; combining the Low Density Residential (LDR) and Low-Density Residential Subdivision (LDRS) zones under LDR; adding a new zone called “Special Lands” to address State and Federally owned lands within the County; clarifying the public hearing requirements for various zoning applications; addressing the requirements for parcel sizes and use of individual septic systems and community sewer treatment Scott Hayden read the notice of public hearing.

Aaron Cook, Caribou County Assessor pointed out that he did not see anywhere in the Agricultural Zone that defined that parcels would be required to be 120 acres. There was a portion discussing 40 acres beings required for a residence but the other was not there. There was no other public comment.

6:20 PM Public Chairman Phillips closed the public hearing. The Commission moved to discussion regarding the lack of size requirement for the general parcels in the Agricultural Zone. Nolan Koller felt like 120 acres was too much and too restrictive and pointed out that south of Caribou County there are several farms that are even 30 to 40 acres. Other Commission members discussed the pros and cons of larger parcel requirements in trying to maintain the density and integrity of the agricultural zoned. The majority felt that 80 acres could be adequate for the minimum parcel requirement in the Agricultural zone. Scott Hayden moved to recommend the Commissioners adopt the 2019-2 Zoning Ordinance with the addition of the minimum lot size being 80 acres in the Agricultural Zone, seconded by Glayd Christensen.

Voting showed the following:

Aye: Regan Phillips
Glayd Christensen
Scott Hayden
Nay: Nolan Koller

Majority in favor, motion passed.

6:29 PM Chairman Phillips declared the public hearing open to give consider to any and all comments on the proposed revised Caribou County Zoning Map. The proposed map revisions will change all the Federal, State and Tribal Lands to reflect the “Special Lands” zoning designation. Additionally, the map reflects the changes of combining the Low-Density Residential (LDR) and Low-Density Residential Subdivision (LDRS) zones under the LDR Zone designation; as well as the High-Density Residential (HDR) and High-Density Residential Subdivision (HDRS) zones under the HDR Zone designation. Scott Hayden Read the notice of public hearing. Chairman Phillips asked if there was any public comment.

Aaron Cook, County Assessor pointed out that there were a few subdivisions that were not zoned as such on the new map. After Secretary Ashley reviewed the original zoning map it was determined that the subdivisions in questions were not zoned as such. Secretary Ashley explained that the new Zoning Map was to only merge what had previously been zone LDR and LDRS as LDR and HDR and HDRS as HDR. Any lands not zoned those already were not affected with the exception of those lands gaining the Special Lands designation. There was no further public comment.

6:39 PM Chairman Phillips closed the public hearing. After a brief discussion Glayd Christensen moved to recommended the County Commissioners approve Ordinance 2019-3 The Caribou County Zoning Map ordinance, seconded by Scott Hayden. All in favor, motion approved.

6:40 PM Chairman Opened the public hearing to consider any and all comments on the application for P4 Production L.L.C. (a member of the Bayer group of companies) requesting approval of a Conditional Use Permit for property located in the Soda Springs Area of Impact. The Conditional Use Permit would allow the placement of a Water Treatment Facility for the use of remedial actions being conducted under the United States Environmental Protection Agency’s CERCLA-Superfund program. The properties in question are located directly south of Hooper Rd and between Government Dam Road and North Hooper Ave/Hwy 34 in Soda Springs, Caribou County, Idaho the application of P4 Production for conditional use.

Jason Maughan a representative of P4 Production gave a presentation regarding the scope of the facility and the intention to use it as a larger scale test facility to demonstration if the proposed method would be adequate to address the ground water contaminates. If the facility does as it hopes they would look at moving to a larger scale facility once the Environmental Protection Agency approved it as the official remediation method.

JoAnna Ashley stated that the City was in favor of approval the conditional use permit, however with the condition that P4 Production rezone the land where the current cooling pond is located to the west. They felt with the expansion of the pond use to a more industrial purpose it warranted needing to go through the proper process to bring it into compliance with the zoning ordinances. Mr. Maughan stated they were already working on the re-zone application for this property and moving forward with bringing it into compliance.

Trent Clark of Bayer stated as a representative of Bayer he wanted to state they were in favor of moving forward with remediation measure. He stated that the purpose of this project is to address the plume that is expanding towards the City and will continue to do so if there is not intervention taken like with this proposed facility. He stated that they are striving to come into compliance with EPA so they can continue the operation of the plant.

Scott Hayden asked if the source of the contamination has been addressed. Mr. Maughan said they are working on the containment and this proposed facility addresses the contaminants that have escaped containment. Chairman Phillips asked how removing the water is going to affect those in the area as far as

needing the ground water. Mr. Maughan stated that there are no users in the vicinity and further they have a protocol in place for if anyone tries to seek a well in the area. Otherwise all users get their water through the City and that water is supplied through a different aquifer.

6:56 PM Chairman Phillips closed the public hearing and moved to discussion. The Commission members agreed that this was a needed facility to protect the community and improve quality of life. Scott Hayden moved to recommend the County Commissioners approve the conditional use permit for P4 Production's water treatment facility, seconded by Nolan Koller. All in favor, motion approved.

6:58 PM declared the public hearing opened to consider any and all comments on the application of Caribou Lands, LLC and Tin Cup Development Corp owning property in the Grouse Creek Ranch Subdivision are requesting the REPLAT of the following lots located in Block 2 of the Subdivision: Lots 1, 2, 4, 5, & 6 as well as Lots 20, 22, 28, 29, 35, 37, 38 & 51. The replat would allow the split of these thirteen (13) lots into varying sizes equaling no less than 5 acres and no more 17.70 acres for a total of twenty-three (23) lots. Scott Hayden read the notice of public hearing.

TJ Budge introduce himself as an attorney with Racine Olson in Pocatello and representative for Caribou Lands LLC and Tin Development Corp. He stated the subdivision started in 2007 and there are only a few developments on the land. He said the lots don't have the best setup for houses and further that the average person is only looking for 5 acres. As a result, his client is seeking to replat the lot into smaller parcels to make them more marketable and meet the needs of the market.

Timothy Christensen stated that SunRise Engineering did testing on the new proposed lot sizes and verified that they would support septic and further coordinated with Jesse Anglesey with the health department. The result of the findings declared septic feasibility for all the proposed lots in the replat.

Corey and Bonnie Pantuso said they have lived just down the road for 37 years. He stated he had grave concerns with the how the subdivision had rerouted Grouse Creek as there is now historic flooding on both sides of the highway leading to the river and has been since it was rerouted. He supplied aerial images showing the flooding at the subdivision and how it was affecting land to the west, particularly one house on the north side of the highway. He further stated concerns with how the additional houses could affect his culinary well. He explained previously his water was supplied via a spring and when someone moved in above his house on the mountain his spring dried up and he had to pay \$30,000 to have a well installed of which they had to go over 200 feet down to get good water. He wanted to know what the implications would be of the increased number of houses. Further he stated he would like to see the SunRise tests that determined the viability of septic systems.

Secretary Ashley pointed out she had found an error the day before the meeting. The original draft of the Zoning Ordinance that had been given to Mr. Budge, not the one being considered at the meeting, allowed for five (5) acre parcels in subdivisions in the Low Density Residential (LDR). At the Commissioner's meeting on April 8th, 2019 the parcel sizes were discussed after concerns were raised at the Planning and Zoning meeting on April 3rd, 2019. The Commissioners decided to change the parcel sizes in the LDR to 20-acre minimums unless in a subdivision where they would be 10-acre minimums and in the High Density Residential (HDR) to 5-acre minimum for parcel size and as small as half (1/2) acres parcels in subdivisions if hooked to City services. As a result, there were several lots in the proposed replat that would not meet the 10-acre minimum. She apologized for her oversight and discussed that a variance may allow the deviation from the minimum required. Mr. Budge felt like the application was subject to the County's current zoning ordinance which allowed five (5) acres in subdivisions in the LDRS as the application was turned in before the current proposed zoning ordinance would take effect. It was decided the matter would be taken to County Attorney Doug Wood for a final recommendation to proceed.

Mr. Budge stated he was unaware there was a flooding issue and would make his client aware. Further he stated he felt any issues with the water and septic should fall into the concern of the respective State agencies such as Department of Environmental Quality (DEQ) and Water Resources and they were not within the County's jurisdiction. He still felt that the replat could proceed with a condition placed that the flooding be resolved to the County's satisfaction on the 3rd Amended Plat lots identified as 35, 36 and 37 which were being affected by the flooding, before the replat of those lots could take effect. Also with the condition that the minimum lot size issue is addressed to the County's satisfaction and then all the other lots move forward with being recorded as the re-plat showed.

7:47 PM Chairman Phillips closed the public hearing. The Commission discussed in great detail the proposal and issues on the table. Concern was expressed over the need to address the flooding and also how to address lots 35 36 and 1, 2, 3 in the west replat where the 2017 Sun Rise study was done on the feasibility of the septic.

Glyad Christensen moved to recommend the approval of the replat excluding lots 35, 36, 37 of the 3rd amended plat and the remaining lots approved with the condition that the lot size issue is resolved and the drainage issue affecting lots size 35, 36, & 37 are addressed to the County's satisfaction before the official recording of the plat. Seconded by Nolan Koller. All in favor, motion approved.

Secretary Ashley stated she needed an official motion to change the meeting date for Planning and Zoning and to officially establish meeting times. After a brief discussion Chairman Phillips made the motion to move the P&Z meetings to the 1st Thursday of every month and the meeting times begin at 7 PM for the May – October meetings and 6 PM for the November-March meetings every year. The motion was seconded by Scott Hayden. All in favor, motion approved.

8:23 PM Scott Hayden moved to adjourn the meeting, seconded by Glyad Christensen. All in favor, meeting adjourned.