

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF CARIBOU COUNTY, IDAHO HELD THURSDAY, MARCH 5<sup>TH</sup> 2020.

ROLL CALL SHOWED THE FOLLOWING PRESENT: Reagan Phillips – Chairman  
Glyad Christensen – Vice Chairman  
Nolan Koller  
Scott Hayden  
Wendy Pelayo  
JoAnna Ashley, Secretary

ABSENT:

ALSO PRESENT: Blain Hamilton Cary Hamilton  
Loy Phillips Criss James  
Tracy & Suzette Jones Mike Ridenour  
Don McLain Kim Welch  
David W Pristupa Jacki Barthlome

6:00 PM Chairman Phillips called the meeting to order. Scott Hayden moved to approve the minutes from February 6<sup>th</sup>, 2020, seconded by Wendy Pelayo. All in favor, motion approved. Chairman Phillips provided a brief overview of the public hearing process. He then asked Secretary Ashley to read the notice of public hearing.

6:05 PM Chairman Phillips opened the public hearing to give consideration to the application of Tin Cup Mountain Guest Ranch, requesting approval of a conditional use permit for a Recreational Vehicle Park (RV) in the Agricultural Zone. The Conditional Use would allow the construction of an RV Park to be established in three Phases with a total of forty (40) RV lot spaces and support facilities at completion. The land is located at 5335 Highway 34, Freedom, Idaho.

Cary Hamilton, 82 W 152 Ln S, Rupert 83550 representative of Tin Cup Mountain Guest Ranch. He said the RV Park is to further the business they have already established. He said they would like to have 40 units at completion and there would be 35 feet roads, 35’x60’ spots, electricity and water, there would be a dump station where the waste would be confined and then hauled off. He said he feels there is a need for this in the area and further that many people feel “not in my backyard.” He said the road that services the land was already approved to support a subdivision to the east of his land. He said that he knew that there was an RV Park approved across the highway, which is owned by a neighbor opposing their application.

Blain Hamilton PO BOX 112 Declo, ID, he said he wanted to clarify that they are not looking for a long term stay location that would allow trailer homes. They are looking for an RV Park where you come stay for the night and move along and that it wouldn’t be opened all year. Further, it would likely only be open from the later part of May and the end of October as the hunting season ends. He addressed the concerns about contamination of the wells for the neighbors. He said they have sought approval from the Health Department and do not intend to make it bad for any of their neighbors. He stated he was in favor of the RV Park being approved.

Attorney Criss James representing Phil Mattingly, Samantha Moll, Juel and Caroline Haderlie. He said that the problem he sees with the application is that the land is not located on a public roadway. The easement states that it is allowed for ingress and egress which unfortunately is pretty vague and it’s a floating easement. He says that a court will look at is what the use of the road has historically been. The road is very

narrow and he said that Juel Haderlie states that the road is approximately 15 feet wide. This does not allow for the expansion of the easement. Even though they have the ingress and egress, they are not allowed to expand the use of the easement and it was granted in 1984. When it was granted then it certainly wasn't for an RV Park. He says that the bridge is not built or engineered adequately to sustain the proposed use. Both of his clients have explained the bridge is just sitting on rocks and has been washed out two times previously. There's a car that was placed in the creek to reduce the flow impact on the bridge and there are no guard rails for the bridge. He stated that Juel Haderlie said he found the sign that says "20 Ton Limit" but he has no idea what the bridge can sustain. The road is too close to allow passing of vehicles and further it is too close to Juel Haderlie's house. Criss James states that if this is to be granted then there should be restrictions placed requiring them to have to procure access to the property through a public roadway and design standards established for the roadway. He states that if this were to be granted without addressing the easement, which the property is owned by the Haderlie's, there would be a lawsuit filed, which they feel confident they would win. Attorney James stated that Juel Haderlie does not have an RV Park, it is 5 acres and it is a private park for his family and does not charge to use the site. He concluded with the information presented they do not see fit to grant the conditional use permit.

LoyRay Phillips 314 W Center, Grace, ID said that when she went to look for the address on the public hearing notice that she could not find it on Google maps. Blane Hamilton said that the address provided is what they use to have mail delivered to their property of the proposed location. Secretary Ashley pointed out that additionally there was a map provided identifying the exact location of the property as well as a legal description specifically identifying the land. Suzette Joan said their address is 5330 Highway 30 out on the road as well.

Tracy and Suzette Joan 4129 Hoopes Ln, Freedom, ID 83120 he stated they are concerned about the effects on their property and the value of it. He is concerned it would become a junk heap that allows year-round living. He noticed that there are a lot of these RV Parks in Lincoln County Wyoming which have turned into junk heaps. He said they moved there for the solitude. He submitted an additional letter of comment for the Commission to review.

Cary Hamilton said he would like to address the easement. He feels there is a misunderstanding of the easement and provided a copy of a more current easement which was created in 2006. The easement is a 60-foot easement of which 30 feet of that easement is on their property and goes to the center of the road. As for the bridge it was rated to support the development of a 100-acre subdivision on the land to the east of his for year-round use. As a result, one could reason it could sustain an RV Park as well. Further the bridge on Haderlie Ln. has supported semis pulling double trailers weighing approximately 110,000 pounds, and semis hauling mobile homes. He said there is a gentleman who builds bridges who has looked at the bridge and sees no issues. Further RVs when pulled with a truck and trailer or rated for no more than 40,000 pounds. He stated that the park across the highway was an RV Park that has had up to six RVs at a time. Nolan Koller asked who maintained the road. Mr. Hamilton answered that the maintenance will be equally shared as per the easement. The land for the entirety of the easement does not belong to Juel Haderlie. Rather it is split 30 feet on each property owners land as it travels north. Glayd Christensen asked how wide the bridge is. Mr. Hamilton said that it has to be at least 16 feet wide as he has driven a 16-foot swather over the bridge. Nolan Koller asked if there would be an on-site care-taker. Mr. Hamilton said yes, they would be on site when the park is open. He said he understands the neighbors concern and didn't want the subdivision when it was being proposed. It is a beautiful area that could be shared with others. Further this would support the continual growth that their experiencing for their outfitting business.

Blain Hamilton clarified that the road is wide enough for two horse trailers to pass at a time and it happens often. The bridge however, they only use one vehicle on it at a time.

6:24 PM Public Hearing closed. Nolan Koller said that there has been a ground water problem to the south with the Grouse Creek area. He asked if there was any ground water or flooding issues on the property. Cary Hamilton pointed on the map he provided in his application where the creek is in relation to the property. After a bit of discussion, it was determined that the creek in location to the property does not affect the property of where the proposed RV Park is. A picture was provided showing the flooding that was being experienced in the Spring of 2019. View of the property showed that there was no flooding occurring at that time on the land where the RV Park was proposed. It was further established where the concerned property owners' properties were in location to the proposed RV Park. Chairman Phillips clarified they had a letter from the Health Department but it doesn't include design and location. Cary Hamilton clarified the dump station would be located where the blue rectangle was drawn on the map, unless the Health Department recommends a better location. Chairman Phillips asked regarding the office. Mr. Hamilton said the office would be a portable building with no water or services. They intend to drill a well to supply water for the park and pointed out that the neighboring wells are located a significant distance from the proposed park. He said the well they already have is 87 feet deep and they've never had any problems. Chairman Phillips asked what the distance from the road to the RV Park was and it was determined it would be back approximately 800 feet from Haderlie Ln. It was further clarified they would have to comply with the 20-foot rear yard setback. Attorney James said he did not have a copy of the 2006 easement and was supplied with a copy of it. A rough Google Earth estimate showed the Haderlie Ln. to be approximately 18-feet wide as it ran in front of the Tapadeera Property. And further that Juel Haderlie's home is located approximately 44-feet from the corner of the house straight west to the edge of the road. Attorney James said that Juel Haderlie estimates his house is located only 25-30 feet from the edge of the road.

Nolan Koller said he felt like speed restrictions, dust control, maintenance, trees and landscaping should all have conditions of requirement. Scott Hayden said he felt like possibly just phase one should be approved. Then if it goes well, they could apply for another conditional use permit to expand at a later date. Scott Hayden move to recommend the Commissioners approve the Conditional Use permit of the RV Park for Tin Cup Mt. Guest ranch with the following conditions; the legality of the easement being resolved, allowing only phase one, they be responsible for dust control from the highway to the entrance of the RV Park, maintenance should be increased for the road including grading as necessary due to the increased usage, trees and landscaping as buffer to surrounding neighbors, dust control within the RV park, and gravel must be utilized in the park for all spaces and roadways. The motion was seconded by Wendy Pelayo. Mr. Cary Hamilton noted that they would need to be allowed to build phase two in order to build the bathrooms as indicated on the plan and provide sewage disposal at each lot. After further discussion it was concern over having too many RV spots that only phase one had been recommended. Scott Hayden moved to amend the motion to allow development of the RV Park through phase two and the additional condition that the number of RV spots be restricted to 20. Wendy Pelayo seconded the motion. All in favor, motion approved with the amendment.

Chairman Phillips opened the discussion regarding the Area of Impact (AOI) agreement with the City of Grace. Jackie Barthlome said that any growth from the City would be to the east of the City. The City could not expand sewer services to the north, west and even some to the south without adding lift stations as a result City growth in any of those areas was not obtainable. After in depth discussion between both Commissions it was determined that Grace should reconsider adjusting the north Area of Impact boundary line from Rich Rd, south, to Turner Rd. bringing the boundary significantly closer to the City. Discussion regarding concerns with Confined Animal Feeding Operations (CAFO) took place. It was mutually agreed that the County's current ordinance governing CAFO's was adequate to protect the City so the current provision of a three-mile buffer outside of the AOI was not necessary. The process of how applications for things such as variances, conditional uses, subdivisions and re-zones was discussed. At the conclusion of the

**APPROVED**

discussion both Commissions felt they had reached a mutual understanding on many of the matters and would move forward with discussing the final details amongst their individual commissions before reconvening together again.

8:14 PM Scott Hayden moved to adjourn the meeting, seconded by Wendy Pelayo. All in favor, meeting adjourned.