

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF CARIBOU COUNTY, IDAHO HELD THURSDAY, JANUARY 7TH, 2021.

ROLL CALL SHOWED THE FOLLOWING PRESENT: Wendy Pelayo – Chairwoman  
Glayd Christensen – Vice Chairman  
Reagan Phillips  
Scott Hayden  
JoAnna Ashley, P&Z Admin

ABSENT: Nolan Koller

ALSO PRESENT: Colby Cole  
Ryan & Julie Lloyd

6:00 PM Chairman Phillips opened the meeting. Chairman Phillips opened nomination for Chairman. Scott Hayden moved to appointment Wendy Pelayo as Chairwoman, seconded by Regan Phillips. All in favor appointment approved. Reagan Phillips moved to appoint Glayd Christensen as Vice-Chairman, seconded by Scott Hayden. All in favor, appointment approved. Chairwoman Pelayo asked if there was a motion on the minutes.

6:05 PM Chairwoman Pelayo outlined the process for the public hearing. She then turned the time over to P&Z Admin Ashley to provide her staff report and findings (see attached). P&Z Admin Ashley outlined the proposal, and then addressed how the application met the requirements in the code were met. She pointed out that a letter against the application was received and a primary source of reasoning was this zone amendment would technically be a spot zone. She pointed out that legally in the state of Idaho, spot zones are not illegal, and further permitted when they are strongly in conformity with the Comprehensive Plan of the County, which there was significant evidence to show this request was supported by goals and policies in the comprehensive plan. Ryan Lloyd, an attendee of the meeting questioned how the County to could allow for such a change and questioned the legality of allowing a zone amendment. He questioned how Mr. Cole could apply for this zone change but others could not. P&Z Admin Ashley explained to Mr. Lloyd that the County was adhering to its ordinance and laws by going through this process for a zone amendment. Further, any citizen in the County was welcome to apply for a zone amendment of their property and follow the process outlined in the Zoning Ordinance as Mr. Cole had done. P&Z Admin Ashley concluded that her research found the request to be in conformance of with the requirements in the code.

Colby Cole, 154 S 800 W, Blackfoot, Idaho and representative of RNR Enterprise, stated the goal is to purchase the property and construct one home for his family and farm the rest of the property. He stated that he has difficulty finding land to build on and the zone amendment would not affect the property values as there would be a house, shop and a planted field of hay. Currently it so not actively farmed. He reiterated the findings of P&Z Admin's staff report, and outlined how that report does a good job of showing the conformity with the requirements. He further stated that he has no intention of trying add any other houses in the future. The proposed land further exceeds the minimum requirement of 20 acres for Low-Density Residential, as it will have 29 acres. He pointed out that the property has been for sale a couple years and no one has made it this far with trying to purchase the land as the restrictions against the property currently being zoned Agriculture, eliminate the ability to construct a home. Scott Hayden asked why they did not apply for a variance instead of the Zone Amendment. P&Z Admin Ashley explained that the present landowner, RNR Enterprise, wants to split the land, which the current tract of land total is 31 acres. In order

for the present potato cellars to be split off on two acres from the rest of the land, and that remaining 29 acres to have residential developmental rights, the zone amendment is required.

Ryan Lloyd, 968 Harwood Rd, Grace, said that he and his neighbors signed the letter opposing the zone amendment. He said that the small acreage lots surrounding the property were done years ago. He said as people move in he feels the County should stick to the laws of the County or change them. He has a friend who has invested a lot of money to subdivide land outside of Grace. If someone wants to come to Grace and go build on different land, and the County is now going to change the laws. The County needs to stick to them. He said personally no body wants neighbors. He says he has concern regarding a water shortage in the area. He also argued that with the County Gravel pit right there it is not suited for Low-Density Residential. He said one of his neighbors has said that when the County works in the gravel pit his water goes murky. He said if they were going to rezone it all then he wants his rezoned too so he doesn't have to come back to the Commission. He said the land in question was previously irrigated land. He said that the problem is he can see lots of this happening and the County either needs to stick to their laws or change them. He brought up that his attorney pointed out spot zoning and noted that P&Z Admin said that spot zoning is not illegal. He said the Commission needs to look to the future and not look at the past lot sizes in the area. If they're going to do a zone change then he wants his zone changed too so he can sell some lots. P&Z Admin Ashley clarified that anyone in the County is welcomed to go through the process for a zone change. Mr. Lloyd said he does not want to go through the process and the County is setting a precedence. If you're okaying for Randy or Rory Lloyd (RNR Enterprise) the zone change then it will be ok for him to change the zone on his land too. P&Z Admin Ashley reiterated that if he, Ryan Lloyd wanted to do a zone change he was allowed to do so by the laws of the County. He questioned how if they approved the change for RNR Enterprise that they could deny him. Is it political? P&Z Admin Ashley stated that the requirements outlined in ordinance indicate what the requirements are to change a zone and if the applicant can prove those requirements are met the County can approve a zone change. Mr. Lloyd concluded saying "No offense Colby, you look like a great guy."

Mr. Cole stated he wanted to reiterate that he did not intend to ever develop the lot beyond just his house. P&Z Admin said that due to the zoning requirements of the Low-Density Residential that in the future two houses is the greatest number of houses that could be allowed on the 29 acres. Mr. Lloyd argued that would not be the case if someone was allowed to change the zone again in the future. He pointed out that west of Harwood Rd is High-Density Residential (HDR). Regan Phillips raised a question regarding why the zoning map has a block of LDR in the middle of the HDR. P&Z Admin said she does not know the history of the change. Mr. Phillips said if we're going to change the zone, change it in the whole area up Maple Ln/McPherson Canyon. P&Z Admin Ashley said the County cannot change the zone for other people's property. Mr. Phillips said he was concerned about picking and choosing what should be changed. Mr. Lloyd said if the county does that then what is Kenny Rasmussen going to say "you're putting me out of business?" P&Z Admin pointed out that land use decisions have to be made on the characteristics of the land, not about what another person is doing. Glayd Christensen said he felt like the change LDR would be a good decision. Regan Phillips addressed the question about putting Kenny Rasmussen out of business in approving this. He pointed out that the LDR has a minimum of 10 acres lots, and what Mr. Rasmussen is developing is in the HDR with maximum size of 5 acre lots. People looking at LDR versus HDR are looking for different sizes of land and therefore not effecting Mr. Rasmussen's development. Mrs. Julie Lloyd said there are 40-acre tracts in the County for sale if Mr. Cole is wanting land away from neighbors. The discussion got side tracked about what other land Mr. Cole should look at purchasing. P&Z Admin Ashley pointed out that the purpose of the hearing was to address the land in question and whether or not the characteristics made it suitable for the zoning to be changed to LDR. Any discussion about what other land Mr. Cole should buy was out of the scope of the meeting. Mr. Lloyd said agricultural land preservation in

Idaho is important and that is the life blood of the County and the County needs to be careful about not losing it agricultural lands to development.

There was extensive discussion between Mr. Lloyd, the Commission and P&Z Admin Ashley regarding the application and the potential future applications.

6:44 PM Chairwoman Pelayo closed the public hearing and opened the discussion among the Commission. Regan Phillips asked if there was any input from the City of Grace regarding the Zone Amendment as it is in the Area of Impact. P&Z Admin said she mailed them a public hearing notice, emailed the complete application and staff report packet to Shelley Reeves, City of Grace Clerk, and left a voicemail at City Hall, but has not had any feedback so far. P&Z Admin Ashley asked if everyone if they had read the memorandum of understanding regarding spot zoning. They all said they had. She pointed out that the staff report references several goals and policy in the comprehensive plan that support this request. Scott Hayden asked if the zone change would apply to the potato cellars. Secretary Ashley said it would not apply and once split would maintain their agricultural zone designation. Regan Phillips asked the commission members if they had any more questions, there were none. Regan Phillips said he was torn because there were several lots up McPherson Canyon that would meet the requirements for HDR. He was concerned about adding another piece of LDR into the area if it is better suited to HDR. P&Z Admin Ashley pointed out that by definition the LDR is defined to be a buffer between AG and HDR and there is farm fields to the south of the land being proposed for the zone amendment. Regan Phillips moved to recommend the Commissioners approve the application for a Zone Amendment, for Colby Cole a representative of RNR Enterprise, as drafted; seconded by Glayd Christensen. No further discussion. All in favor, motion approved.

The Commission had a discussion weighing the options for future land use and zones in the area.

Chairwoman Pelayo turned the time over to Bryce Griffiths, the Natural Resource Conservation Service (NRCS) Soil Scientist for Caribou County. He stated he had been invited here by the commission to discuss the definition of "Prime Farmland". He provided a handout that includes the definition of Prime Farmland, per the USDA, and used by the NRCS which is the definition adopted in the County's Zoning Ordinance. He said firstly if it's not irrigated, it cannot be prime, that immediately eliminates a large portion of Caribou County. Soil maps came about in the 1930's after the dust bowl to assess the soils across the Country. Caribou County is one of the last County's in the Country to make a soil map. The map was completed last year and it will now take 2-3 years to go through the approval process before it shows up on the Web Soil Survey. He explained that the map is made out of polygons. Soils that have similar soil would fall in the same polygon. When it says "All major units in a polygon have to meet prime farmland, or it's not prime farmland." Major unit is 15% or more in the polygon. He provided example maps how this definition can exclude a great portion of lands. If more than 15% of the polygon does not meet the prime farmland designation, then it cannot be prime. As a result, a large outcropping or landslide can immediately eliminate a large are of otherwise prime farmland. Shawn Neild State Soil Scientist for Idaho recommends that Caribou County should consider creating its own definition as it would take an act of Congress to change the federal definition. There was extensive discussion among the Commission about what a new definition would look like. P&Z Admin Ashley said that she would do some research and work on putting together a few different definition templates to begin working with. Regan Phillips asked if the County should consider two different types of Agricultural Zones, one that includes Agriculture farming and one for grazing. The uses and land characteristics are different. What could be waste land to farm could be prime land for grazing. Mr. Griffiths recommended considering slope and climate as considerations for approving where someone could build. He said there is a list of some online resources to look at precipitation, slope, etc. for land with the County. P&Z Admin Ashley said she would coordinate with Mr. Griffiths to create a list of

resources. Regan Phillips asked if prime could be determined by a case-by-case basis by the County Commissioners. P&Z Admin Ashley said there would have to parameters or characteristics in the code so that it can be equally enforceable and interpreted.

Regan Phillips said he felt like the code could allow land splits on a case by case in the Agricultural Zone for areas where there is waste land. P&Z Admin Ashley explained the process of subdividing and the oversight that happens to make sure that community services, utilities, etc. are adequate to serve the growth. If there is allowed sporadic case-by-case approval in the Agricultural Zone, there could be cluster housings, equivalent to a subdivision in regards to impact. However, if it did not go through the subdividing process there would not be any oversight from the agencies that the growth could affect. Regan Phillips asked if those agencies involved in subdivisions could be contacted for each application to make sure that there weren't issues. P&Z Admin Ashley said she did not know if that was doable, but she would research it. She raised an additional concern regarding a compatibility of uses with the farm land that goes beyond just the services available.

This led to the discussion regarding the Agriculture survey the County is currently asking the public to participate in P&Z Admin Ashley provided a brief overview of the findings. In the question regarding the impact subdivisions around agricultural endeavors the most selected option was these one "Lead to fragmenting the farm/ranch land making it harder to utilize and/or lease the land" and "WOULD create conflict such as complaints regarding noise, order, traffic, etc."

After the review of the survey results the Commission discussed the creation of the Agricultural Committee. Regan Phillips said he felt it should be a requirement that an active partner of the farming/ranching would be who is allowed on the Ag committee board and further that they need representation from people involved in the different types of agricultural operations. Regan Phillips asked if the County could notice of survey out on Nixel to everyone in the County inviting them to participate. P&Z Admin said she had reached out local insurance agency to send an invitation out to those farmers/ranchers they insure to participate in the survey.

8:24 PM Regan Phillips moved to adjourn, seconded by Glayd Christensen. All in favor, meeting adjourned.