

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF CARIBOU COUNTY, IDAHO HELD THURSDAY, APRIL 1ST, 2021.

ROLL CALL SHOWED THE FOLLOWING PRESENT: Wendy Pelayo - Chairwoman
Glayd Christensen – Vice-Chairman

ABSENT: Scott Hayden, Reagan Phillips, Nolan Koller

ALSO PRESENT:	Shaun Anderson	Aaron Cook	Raleigh Scott, IDFG
	John Beer, IDFG	Steve Moore	Kirk & Ralene Young
	Bob Jorgensen	Dora Dean Jorgensen	Randy Budge
	Hayley Meyers	Babe Meyers	Josh & Megan Torman
	Mylee White	Amity Hansen	Kent Clegg
	Mariah Clegg	Steve Tedrow	John Tedrow
	Beth Rasmussen	JV Bollar	Josh Torman
	Jerry Lakey	Jeffrey Popp	Bill & Denise Horsley

6:00 PM Chairwoman Pelayo opened the meeting. She explained that the Planning and Zoning Commission did not have enough members present to make a quorum. As a result, the public input would be heard regarding the items on the agenda, however, the Commission could not make any motions.

6:05 PM Chairwoman Pelayo opened the public hearing to give consideration to the application of Shaun Anderson, who is requesting approval of a Conditional Use permit that would permit him to have a shop to butcher and process domestic animals as well as processing of wild game. The shop will be located at 1918 Niter Bench Rd, Grace, Idaho.

Shaun Anderson said the intention was for the operation to be part-time and low key, approximately 2-3 beef a week. He said the proposed building would have poured concrete and be all new. They are currently working with the Health Department and Department of Environmental Quality to get a septic tank permit issued for the building. They have a waste management plan that would mean things are cleaned regularly and quickly disposed of. He says he manages the grain bins in Bancroft so food management is known to him. He said that many people locally are looking for butchers and the wait list is several months out. This would allow for this need to be met in the County and keep the business locally.

P&Z Admin Ashley provided a brief overview and stated that she had found the application to be in compliance with standards of approval in the code. She said that she had spoken with Jesse Angelsey, the Environmental Director with the SE Idaho Health Department, regarding the septic system. Mr. Angelsey had informed her that the waste management was going through a review process and a special system may be required due to the nature of the business. As a result, P&Z Admin Ashley recommends that a condition of approval be Mr. Anderson is able to obtain a septic permit for the use of the building as a Butcher and Processing Shop. Further she had spoken with Road & Bridge Supervisor and he did not foresee any notable impact to the roadway and traffic. There were no additional comments from the public on the application. Neither Glayd Christensen nor Chairwoman Pelayo had any additional questions for Mr. Anderson. They both expressed they would be in support of approving the application, however no formal motion was made.

6:20 PM Chairwoman Pelayo opened the public hearing to give consideration to the application of Jerry Lakey, and appointed representative Babe Meyers, who are requesting approval of an amendment to the Caribou County Zoning Map. The Zone Amendment would allow a change from the AG-Agricultural Zone to the HDR – High-Density Residential Zone. The property in question is approximately 295 acres, located

east of The City of Soda Springs, directly east of Gunnell Road and north of Highway 30, in Caribou County, Idaho. P&Z Admin Ashley provided an overview of the application and the request. She explained that the land to the west of the proposed zone change is in the City of Soda Springs Area of Impact and zoned A-1 Agriculture which allows a density of one house per acre. To the north of the land for the proposed zone change is a strip of AG – Agriculture and then begins the all phases of the Wood Canyon Subdivision which is zoned HDR – High Density Residential.

Hailey Meyers, provided an overview of the request on behalf of Jerry Lakey. She referenced a Power Point that was submitted and reviewed an aerial that showed the majority of the land is not farmable, and hasn't been farmed. She said they felt that the land would be better suited to meet the housing need of the community, the change in tax base would bring increased revenue to the County, it's close proximity to current residential areas would make it easy for extension of services. She says they're planning to subdivide the land into five-acre lots. She asked if there were any questions. Glayd Christensen asked how sewer would be addressed. Mrs. Meyers said that each lot would have their own septic system.

Kirk Young, 2937 Wood Canyon Rd, asked how access to the subdivision would be handled and where the power would come from. Mrs. Meyers referenced the double yellow lines in the image submitted, which showed both entrances would be on Gunnell Road. Further the utilities are already on Gunnel Road and would be extended from there. Mrs. Meyers explained that each future land owner would be responsible for their own septic and wells, however the power will be run to each lot. Glayd Christensen asked if they had considered an entrance from the highway. Babe Meyers said that safety concerns made the highway not a viable option.

Megan Torman, 1225 Old Oregon Rd, said that the last subdivision that Mr. Meyers had done the work on was done well and most of those lots have sold. There were 25 lots when he started and there are only four left to sell. She said as a real estate agent that she is getting phone one to two phone calls a day about where there is land available for sale. She felt like the proximity to the City made this an ideal location and she wanted to reiterate that there is definitely a need for more subdivisions.

Kirk Young, 2937 Wood Canyon Rd, said he is not opposed to the development however he has some concerns. He wanted to know what studies would be done to determine if there was enough ground water to supply a subdivision of that size. Mr. Meyers said that those he has talked to it should be supported. P&Z Admin Ashley said that the Health Department requires a Geo Technical Survey of the area to determine viability of the septic systems and then Idaho Department of Water Resources would be asked to provide input on the subdivision proposal as well.

Aaron Cook, 2962 Wood Canyon Rd, said he had questions regarding the zone change. If it is zoned HDR and allowed use is duplexes, then if this zone change goes through is there any way to prevent duplexes from being allowed. P&Z Admin Ashley said that in the subdivision phase of the process they could restrict the development to single-family dwellings by way of the Code, Covenants and Restrictions. Mr. Cook asked about the entrances in regards to the slope of Gunnel Rd. Mr. Meyers said that the entrances would be situated so that visually traffic can be seen in both directions. Mr. Cook asked about the change in uses from AG to HDR. Mrs. Ashley provided an overview of the permitted use in each zone. Mr. Cook asked if farming would be allowed to continue. Mrs. Ashley said that grand-fathered uses can continue, such as farming as long as they do not stop that use for a period of more than 12-months.

Mr. Meyers said that Bayer is going to hire 150 new employees for the new mine, there is also going to be a new rail-spur installed and Simplot's mine will also becoming to this side of the mountain in the next few years. He feels like if we're supplying the jobs, we should also supply the housing. Further he said that a lot

of homes in the area were built in the 1970's and has heard that many people just want to upgrade to a newer home.

6:45 PM Chairwoman Pelayo opened the public hearing to give consideration to the application of Nathan Hale, who is requesting approval of a Variance of fifty-feet (50') to the one-hundred-foot (100') riparian setback. The variance would allow the construction of a single-family home fifty-feet (50') from the high-watermark of the stream. The proposed variance would be for property located at 301 Bench Lago Rd, Grace, Idaho

P&Z Admin Ashley provided an overview of the application. She noted that a current draft revision to the code would change the riparian setback to be one-hundred feet (100') for waters identified as rivers by title and fifty-feet (50') for all other riparian and water ways. Whiskey Creek which runs near the house would fall into that later category. Regardless of this however, she reviewed the layout of the area and the limitation due to roadways and other structures in placing the house in a different location.

Kent Clegg, 2372 Clegg Ln, was representing on behalf of Nathan Hale. He provided an overview of the application and explained an aerial view of the property identifying several physical characteristics that limited the placement of the house. A person in attendance asked how far the current lodge was from the creek and Mr. Clegg said approximately two-hundred feet (200'), and the house would have to go between the lodge and the creek. There was no additional public comment.

6:55 PM Chairwoman Pelayo opened the public hearing to give consideration to the application of Nathan Hale, owner of Whiskey Creek Ranch, LLC, is requesting approval of a Conditional Use Permit for a Shooting Preserve and a Skeet Range. The shooting preserve would include approximately 660 acres contiguous to 301 Bench Lago Rd, Grace, Idaho.

P&Z Admin Ashley provided an overview of the application. She reviewed an aerial of the location of the proposed shooting preserve as well as the skeet range. She outlined the requirements for approval by the code and said that she found the application would be in compliance with those standards. She said that Mr. Hale could not attend this evening as a result Attorney Randy Budge was attending the meeting to represent Mr. Hale.

Randy Budge, Attorney at Law with Racine & Olsen, he said he was extending an apology on Mr. Hale's behalf, he could not attend due to a business conflict. Mr. Budge said that he is familiar with the property and has lots of historical knowledge of the property. He said Kent Clegg has been the farm manager for Mr. Hale for several years. He said Mr. Hale and his wife Stacey are third generation residence of the valley. Mr. Hale purchased the property in 2008, and it had been a dairy prior to this purchase of the property. He said the property has been used for hay and straw, additionally Mr. Hale has done extensive improvements of the property to enhance the wildlife and restore Whiskey Creek and Trout Creek riparian areas. Prior to the purchase the property was quite run down and in a poor state. Mr. Hale has improved the property significantly by cleaning it up and building the villas, lodge and other structures as well. Mr. Hale demonstrates good husbandry practices in controlling the weeds and planting thousands of trees and shrubs to enhance the environment for the wildlife. As a result, it has increased the wildlife presence in the area. Further Mr. Hale loves to recreate and uses the property to recreate with his friends and family. Mr. Hale's basic objectives for the property remain unchanged and does not wish to change the agricultural nature of the land. In regards to the proposed Skeet Range, Mr. Budge reiterated this would not be for shooting rifles, and only for shooting shot guns. The proposed location is in a draw providing a natural sound barrier to the surrounding property owners. He said Mr. Hale had conducted a sound test at the proposed location of the Skeet Range and the closest neighbor, Steven Harris was outside when Mr. Hale fired a shotgun. Mr. Harris

was only faintly able to hear the shot and his wife who was in their home could not hear it at all. He said that Mr. Hale would be amendable to the same conditions that were placed on the prior conditional use permit for the six paid guests to be applied to this application. The conditions being the commercial hunts would be hosted between September 1st and January 31st; there would be no more than six hunters at a time; there were would only be one commercial hunt per week.

Senior Conservation Officer Raleigh Scott with Idaho Fish and Game, said he wished not speak for or against the application but just to provide information to the public about what a shooting preserve is. He reviewed the application that is submitted to the Idaho Department of Fish and Game. He said that review of Mr. Hale's record keeping for past shooting preserve licenses has found him to be in compliance, and what minor errors were found were promptly corrected by Mr. Hale. Mr. Scott said the Mr. Hale intended to release pheasant through the shooting preserve license. He explained that pheasants are non-native to Idaho but have found to fit will within the ecosystem and not cause damage. Pheasants do not have a particularly long life in the wild as result, he did not foresee that Mr. Hale stocking the birds would cause any issues in the area. Further per his calculation Mr. Hale only took 65% of the pheasants he stocked, when he could have taken 80% of the birds. This helps support a healthy population of pheasants in the area.

Jeff Hopp, 280 Highway 34, Grace, said that he was not opposed to the application but wondered if conditions could be placed to restrict how much hunting occurred on the property. Mrs. Ashley said that such conditions could be placed by the Commissioners if they were to approve the application.

Steve Tedrow, 296 Highway 34, Grace, said that his father's property abuts the land for the proposed shooting preserve and he had concerns about littering and garbage being tossed onto his property. He also expressed concern about trespassing onto the property. Mr. Clegg said that all hunts are guided and that they practice good care of the land, what's brought in is brought out.

Aaron Cook, 2962 Wood Canyon Rd, said he was attending with and on behalf of his mother-in-law Beth Rasmussen. He pointed out that number six on the Idaho Fish and Game Application for a Shooting Preserve said "Proposed property will not be licensed if public funds were used to improve or maintain wildlife habitats." He said that he was sure public funds had been used in the restoration and conservation efforts on the Whiskey Creek area what the shooting preserve was being proposed. Beth Rasmussen stated how the signs in the area explaining the Whiskey Creek restoration had used public fund. Officer Scott explained that the funds were issued in 2008 and the moratorium was for only 10 years in that agreement. As a result, the property was beyond the time frame of when the moratorium ended and therefore number six in the application did not apply to the land Mr. Hale was proposing for the shooting preserve. Mr. Clegg said that he was part of all the restoration projects in that area and the land that was improved in 2013 was not part of the application for the shooting preserve.

There was not additional comment.