

MINUTES OF THE MEETING OF THE PLANNING AND ZONING COMMISSION OF CARIBOU COUNTY, IDAHO HELD THURSDAY, AUGUST 4TH, 2021.

ROLL CALL SHOWED THE FOLLOWING PRESENT: Wendy Pelayo - Chairwoman Glayd Christensen – Vice-Chairman
Nolan Koller
Reagan Phillips
JoAnna Ashley – P&Z Administrator

ABSENT: Scott Hayden

ALSO PRESENT: Kelly & Lucetta Holt Sherwood & Carol Hirschi
Dean & Cindy Martinsen Lindsay & Erin Gardner
Mike & Karen Oakden Loy Phillips
Eldon & Gloria Peck Ken & Meloney Rasmussen
Ryan Rasmussen Rick & Sharon Harwood

7:00 PM Chairman Pelayo opened the meeting. Nolan Koller made a motion to approve the July 1st, 2021 minutes, seconded by Regan Phillips

7:05 PM Chairwoman Pelayo opened the public hearing to give consideration to the application of Lindsay & Erin Gardner who are requesting approval of a Conditional Use Permit for a Campground. The Conditional Use would allow the establishment of Campground with cabins, RV spots, tent spots, and recreation are. The Campground would be located on two tracts of land with an approximate size of 234 acres, located on Crow Creek Rd & Halfway Home Rd, located southeast of Soda Springs, Idaho, approximately 6100 feet north of the southern boundary line of Caribou County.

Planning & Zoning Admin JoAnna Ashley provided an overview of the request and clarified that there had been a revision to the request since the original submission. In the original submission there were going to be two campground locations; one on the north parcel and another on the south parcel. Mrs. Erin Gardner has since provided a revision to the request that they would only install a campground on the southern parcel, it would be invitation only, and there would only be two camp fire rings on the property and each would have a ten-foot buffer area free of foliage.

Lindsay & Erin Gardner presented together, she, Erin, stated they have five kids and she works with adults with disabilities. They purchased the land with the intention to have family and friends come out to play. The intention for the cabins would be a cabin for themselves, one cabin for girls and one for boys, and then one for each of their children. They would overall like to have a place for family get togethers. She said her family is from the Soda Springs area and have come up and stayed. The historic Halfway House is located on the southern piece of property. She said they regularly get people who stop by to look at the Halfway house and they would like to have information available for people to stop by and learn about the cabin when they are there and the gate is open. They have no intention of advertising the campground for public use. She said they are formally withdrawing the proposal for the norther campground and instead all of it would be located in only the southern campground. She had provided a summary of the proposed revisions to the application via email.

Sherwood Hirschi, of Nibley Utah, said this property has been in his family for four generations prior to selling it to the Gardner’s. He said they own a yurt just around the corner from the proposed southern campground. He said Caribou County has not done anything regarding the roads in that area and he feels the County needs to take better care of the road. He asked how fire response would work in the area. P&Z Admin Ashley explained she spoke with EMS Director Eric Hobson who informed her that the responding

Fire District is the Soda Springs District and it would take some time to arrive to the property. However, the County has a mutual aid agreement with Lincoln County, Wyoming for EMS services. The responding law enforcement agency would be the Caribou County Sheriff's office. Mr. Gardner said that he has a 2" trash pump he is building to utilize in the event of a fire that would feed off of water from the creek. P&Z Admin Ashley said she spoke with County Road & Bridge Supervisor Kim Spencer earlier in the week and he said they plan to gravel the road in 2022. There was a delay as they were partly waiting for the installation of the pipeline that is supposed to be installed in the area.

Karen Oakden, of Logan, Utah said she owns the property where the yurt is located, southwest of the proposed campground. She has concerns regarding garbage management as they have had bears damage their yurt. She also had concerns regarding supervision while the property is in use. Erin Gardner said that they will be up there any time the land is in use by those they've invited. As for garbage and refuse, they take all the garbage out with them after every stay.

Cindy Martinsen, Fairview Wyoming, said she is Erin's mother and this last year has been awesome for their family to enjoy the property and it provided a great opportunity for the family. Regarding the traffic she does not see an increase in traffic beyond what has already been happening since the Gardner's purchased the land. She said they had a family reunion that had 40 people and most of them came by way of Montpelier anyhow, however those types of larger gatherings are infrequent. Further she pointed out that many of those who do come are disabled and are transported via Mrs. Gardner's 15-passenger van; further reducing the amount of traffic in the area.

P&Z Admin Ashley referenced the letters by Mr. David Anderson, a property owner to the northwest of the property, and his attorney Nathan J Cuoio of Merrill & Merrill, Chtd. These letters were in opposition to the proposal. The Commission was able to review these comments in their entirety.

7:36 PM Chairwoman Pelayo closed the public hearing. Regan Phillips said that he had concerns regarding the now proposed campground taking five years, where the original application for both the north and the south campground was taking five to seven years. Erin said they could have the six cabins completed in three years if the Commission required. Chairwoman Pelayo asked how often they're going out there and do they have a plan in the event of emergency. Erin said they are out there every two to three weeks and a minimum of 12 people go each week. Erin explained her business is working with adults who have disabilities and her husband, mother and other family members are employed to work with the adults as well. As part of the care, she takes her clients out into the community, on trips and provides opportunities for them to experience new things. This property has provided them a way to expand the opportunities they can offer their clients. Cindy Martinsen said that the adults with disabilities come in Erin's 15 passenger van as none of them drive. As a result, they average about 4 vehicles per trip. In regards to emergencies, they have a plan in place which is, one person climbs up the mountain to cellphone service and calls the emergency line. In the event of an injury while one was making the phone call, another would leave right away with the injured person and plan to meet the ambulance on the way. She said they had to implement this recently when their son fell and had a stick go into his eye, the response plan was effective. As for waste management they have looked at the trailer type system where the facilities are all on a trailer and there is a local company that can service them regularly as they frequently go to the mine to empty their facilities.

Regan Phillips in consideration of the standards of approval outlined in the code, and having found evidence that the proposed use would not drastically increase the volume of traffic in the area, the request is supported by the Comprehensive Plan, and all other standards of approval have been met, he moved to recommend the Commissioners approve the application with the following conditions:

- 1) There is a waste management plan.

- 2) The project has to be completed within four years from the date of the approval.
 - 3) The application is only for the southern campground and would include in addition to the current 400 square foot cabin, 5 additional, 400 square foot cabins; two pavilions that are 16'x24', 15 tent sites and 10 RV spots. And before the Commissioners' meeting a new site plan demonstrating the proposed layout.
 - 4) The campground would be invitation only and not open to the public.
 - 5) Campfires will be limited to two fire pits with a metal ring and rocks around it. Including a 10' space around the ring clear of foliage.
 - 6) A water storage tank for water accessibility to deliver water in the event of a fire.
- The motion was seconded by Nolan Koller, all in favor, motion approved.

8:01 PM Public Hearing to give consideration to the application of KMR Construction who is requesting approval of the proposed Highline View Subdivision. The proposed Subdivision would be located on Mingo Rd, south of the City of Grace and abut the city boundary to the south, and be located within the County, in the Grace City Area of Impact. The proposed subdivision would have six (6), five-acre (5) lots and four (4), two and one-half acre (2 ½) lots, for a total of ten (10) lots; to be serviced by two private drives, and one public road that connect to Mingo Rd. The proposal includes that each lot would have an individual septic tank and private well.

P&Z Admin Ashley provided an overview of the application and the summary of her staff report.

Meloney Rasmussen, said they're doing a subdivision in the City of Grace that has 29 lots in the Burton Canyon Estates II. However, there is a demand for larger lots. She said they've built a few houses and they sell very quickly.

Rick Harwood said he lives at 2143 McPherson Canyon Rd, which is ¾ miles south and a half mile east of the proposed subdivision. He said his objection is not to the subdivision, it is to the use of wells in the subdivision. He said his concern regarding the well has to do with his own well. He said late February into March he draws sand into his drinking water. He said he wishes all the luck in the world but does not support individual wells.

Eldon Peck, 230 S 7th E, said he is in support of growth. However, he is concerned with the waste water. He wondered how the weeds would be managed on the larger lots. He said septic tanks only have so many years before they fail and there is an aquifer directly below the proposed subdivision and he has concerns about contamination to the aquifer. He feels the subdivision should be annexed into the city and be supplied with City services. He has been involved in fire services for 40 years and he has concerns regarding the cul-de-sac. He felt like it increases the risk of accidents for emergency response vehicles with the cul-de-sac. Further, he felt it should be the land developer's responsibility to take care of curb, gutter, waste water, water and all other utilities prior to sale of the lots to future land owners and the infrastructure must be completed prior to the adoption of the plat.

Kelly Holt, 760 E 2nd S, Grace, said he is pro-growth, but growth done well. He has concerns regarding fire suppression. He said a well on a private residence is entitled to 30,000 gallons a day, multiplied by 10 lots is 300,000 gallons per day (Staff checked the Idaho State Statute after the meeting and found that per I.C. 42-111 domestic wells are only granted 13,000 gallons per day with an additional 2,500 per day for other uses for a total of 15,500 gallons per day). He has concerns with the draw potential on the aquifer and the implications on the City of Grace's three wells. He said a well can only water up to half-an-acre and is not entitled to accommodate livestock or agriculture as result how are the landowners of these lots going to care for their property. He said IDEQ recommends that the subdivision connect to the city services. He asked the

Commission to keep the residents' welfare in mind. Additionally, he has concerns regarding the nitrate levels in the ground as indicated in Idaho Department of Environmental Quality's letter.

Lucetta Holt, 760 E 2nd S, Grace, said there are three City wells along center street. The city water is not great and the city has been running off only the wells for about three months as the springs have gone dry due to the drought.

Gloria Peck, 230 S 7th E said she mirrors the concerns regarding the individual septic and wells. She says she feels Grace is a farming community and she wants it to stay that way. She wants to know what it would take to connect to the city services and feels the developer should be responsible for all utilities to the subdivision.

P&Z Admin Ashley read letters from the City of Grace regarding their concerns on the project. The following is what was outlined in their letter:

"There was a question on the number of lots. On the notice of public hearing, it states 10 lots, on a letter from AA Hudson it lists 9 lots, but on a letter from the Southeast Idaho Public Health (SEIPH) it states 11 lots.

- There is a letter from the Idaho Department of Environmental Quality (IDEQ) that states that it does not approve separate wells and septic for each lot. The city feels that if the subdivision is not approved for separate wells and septic that it should tie into the city system, but if it ties into the city system it needs to be annexed into the city.
- There are letters from SEIPH and IDEQ with concerns that they had about the proposal. Have those issues been addressed?
- Fire Chief Peck asked about fire protection. Will there be fire hydrants in place. Who will be the fire department that will respond since the subdivision is technically out of city limits?
- What will be the rules as far as livestock are concerned? The area of the city that the subdivision will be abutting is zoned R1 residential and no livestock are allowed. What will the county be willing to enforce in the subdivision?"

P&Z Admin Ashley clarified in the meeting the number of lots was 10. She spoke with County EMS Director Eric Hobson regarding fire suppression. He had told her the County would be the responding agency but he felt there should be a fire hydrant in the subdivision.

She additionally read a letter from Norman Johnson who owns land adjacent to the proposed subdivision and he was in opposition to the application due to perceived conflicts with the residence and continued farming of his land.

Ken Rasmussen, 2171 Burton Canyon Road, he said he doesn't understand the difference between the city offering water via their well verses the lots having individual wells. He explained he just spent a lot of money adding irrigation pipes to utilize their water rights so the lots that are five-acres and more in size in the proposed subdivision can have a way to each water a couple horses and irrigate their land. He said he is aware of the restrictions on culinary wells regarding irrigation. They have more than one and a half shares per acre for the subdivision. Regarding the septic systems they aren't trying to do anything different than what Brent Madsen did with his subdivision, the difference being the lots are larger than Brent's. He said the Codes, Covenants & Restrictions (CC&Rs) will restrict the use to only horses and not allow other livestock. They had an engineer firm evaluate the soil and 10-foot test holes were dug for the lots in the proposed subdivision. During the course of this they did not encounter any gravel. He said each lot has had the perk test administered and passed. Their personal well is about 180' deep and the city wells are about 300' deep. As a result, he could not perceive there would be any concern with the new subdivision superseding the water for the City's wells. In regards to the dust suppression concern, he said Kim Spencer

with the County Road & Bridge Department has been good to put the calcium-chloride on the road for the dust suppression. Mr. Rasmussen said the Burton Canyon Estates Phase II subdivision will be paved, curb and gutter and sidewalk. He pointed out that the four lots along Mingo Rd, the north and south pair would each share a right away approach to the road. He said he spoke with Allen Johnson with IDEQ and Allen told him the standard recommendation is that all subdivisions connect to a community sewer and water system. He said that the subdivision slopes to the east and would require 5' of gravel to bring the road to grade to drain. He said connecting to the City systems would require an upgrade in the water lines planned in the Burton Canyon Estates Phase II as well as several other additional costs including a lift station for the sewer.

9:01 PM Public hearing closed.

There was extensive discussion among the Commission members in review of the standards of approval for a subdivision under 12.24.030 of the County Code. The staff report indicated the application was not supported by the Comprehensive Plan. The conflict is outlined as follows, from the staff report:

“Staff found the following goals and objectives within the Comprehensive Plan support the application:

- “Goal 1.1. Encourage infill of existing city limits and impact areas rather than expansion into the rural areas to accommodate growth in the near future.” This proposed subdivision is in the Grace City Area of Impact and abuts the city limits.
- “2.5 Goal: Protect the agricultural life style. Public utilities costs are decreased and public safety is increased by this approach to clustering and consolidation of populations.” The proposed location is adjacent to a recently platted subdivision, Burton Canyon Estates, which is in the city limits of Grace and therefore would continue clustered housing.
- “2.1.7. Policy: Require subdivisions to create or obtain restrictive covenants to aid in the control of weeds, condition of buildings, junk and other items that effect subdivision appearance” – The applicant states there will be Codes, Covenants & Restrictions (CC&Rs) placed on the Subdivision. Currently staff has not seen a draft version of this, however, it is understood that the proposed CC&Rs will be the above requirements.

Staff found the following goals and objectives do not support the application:

- “Goal 1.3. It is crucial to the entire county community that infrastructure be in place to support an economy driven increase in population... and utility extensions (or ease of access to them) should be place.” The proposed plan of individual septic systems and wells for each lot does not contribute to the installation of infrastructure for these services.
- “2.3 Goal: Encourage rural-residential cluster developments outside incorporated city limits that will encourage self-sustaining communities that may provide public utility water and sewer systems) and promote ease of access to improved roadways.” The utilization of individual wells and septic systems does not support this goal of encouraging “self-sustaining communities” as there will not be any public systems utilized.
- “5.1.10. Policy: Continue to improve infrastructure capacity in the cities and county.” – This individual septic and well approach does not contribute to the improvement of infrastructure in the County.
- “11.1.5. Policy: Ensure infrastructure is in place to support business expansion and residential expansion.” - This individual septic and well approach - does not contribute to having infrastructure to support residential expansion.
- “11.1.7. Policy: Encourage the placement of subdivisions in area of impact and cities where they have access to public services, roads and do not significantly or adversely impact existing surrounding uses.” – The proposed subdivision would be in proximity of public services, however the plan for individual wells and septic systems does not utilize the public services.”

Regan Phillips asked the Rasmussen's if they would be willing to meet with the city again to discuss

alternative options to get the subdivision connected to City sewer. After a brief discussion it was agreed that Loy Phillips would place the item on the agenda for the City of Grace Planning and Zoning Commission at their August 12th meeting, and the Grace City Council meeting on the 18th of August. P&Z Admin Ashley would also attend the meetings to explore if there may be some options not previously discussed.

Regan Phillips said that in consideration of the five items in the Comprehensive Plan that do not support the application he moved to recommend that the Commissioners approve the application as long as the five items in the Comprehensive Plan that aren't in support of the application are addressed with Grace City Council to see if there is another way to have the subdivision connect to the City's sewer system. Seconded by Nolan Koller. All in favor, motion approved.

10:10 PM Nolan Moved to adjourn the meeting, seconded by Regan Phillips. All in favor, meeting adjourned.