

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

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

ABSENT: Scott Hayden, Reagan Phillips

ALSO PRESENT: Cody & Noel Cole Jerry Brown  
Wes Brown Cleston Godfrey  
Monica Rosen Patrick & Stephanie Kinney  
Bill & Denise Horsley Meloney Rasmussen  
Wade Olorenshaw Babe & Hailey Meyers  
Josh & Amity Hansen Kirk & Raelene Young

7:00 PM Chairwoman Pelayo opened the meeting and asked if there was a motion on the minutes from the September 2<sup>nd</sup>, 2021 meeting. Glayd Christensen moved to approve the September 2<sup>nd</sup>, 2021 minutes, seconded by Nolan Koller. All in favor, minutes approved.

7:05 PM Chairwoman Pelayo opened the public hearing to give consideration to the application of Meadowville Ranch LLC, represented by Patrick & Stephanie Kinney who are requesting approval of a conditional use permit for a Private Campground. The conditional use would allow the establishment of a private campground with three RV spots. The Private Campground would be located at 2689 Meadowville Road, Soda Springs, Idaho said they don't necessarily have anyone to rent.

P&Z Admin Ashley provided an overview of the application. During the presentation Mrs. Ashley pointed out that when she conducted the site visit there were eight water faucets that appeared to be setup for connection to an RV. Patrick Kinney explained that they had intended for eight RV spots but with only three hooked up to the septic system. Mrs. Ashley explained that where the application was only requesting three RV spots it would not be possible to consider eight RV spots for the proposed private campground. Mr. & Mrs. Kinney acknowledge they understood the restriction and would consider applying for the additional five RV spots at a later date, and just proceed with the request for three currently. Additionally, Mrs. Kinney stated if the request for one of the RV spots to be lived at year-round was an issue, they were willing to have that portion of their request denied. It was just an idea they had considered, but was not crucial.

Monica Rosen 2584 Meadowville Rd, stated that she supported approval of the request.

Noel Cole, 270 Eastman Soda Springs, asked regarding fire pits. Patrick Kinney said there would not be fires permitted as part of the RV Park. They do have an above ground, propane fueled fire pit that is located near the house but only use it during the winter months as they are surrounded by farm ground and do not wish to cause a fire.

Jerry Brown, 1391 Bailey Creek Rd, said his family owns the property east and north of the proposed location of the RV park. He said his operation farms adjacent to four subdivisions in the County and that has created issues with farming. One such location has Afton's Way subdivision which borders their property and the issues included trash blowing into the field, property owners planting and building things near the property line, they also have people who drive on roadways that are private and affect their property. He said he is concerned with any kind of flame source. Further he has concern the Kinneys would carry enough

insurance to cover his farm in the event of loss due to a fire caused by them. He said the proposed RV Park sits right along the fence line and he plans to spray weeds and plant right along the fence line. Mrs. Kinney stated they carry a \$1,000,000 umbrella insurance policy, and they are cognizant and careful of how they use their property so as to not adversely impact the other land owners. Mr. Kinney stated the proposed location of the RV spots is set at least 30-feet away from the fence and therefore would not interfere with Mr. Brown's operation. He went on to say they do not live there year-round, but plan to retire there. He said they will not permit fires. Mr. Jerry Brown asked who is going to enforce and police the restrictions placed on the use. P&Z Admin Ashley stated she enforces the restriction.

Cleston Godfrey, 191 N 2nd E, Soda Springs, asked if there is a requirement for insurance on the use. He has concern that if a fire started how much land would be destroyed and would it be covered. Mr. Kinney said they currently have a \$1,000,000 umbrella policy on their insurance.

Mr. Kinney said their family owned and played at the Cedar Bay Marina for 20 years, his wife Stephanie's family built the cafe. When this property became available, they purchased it as a way to have a place for their family and friends to gather privately.

Nolan Koller asked what conditions would be preferred. Mr. Jerry Brown stated he wants the condition that there are absolutely no fires during the summer months, and only propane fires during the winter and when there is adequate snow on the ground to prevent a fire. Wes Brown, 106 E 2nd N, Soda Springs, asked there be a condition that the extra 5 spickets be removed as well.

Glyad Christensen moved to recommend the Commissioners approve the application with the following conditions:

1. The Kinney's maintain adequate insurance such as the \$1,000,000 insurance umbrella policy.
2. There are only three RV spots.
3. The remaining five water spickets are removed.
4. Fires are only allowed when there is enough snow on the ground to prevent a fire.

The motion was seconded by Nolan Koller. All in favor, motion approved.

7:59 PM Chairwoman Pelayo opened the public hearing to give consideration to the application of Babe Meyers, on behalf of landowner Jerry Lakey, who is requesting approval of the proposed Barley Meadows Subdivision. The proposed Subdivision would cover approximately 275 acres, have three (3) phases and be located on the east side of Gunnell Road and directly north of Highway 30, east of the City of Soda Springs; located outside of, but adjacent to, the area of impact boundary for the City of Soda Springs. The proposed subdivision would have a total of forty-eight (48) lots with thirty-six (36) lots that are five (5) acres in size and twelve (12) lots that are larger than five-acres, the largest being 13.62 acres. The subdivision will be serviced by a loop road that has two entrances/exits onto Gunnell Road. It is proposed that each lot will have its own septic system and either a private well or connect to a community water system.

P&Z Admin Ashley provided an overview of the application and the conceptual plan as outlined in her staff report. There were comments from several agencies on the proposed project.

Hailey Meyers, 1773 Cedar View Rd., stated they want to have a nicely designed subdivision that is affordable to the locals, with affordable lots close to town. She said they are willing to work with the agencies to make this a successful and exceptional subdivision. Chairwoman Pelayo asked if there are going to be Codes, Covenants & Restrictions. Babe Meyers, 1773 Cedar View Rd., said they will have CC&Rs

and they will restrict the use to single family residences, stick built houses. Hailey Meyers said they will have a homeowner's association that would govern animals and other uses that would be restricted.

Hailey Meyers said that they would get together with an engineer and other agencies to determine the capability of the land and to make sure there are no groundwater contamination issue potential. Babe Meyers said he has been speaking with Allan Johnson at Idaho Department of Environmental Quality and said that Mr., Johnson has said the groundwater flows out of Wood Canyon, south towards his gravel pit on the south side of Highway 30, and down towards the Bear River. He said the rocky eastern side of the subdivision has large lots to compensate for the poor soil quality. Chairwoman Pelayo asked for clarification regarding the IDEQ comments regarding the "limited" and "very limited" soil within the proposed subdivision area. Mr. Meyers stated that the eastern end of the subdivision has more issues with the soil, which is why the lots are larger in Phase III of the proposed subdivision to accommodate for the poor soil quality. Nolan Koller asked what would happen with the road regarding Phase I; is it going to end in a cul-de-sac for the time being? Mr. Meyers said they had planned to put in a temporary road to connect the two halves of the road instead of a cul-de-sac and the road would run on the east side of Lots 3 and 19 in Block 2, then, when the second phase is completed, the road would be removed. Nolan Koller asked if the subdivision was going to have underground power. Mr. Myers said there would be a pole to run it across Gunnell road and then underground throughout the subdivision. Nolan Koller asked regarding a communication utility box. Mr. Meyers said a line for Direct Communications will also be installed in the subdivision as he will dig the trenches and Direct Communications will lay the lines. Nolan Koller asked regarding the roadways, Mr. Meyers said they will build the road to County standards.

Josh Hansen, 451 N 7th E, Soda Springs, stated he feels like the concerns regarding ground water have been addressed and is in support of the subdivision.

Aaron Cook, 2962 Wood Canyon Rd, Soda Springs, said he has some concern that a large portion of the proposed subdivision is rocky and he wanted to know when the decision is made regarding the groundwater concerns. P&Z Admin Ashley explained that the decision regarding groundwater concerns would be contingent on what was required of the Lakeys/Meyers. For example, if the Nutrient Pathogen Study recommended by IDEQ was required then the answer would come after that study was complete.

Kirk Young 2937 Wood Canyon Rd, he said he is not against it; however, he is naturally concerned regarding the groundwater and potential contamination. He wants to know how they would address that to make sure there are not issues with the ground water.

Bill Horsley, 1620 Gunnell Rd, said he has the same concerns as Aaron Cook and Kirk Young. He additionally wanted there to be a condition that these have to be used for primary residence, and not for secondary homes or short-term rentals.

Nolan Koller asked regarding a community well if there was even the potential for a water right. Nolan Koller said it is a good location for a subdivision and he would like to see it as a residential subdivision, not a recreational type subdivision that has infrequent tenants.

Wendy Pelayo said she feels like it is a good location for a proposed subdivision however she wants IDEQ's recommendations to be taken into consideration.

Nolan Koller requested if it is approved, could they approach Idaho Transportation Department (ITD) about having a turn lane installed on the west bound lane to avoid conflict on the highway as people access the subdivision. It was asked of Wade Olorenshaw what his opinion on the matter was as they thought he was

an engineer. Wade Olorenshaw, 1930 Ivins Rd, Bancroft, stated he is not a licensed engineer. He is a certified surveyor but personally believes there would have to be a study to determine the necessity of the turn lane. Babe Meyers said they are willing to work with the state in consideration of adding a turn lane at a later date.

Glayd Christensen made a motion to recommend the Commissioner approve the subdivision with the following conditions:

1. A nutrient pathogen study is completed or community systems are installed.
2. The CC&Rs restricted to the following:
  - a. development of single-family homes only
  - b. Short-term rentals are prohibited.
  - c. there is restriction on number of animals per lot,
  - d. the lots along the highway have a fence along the southern border prior to occupancy
3. The road name is changed to something other than Lakey Loop as it conflicts with Lakey Ln which in the same zip code and area of the County.

The motion was seconded by Nolan Koller, all in favor, motion approved.

9:13 PM Glayd moved to adjourn seconded Nolan. All in favor.